

1 out to begin trying to take action. But there are limits as
2 to what we can do in the short-term to address problems that
3 have developed over long periods of time. I think that is the
4 fundamental point.

5 At the same time I would say to members that we need to
6 get the plan moved forward because the problems that repeat
7 themselves every year do not have to repeat themselves well
8 into the future if we can address the underlying reasons
9 behind them.

10 The Chairman: Thank you. My time is up Senator
11 Bingaman.

12 Senator Bingaman: Thank you very much. Let me ask first
13 on this low-income home energy assistance program. You have
14 said and I believe your report says that you are requesting
15 increased funds for that. There are two fiscal years that are
16 relevant to that discussion, it seems to me. The one we are
17 in today and will be until the first of October and then the
18 next fiscal year. The one we are in today there is clearly a
19 shortfall of funds for low-income home energy assistance.

20 We have passed an increase in the authorizing levels
21 through the Senate. The House has not acted on it. We have
22 urged that the Administration request additional, supplemental
23 appropriation so that we can actually get funds to the states
24 to continue with that program during the rest of this fiscal
25 year. Do you know if the Administration supports doing that?

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1 Some type of supplemental appropriation to get us through
2 until October 1?

3 Secretary Abraham: I do not know. I know that, as I
4 remember when we put the budget together when I was still a
5 member, that we'd had \$300 million in emergency money, but we
6 spent that, as I remember before the end of last year -- that
7 is by December 31st. Because this is not in my department, I
8 do not know -- and it is traditionally ⁱⁿ OMB and the relevant
9 department -- I am not sure what the status of that is.
10 What I can comment on is the nature of the recommendation. It
11 was our decision, or as we put the plan together, that we
12 needed to find a more effective way to run this program.

13 So what we have proposed is not only an increase in the
14 base funding over this year's appropriation level, but also to
15 try to work with the ^{Secretaries} ~~Secretary~~ of the Interior and Health and
16 Human Services to find a way to perhaps trigger increased
17 supplies of money to LIHEAP based on triggers that would be
18 set when ~~gas~~ prices would exceed a trigger price. So that we
19 would begin supplementing the LIHEAP program in the future
20 with monies that would be moved over from ^{Federal} ~~the~~ oil and gas
21 royalties. That's the future. I can't tell you what the
22 status of the supplemental is.

23 Senator Bingaman: Well, let me ask about next year. As
24 I understand it, during this current year we have appropriated
25 and spent \$2.25 billion so far. Your plan proposes that next

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1 year we spend \$1.7 billion. I don't see how that's an
2 increase.

3 Secretary Abraham: I think it is an increase over the
4 regular 2001 appropriation.

5 Senator Bingaman: But not over what was actually
6 appropriated.

7 Secretary Abraham: I do not think it contemplated what
8 was included in emergency additions. And I think what is
9 meant here, if you would look at the recommendation. The
10 recommendation is to increase the base to start with, but then
11 also direct the Secretaries of Interior and HHS to propose
12 legislation to bolster LIHEAP funding by using a portion of
13 oil and gas royalty payments, redirecting royalties above a
14 set trigger price to LIHEAP whenever crude oil,^{and} natural gas
15 prices exceed the trigger price.

16 And I think what we have envisioned here is working with
17 Congress to see if we cannot change from a situation where we
18 lurch in the face of emergencies to try to come up with a
19 supplemental, which may or may not happen, to a situation
20 where the pool of monies available for LIHEAP would grow as
21 there is evidence in the markets that the price of heating oil
22 is going to go up. That was -- the idea was to try to get
23 away from estimating and emergency kind of responses into a
24 situation where the available funds would be larger --

25 Senator Bingaman: So we can expect some legislation

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1 along those lines.

2 Secretary Abraham: That's the goal. And again, I think
3 that certainly we would anticipate that in putting together
4 such legislation -- our goal is to try to find a way around
5 the sort of crisis approach to something where we are
6 expanding that pool of money without the need to get to
7 supplementals at some point, and hopefully we can find one.

8 Senator Bingaman: Let me move on to another one of your
9 recommendations. It says that the Cheney task force
10 recommends -- and this is a quote from it -- recommends "that
11 the President direct the Secretary of Energy to propose
12 comprehensive electricity legislation."

13 The previous Administration did propose comprehensive
14 electricity legislation. It was agreed to by some and
15 disagreed with by others, but it was a fairly comprehensive
16 proposal. When could we expect to see a proposal from your
17 department in the nature of a comprehensive electricity --

18 Secretary Abraham: This week, now that the plan has been
19 finalized, ^{I've} ~~and~~ asked our staff to begin the process of looking
20 at components that might be included in a comprehensive bill.
21 Some of it will depend, I guess, on definitions too because
22 obviously one of the issues that we want to address is
23 reliability. And there is a separate recommendation with
24 regard to reliability that is in this -- in our plan. And
25 some bills I know would merge reliability legislation into

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1 comprehensive legislation. Some wouldn't.

2 But the question you ask is the timetable we have just
3 begun at the Department to begin examining possible inclusions
4 in such legislation, I'm hopeful we ^{will} ~~would~~ be able to move
5 ahead fairly quickly. But we also do want to have a
6 discussion with members of Congress to get a sense of
7 priorities here.

8 The one area that I would ^{just} highlight, as I mentioned
9 in my statement, that already I can assure you would be part
10 of any legislation we might offer, unless the Congress acts
11 prior to that, would be the repeal of ^{PUHCA} ~~PSA~~. Because that's a
12 position the President outlined already in his campaign.

13 Senator Bingaman: You also in your statement to us today
14 said that the Administration proposes mandatory reduction
15 targets for emissions of three major pollutants: sulfur
16 dioxide, nitrogen oxides and mercury. My impression is that a
17 number of utilities, and other companies, oil companies and
18 others would like to know where the Administration is going to
19 be on greenhouse gas emissions before they make major
20 investments.

21 The constant drum beat is that we are going to need 1300
22 new power plants over the next twenty years. What can you
23 tell us about your intentions? Are you going to set CO₂
24 criteria? Are you going to give any direction as to where you
25 believe we should be on that issue?

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1 Secretary Abraham: Senator, on a separate track from the
2 National Energy Policy Development Task Force track, the
3 President has launched a multidepartment review of climate
4 policy. In fact this afternoon I will be participating in yet
5 another of these task force meetings, which is a principal's
6 level task force.

7 Senator Bingaman: Who is in charge of that?

8 Secretary Abraham: It is being run by the White House,
9 coordinated by -- I believe by the offices of National
10 Security and National Economic Policy of the White House. But
11 it includes the Administrator of the EPA, the Secretaries of
12 Treasury, Interior, myself and others at a principal's level.
13 My understanding is that this summer that review and set of
14 recommendations will be completed. And that would presumably
15 address these issues.

16 But it started later than the Energy Task Force started,
17 and so it is a little bit later in terms of when it will
18 finish. But that'll be, I think, the Administration's
19 statement on policy in this area will emanate from those
20 recommendations.

21 Senator Bingaman: Do you agree with my basic point that
22 in order to give companies the certainty that they need to be
23 going forward with these major investments and new plan, we
24 really do need to come up with a policy on CO2 emissions?

25 Secretary Abraham: I think that clear guidance and

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1 certainty of any sort, whether it is on CO₂, it's on the other
2 pollutants that are mentioned here -- the pollutants that are
3 mentioned here, the emissions levels and so on of these
4 different greenhouse gases, I should say, is very important.
5 We have certainly heard from the same industries you have
6 asking for some clarity as soon as possible. That is, I
7 think, one of the reasons we wanted to move forward with the
8 multipollutant bill at the same time we complete this other
9 study, so that we really would be able to establish some
10 guidelines people would be comfortable following.

11 Senator Bingaman: I guess my time is up. There are only
12 two lights in this room, is that right? You are either go or
13 stop. No slow down. Thank you very much, Mr. Chairman.

14 The Chairman: That is a good question, Senator Bingaman.
15 So if the yellow light is on, it is just a warning, nothing
16 more. We need one that gives you a little jolt.

17 Senator Wyden.

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1 STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM OREGON

2 Senator Wyden: Thank you Mr. Chairman and Mr. Secretary.

3 Welcome. It is good to have a chance to work with you.

4 Mr. Secretary, there is a veil of secrecy that envelops
5 today's energy markets. Energy is now being traded as a
6 commodity all across the country on trading floors, but the
7 information that is needed in order to really protect the
8 public interest is not available. I am talking about systems
9 information, information about transmission capability,
10 outages and this sort of thing. Not proprietary information;
11 information about systems.

12 I intend to introduce legislation shortly to change that,
13 to bring about some transparency. I would like to know at the
14 beginning conceptually -- you cannot comment on a bill you
15 have not seen -- but conceptually whether you would support
16 legislation to lift this veil of secrecy that surrounds energy
17 markets. So at a time when energy is being traded like a
18 commodity, the public can get the information about systems
19 that is needed to make markets work.

20 Secretary Abraham: Obviously I would not at all rule out
21 supporting such legislation in a conceptual sense. One of the
22 issues that I have asked our Energy Information Administration
23 to look at is the question of going beyond the kind of things
24 that we currently examine with regard to gasoline to try to
25 give consumers an understanding of what the prices are at each

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1 of the stages in the process, because when people are upset
2 and they deserve to know where the fluctuations are taking
3 place.

4 Senator Wyden: This is not about prices. I am going to
5 talk about that in a second. This is about information --

6 Secretary Abraham: I understand.

7 Senator Wyden: -- on the trading floors where energy is
8 being bought and sold. You lift this veil of secrecy so that
9 people can find out how to make markets work.

10 Secretary Abraham: Again, I cannot state any objection
11 to that notion at the onset.

12 Senator Wyden: The Administration recommends fast
13 tracking the siting process for power plants. And it just
14 seems to me there is an opportunity to be more creative here.
15 I want to ask you about a specific approach. Instead of just
16 saying you are going to fast track the siting process for
17 everybody, why not say that for a developer for a company who
18 fast tracks the environmental compliance side, that those are
19 the people who go to the head of queue when it comes to
20 siting. That way you've got a chance to ensure that there is
21 environmental protection and sensitivity to economics, rather
22 than just say, well, okay, let's push everybody to the front
23 of the line. Wouldn't that be a more creative way to approach
24 it?

25 Secretary Abraham: I do not think there is any desire on ^{the} ^

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1 part of the Administration to diminish the focus on the
2 environmental components of these permitting processes, which
3 is why I know that the Council on Environmental Quality at the
4 White House has been proposed as the entity that would make
5 sure that any permitting process expediting would be
6 consistent with the rules.

7 One of things which we have tried to recommend is to
8 start focusing on the kinds of permits that affect processes
9 such combined heat and power systems, where sometimes the
10 permit process, as I understand it at least, the lack of
11 flexibility in the permitting has really slowed up what could
12 be the introduction of much, in our judgment at least,
13 preferable ways of energy production. But I can assure you
14 that there is every interest in our part in trying to simply
15 eliminate what seemed to be unnecessary delays.

16 I found this, in a separate area in my department, with
17 respect to transmission systems. We were holding up our
18 responsibility with respect to international transmission
19 siting between the United States and Mexico. It turned out,
20 for reasons that had nothing to do with issues related to
21 environment, health or safety, but just had to do with
22 bureaucratic log jams. And that's I think what the principal
23 goal we have here is and to make sure through the Council on
24 Environmental Quality that we do not in any sense diminish the
25 rigorous nature of those reviews.

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1 Senator Wyden: When we come to that part of the
2 legislative debate, I want assure you I am going to try to
3 change the siting initiative because I think it one thing to
4 say that you are going to put everyone on a fast track. There
5 are delays. There is no question about it. But what we ought
6 to be doing is in effect saying we want to fast track it for
7 those address the other issues that are important to
8 communities such as environmental --

9 Secretary Abraham: And we should -- ~~I would hope would~~
10 ~~look at~~, like I said, one of the key recommendations is the
11 recommendation that the EPA Administrator promote combined
12 heat and power systems through flexible permitting process.
13 We might want to try to identify preferable areas in which we
14 would want to be generating, and that is a good example.

15 Senator Wyden: On the question of gas pricing and energy
16 pricing, I am very troubled by the Administration's
17 unwillingness to tackle practices that are clearly
18 anti-consumer and anti-competitive, but do not seem to
19 technically be illegal under current law. And let me be
20 specific. The Federal Trade Commission found in their study
21 on the West Coast that our gasoline markets are being
22 redlined.

23 We have communities where the companies actually draw a
24 line and say distributors cannot go here. Juries in my state
25 are handing out multimillion dollar awards because of

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1 redlining. So the government has found that West Coast
2 gasoline markets are being redlined. It is about as anti-
3 competitive practice as you can find, but it is not
4 technically illegal under current law.

5 I would like to see the Administration go after those
6 kinds of practices and I do not see them mentioned anywhere in
7 the proposal. And yet that is taking a toll right now in my
8 state where we have lost 600 gasoline stations. In much of
9 the West Coast a handful of companies control 60-70 percent of
10 the gas market. And I would like to see the Administration go
11 after some of those practices.

12 Secretary Abraham: I would be glad to talk further with
13 you, Senator, on what appropriate action there might be. I
14 would not hesitate to examine that, if there is a suggestion
15 you might have as to an activity we might --

16 Senator Wyden: The suggestion I have is just because it
17 is not illegal under current law does not mean that everybody
18 should say, well, let's just, you know, ignore it. It is
19 almost as if now unless a handful of these oil companies are
20 huddled up in a hotel somewhere, nobody is going to say that
21 we ought to be looking at these issues.

22 The Federal Trade Commission found evidence of redlining.
23 West Coast gas markets are being redlined and I would hope,
24 and I have always enjoyed working with you, that we would say
25 that practices that are anti-consumer, anti-competitive, and

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1 anti-markets are areas that we would also try to change even
2 if they are not strictly illegal under current law.

3 Thank you, Mr. Chairman.

4 The Chairman: Thank you, Senator. Senator Bayh is next.
5 I have been advised that this is not really a yellow light,
6 it's a red light. So if anyone is color blind, I will remind
7 them after six minutes.

8 Thank you. Please proceed.

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1 STATEMENT OF HON. EVAN BAYH, U.S. SENATOR FROM INDIANA

2 Senator Bayh: It is not the only example around here,
3 Mr. Chairman, of things not appearing quite the way they are
4 in fact.

5 The Chairman: That's very true.

6 Senator Bayh: Thank you, Mr. Chairman. Mr. Secretary
7 welcome again. It was good being with you last night for
8 President Ford's wonderful address to the members of the
9 Senate. And it is good to have you back before this
10 committee.

11 Secretary Abraham: Thank you. Good to be with you.

12 Senator Bayh: I have two brief points, Mr. Secretary.
13 First, it seems to me that this is a difficult issue and we
14 all understand that. But sometimes out of difficulty comes
15 the opportunity to make a great advance or to break out of old
16 ways of thinking. And in all candor, I am concerned that the
17 Administration may not be making the most of this opportunity.

18 Let me deal with it in general strategic terms and then
19 give you some specific examples. In general philosophical
20 terms, the old debate, the sterile debate, of the last twenty
21 to thirty years has been some people have argued that just
22 more production is the answer to all of our problems. I think
23 all of us up here recognize more production is a part, an
24 important part of the answer to our problems but alone it is
25 not going to be enough to solve America's energy crisis.

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1 On the other side there are those that say, well, we can
2 just conserve our way out of this problem, and implicit in
3 that is too often a lower standard of living for the American
4 people. Conservation is a critically important part of the
5 overall answer but by itself is not enough.

6 The American people are hungry for a third way, a new
7 approach to this, which would aggressively invest in new
8 technologies to promote clean, renewable, alternative energy
9 sources that are domestically-based.

10 And I must say that when we look at specifics, and I am
11 going to get down to specifics here, there is a disconnect
12 between some of the language in the energy proposal put
13 forward by the Administration and the specifics in the budget.
14 We need a way of resolving this issue.

15 Let me just list some of the specifics. The proposal put
16 forward instructs you and the Secretary of the Interior to
17 promote enhanced oil recovery with new technologies. But the
18 gas exploration and production programs are cut by 34 percent.
19 Petroleum and oil technology is cut by 54 percent. The
20 Natural Gas Technologies Program is cut by 53 percent. The
21 Efficient and Renewable Energy budget is cut by 27 percent.
22 Gas hydrates research, a very promising long-term initiative,
23 is cut by 52 percent.

24 The proposal recommends that agencies be directed to
25 reduce energy use, but the Federal Energy Management program

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1 is cut by 48 percent. Transportation research and development
2 is cut by 21 percent. The Industries of the Future program is
3 cut by 35 percent. The Office of Nuclear Energy, Science and
4 Technology is cut by 9.3 percent.

5 My question, Mr. Secretary is how do we square the
6 rhetoric and the language of the energy proposal with some of
7 these reductions that are a national commitment to new
8 research, new energy and what really promises to break out of
9 this sterile debate of the last twenty to thirty years.

10 Secretary Abraham: Well, if I can, it ^{may} ~~make~~ take a little
11 long and I don't want to cheat you out of your second
12 question, but it would take a little time to answer that. I
13 would like to answer it comprehensively.

14 First of all, I totally agree with your analysis that we
15 must -- and I mentioned in my statement and have in public
16 speeches -- understand that the solution cannot lie on either
17 end of the traditional debate here. We cannot possibly
18 conserve our way to energy security by the year 2020. There
19 is no doubt in my mind that we can't simply produce our way to
20 security. The differential between where we would be in the
21 absence of a balanced approach and where we are is too great.
22 So, we absolutely must do that.

23 Now the question you raised is what about this year's
24 budget and how does it square with the recommendations. Let
25 me just begin by talking about the process that brought the ^{about} ~~A~~

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1 budget about. When I took office, within a matter of a week
2 we were expected to begin the process of providing
3 recommendations for our budget. We then went back and forth
4 with the White House. I found myself in a slightly different
5 position than some of my colleagues in the cabinet because in
6 the very first week we were in office, the President launched
7 the Energy Policy Task Force and indicated very clearly that
8 it would incorporate all these various areas of energy policy
9 that our department funds.

10 We were therefore without much guidance as to where as of
11 June we would find ourselves versus where we were in February.
12 And it was -- we were somewhat reluctant to begin suggesting
13 changes in budgets, or increases or even the maintenance of
14 some programs.

15 Senator Bayh: Are you suggesting that we may see some
16 changes in these recommended allocations?

17 Secretary Abraham: You absolutely will because there are
18 two very clear directives in here, which I am very
19 enthusiastic about, to my department and me to launch reviews.
20 One of which, for example, in the area of energy efficiency I
21 launched yesterday, which gives clear direction for us to
22 review and make recommendations with respect to funding levels
23 in the areas that you have mentioned that have in fact in this
24 budget been either held in place or reduced.

25 So I think that process is beginning and it will also be

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1 applied to the areas of renewable energy and alternative
2 energy sources, as well as to some of the programs you
3 mentioned in the area of fossil energy.

4 I do want to though make a couple of qualifying comments.
5 We did find after some analysis -- we had two guiding
6 principles where we did make reductions that are reflected
7 here. And they are going to continue to be guiding principles
8 even though we may significantly change the budget. One is ^{efficiency}
9 ~~was~~ -- in the area of energy, efficient, the President already
10 had established, this is an area where we had some guidance,
11 his desire to increase the Weatherization program very
12 substantially by \$120 million over the previous level. We
13 have done that in the budget submission.

14 In order to fund that within the budget number that we
15 were passed back from the Office of Management and Budget, we
16 had to make some choices. And I did make some decisions which
17 may be affected by this review. But I did make some decisions
18 to shift monies from programs like the Industries of the
19 Future and from the buildings programs and others to the
20 Weatherization program because we felt that the notion of --
21 at least at the level of partnership from the private sector
22 in the areas that have been beneficiaries --

23 Senator Bayh: My yellow/red light is already on, Mr.
24 Secretary, so I do not want to interrupt you. Just two final
25 statements and then I will turn it over to the Chairman --

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1 Secretary Abraham: Maybe I could in writing flesh out
2 the rest of this answer because --

3 Senator Bayh: That would be great if you could include
4 in a written response. I know that the Defense Department is
5 undergoing a significant -- a similar, broad review of its
6 mission and how to meet its mission in the future. And yet
7 they held back the Defense Department budget submission out of
8 respect for that review process. There seems to have been a
9 different approach with regard to the energy issue. I would
10 be interested in why the two different approaches were taken.

11 Secretary Abraham: Well, actually part of what the
12 Defense review is undertaking affects my department with
13 respect to the National Nuclear Security Administration and
14 indeed those issues which tend to maybe come up a little bit
15 more often in our Armed Services hearings ^{than} ~~then~~ here. But the
16 areas that deal with defense programs and non-proliferation
17 programs are also under review and may well be affected by the
18 defense posture review. In fact we have been working very
19 closely with them and ^{they} ~~will~~ perhaps be included in what he
20 might submit here soon. So, in part our department was
21 affected that way but the decision was to do that in that area
22 but not in this.

23 Senator Bayh: Thank you, Mr. Secretary. My final point
24 simply is, we understand the budget was submitted under
25 difficult circumstances where there was a search on for

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1 dollars to help make the tax cut that now is on the verge of
2 becoming a reality possible. My broader concern is that tax
3 cuts are appropriate and I support significant tax cuts as
4 part of a broader economic strategy. But it has to be a
5 broader economic strategy. And long-term energy independence,
6 and investment in technologies and renewable and alternative
7 energy sources has to be a part of that strategy. And we
8 cannot let the tax agenda crowd out the important investments
9 in this kind of energy research for the future.

10 Secretary Abraham: I appreciate that, and if I could
11 just make one comment back, if time permits Mr. Chairman.
12 That is certainly not what we were involved in. What we were
13 involved in was trying to gauge where this Energy Task Force
14 set of recommendations would go. Our total budget for some of
15 these programs was reduced though based on some analysis which
16 we did. I don't want to leave this point unstated.

17 You mentioned, for example, the area of transportation
18 efficiency. We did what we considered to be due diligence on
19 the programs in place. This is an area where I have a lot of
20 personal interest because it's obviously one that affects
21 Michigan. It is also a program ^{that} when I was a member that
22 I was ardently pushing every year in the budget process.

23 But we had a very serious analysis of the program and I
24 guess it demonstrates that there are no sacred cows in our
25 budget because we did scale back a component of the program

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1 that went towards the development of a vehicle -- it started
2 in all the best faith back in the early 1990s but which we
3 concluded was not going to translate into the production of a
4 real vehicle for the marketplace. We decided that in that
5 area to continue to spend the tax payer¹⁵ money was not wise.

6 Now in the process of the analysis that we will initiate,
7 we might find other transportation priorities. We funded the
8 rest: the truck program and the fuel cell program very
9 strongly. But we want to be very sure we are spending dollars
10 in the Department on these technologies in areas which will
11 actually find real world applications. And we look forward to
12 working with Congress to hopefully come to agreement on what
13 the priorities in these areas should be.

14 Senator Bayh: Thank you, Mr. Secretary. Thank you, Mr.
15 Chairman.

16 The Chairman: Thank you very much.

17 Senator Feinstein. Good morning.

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1 STATEMENT BY DIANNE FEINSTEIN, U.S. SENATOR FROM
2 CALIFORNIA

3 Senator Feinstein: Good Morning. Thank you very much,
4 Mr. Chairman. Welcome Mr. Secretary. I just wanted to say
5 about the report, you know, I think there are some good things
6 in it. There is much that I profoundly disagree with, but I
7 wanted to think aloud with you for just a moment.

8 You and I have talked about the California energy
9 situation a number of times. I just want you to know where
10 this Senator is. I am really coming to question the
11 deregulation in the energy area. I want to tell you why. As
12 a consumer when you deregulate airlines, the consumer has a
13 choice of airlines. If you do not like one airline -- the
14 time, the price, whatever it is -- you can go to another. If
15 you deregulate telephone service, the consumer has a choice.
16 If I do not like one telephone company, I can go to another.
17 If I do not like one service provider, I can go to another. I
18 have full transparency on my bill.

19 You do not have that with energy. The consumer has no
20 choice. When my natural gas bill goes up two-thirds, I have
21 no choice and I have no way of knowing why. When my
22 electricity bill goes up, I have no way of making a choice.

23 It is pretty well established that in 1999 the total cost
24 of energy for California was \$7 billion. To date this year,
25 the total cost varied between 25 and \$30 billion, and are

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1 going to go up by the end of the year it is projected by \$65
2 billion.

3 Now there are those that say there is no evidence of
4 price gouging. Everything is fine. Let the market work its
5 will. The market cannot function as a market should right now.
6 In your report, and I am quoting, you say "unfortunately there
7 are no short-term solutions to long-term neglect."

8 See, I profoundly differ with this. Today California per
9 capita is the most energy efficient state in the Union. We
10 are building new power. It is going to take a period of time.
11 And if the Federal Power Act is not being followed, and it
12 isn't, the Federal Energy Regulatory Commission has a mandate
13 under that act that if rates are unjust and unreasonable to
14 regulate. And they refuse to do it. They say it is within
15 their discretion.

16 If that is the way deregulation of energy is going to be
17 carried out, it is a supplier's marketplace dramatically.
18 There is no choice for the consumer. There is no transparency
19 of why natural gas prices are three to four times higher than
20 anywhere else in the United States. We know that in overall
21 costs the escalation is from \$7 billion in two years to 25 to
22 \$30 billion. I really question whether energy should be
23 deregulated. And I would like your response to that.

24 Secretary Abraham: Well, let me make a couple ^{of} _a comments.
25 I think how you deregulate is as important as

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1 whether or not you deregulate. What constitutes real
2 deregulation to me is the principal issue, at least with
3 respect to California. You and I have talked about this.
4 Obviously people will draw conclusions from the California
5 experience. They will draw conclusions from the Pennsylvania
6 experience. They may draw very different conclusions because
7 of the different approaches taken.

8 But I think if you try to, and I am not trying to go back
9 five years or whatever, but if you tried to create a
10 regulatory approach that -- emphasized deregulation, you would
11 not, in my judgment, go the route that has been pursued in
12 California. You would not only deregulate on the wholesale
13 price side and not the retail side. By capping the amount of
14 charges that could be assessed by the utility companies, you
15 put the companies in a situation where they were totally at
16 the mercy of wholesale spot market price fluctuations.

17 Then when you further prevented, and I do not mean you,
18 if any state did this -- if they prevented the companies, the
19 utility companies, from entering into -- hedging their bets
20 with long term contracts and exclusively relying on a single
21 type of contractual market system, the ^{Spot} ~~wholesale~~ market, I
22 think you exacerbate the problem much further.

23 And therefore I'm not -- I guess certainly today nobody
24 can say deregulation, if you want to call it that, in
25 California worked. I do not think California did deregulate.

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1 I think they didn't. They regulated the kind of contracts
2 utilities could engage in and regulated how much their
3 utilities could charge.

4 Senator Feinstein: Stop for just a minute because I
5 agree with everything you have said but it is not the point.
6 The point is that you have what you have. And I agree with
7 you, this was a bad bill. I happen to agree. I was the first
8 one that said that the prices have to be passed on. The
9 result of not passing them on is you bankrupt whomever has to
10 buy the power.

11 But the problem becomes that when you do have a problem
12 you have no way of adjudicating it. You have no way of
13 regulating it because the Federal Commission will not do the
14 job it is supposed to do. And so you have these enormous
15 price spikes.

16 Secretary Abraham: Well, the other point I was going to
17 make has to do with whether or not -- I mean, in terms of
18 market competition obviously you also have a problem, and we
19 have talked about this. If you don't have -- you know, if we
20 have ^{not} ~~an~~ added supply, which as has been unfortunately the case
21 for a number of years, while demand continues to go up -- and
22 California I would echo completely and the President did the
23 other day that California deserves a lot of credit for its
24 conservation leadership in terms of its actual
25 accomplishments.

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1 But the demand still has gone up in spite of the
2 conservation. Part of the problem, and I think we addressed
3 this in our recommendations, is that we have significant
4 constraints in terms of who you can buy from because of the
5 bottlenecks and the limits within the electricity grids. I
6 think one of the underlying principles of this set of
7 recommendations of our report is that we need to address that
8 issue as well.

9 Right now there is a finite amount of electricity that
10 can get into California and into the Western grid. I mean,
11 the Western grid has a finite amount and it is unconnected to
12 the other grids. So we have this unusual and unfortunate
13 situation in America of having surpluses in some parts of the
14 country, deficits in others and no capacity for us to move
15 electricity to help people where there are in fact shortages.

16 Senator Feinstein: You are circumnavigating my point.

17 Secretary Abraham: I am not trying to.

18 The Chairman: Senator --

19 Senator Feinstein: Just quickly let me just do this one.
20 Just this one. My point is that you have an improper
21 deregulation system. Granted. And you have people taking
22 advantage of it. And you have a federal law that says when
23 that happens there should be regulation. And the federal body
24 empowered to do that regulation refuses to do it. That is the
25 flaw I am trying to get at in the short-term.

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1 Secretary Abraham: Well, let me just kind of -- I mean,
2 I'm not trying to -- I mean, I thought your point was that
3 deregulation might not be a good idea. I think it depends how
4 it is done. But what I would say is that -- you know, and I
5 have raised this issue at a previous hearing here.

6 The Federal Energy Regulatory Commission has the ability
7 to regulate, as you note, within the ^{Federal} Power Act certain
8 enumerated entities that sell electricity in the wholesale
9 market in California, not all of them. Roughly half I think.
10 The others, which are among others which are the municipals and
11 cooperatives in the state, are not regulated. The price that
12 they charge is -- they can do whatever they want. They're not
13 under the -- a FERC price cap would not apply to them.

14 The state of California, I believe, could impose price
15 caps on those entities. We cannot at the federal level. Yet
16 no action has been taken to put a cap on those entities. And
17 yet because of the structure of the purchases, the purchase
18 arrangement, the power exchange, they were charging and in
19 fact have clearly charged the same kinds of rates as the other
20 entities who were selling.

21 So it is not simply a situation where Washington or the
22 FERC has this authority, the state has it and has not acted on
23 that either. I'm sort of -- I am not sure why, I really have
24 not queried anybody, but I am not sure why they have not done
25 it.

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1 Senator Feinstein: I want to respond but my time is up.

2 Thank you, Mr. Chairman.

3 Thank you, Secretary.

4 The Chairman: Senator Bingaman and I want to apologize.

5 A number of things are happening. The Secretary has to leave
6 at 11:00. I want to make sure everybody has an opportunity to
7 question him. We have another panel on Price-Anderson and we
8 have agreed to first apologize to our witnesses, Mr. Eric
9 Fygi, the Acting General Counsel for the Department of Energy;
10 Mr. Bill Kane, Deputy Executive Director, Reactor Programs,
11 U.S. Nuclear Regulatory Commission of Rockville, Maryland; Mr.
12 John Bradburne, President and CEO of Fluor Fernald of
13 Hamilton, Ohio; Mr. John Quattrocchi, Senior Vice President
14 for Underwriting of American Nuclear Insurers of West
15 Hartford, Connecticut; Mr. Marvin Fertel, Senior Vice
16 President of the Nuclear Energy Institute of Washington, D.C.;
17 and Ms. Anna Aurilio, Legislative Director of the National
18 Association of State Public Interest Research Groups.

19 With our apologies, we as a consequence of the conflicts,
20 are going to prevent us being able to question the witness on
21 the second panel. We have a balanced panel. We are most
22 appreciative. We will take the prepared statements of the
23 witnesses for the record. So if you will submit your written
24 statements, we will have questions for the witnesses for the
25 record from the members. I would ask all members to submit

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1 those questions by the close of business today.

2 We will also accept additional statements on comments for
3 the record. Now this is covering Price-Anderson.

4 Price-Anderson is generally supported, to my knowledge, by the
5 members of the committee but I wanted to extend my apologies
6 and let you gentlemen and ladies who were going to testify
7 know the circumstances. Our next testimony or statement will
8 come from Senator Graham, followed by Senator Cantwell,
9 followed by Senator Landrieu, followed by Senator Johnson.

10 Senator Cantwell: Mr. Chairman, I think Senator Landrieu
11 arrived before I did.

12 The Chairman: Okay. I am sorry. I am keeping track of
13 this. The staff does a better job than I do.

14 Senator Graham.

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1 STATEMENT OF BOB GRAHAM, U.S. SENATOR FROM FLORIDA

2 Senator Graham: Thank you, Mr. Chairman. I want to
3 welcome our good friend and Secretary, Spencer Abraham. I am
4 going to submit some questions for subsequent response because
5 they are relatively detailed, but let me just ask one which
6 will sort of open up an area of my interest.

7 It is has been my experience in dealing with complicated
8 subjects such as National Energy Policy that it is helpful at
9 the beginning to set some goals that are quantifiable and
10 placed in a time sequence, so that you know what you are going
11 to be graded by at the end of the process. I will be
12 submitting some questions which will be probing what this
13 policy intends to do.

14 But just let me ask you as an example, in the area of
15 electric generation. Could you give us what this policy's
16 goals would be in terms of the distribution of sources of
17 energy for electric generation, let us say by the year 2020
18 as among natural gas, coal, nuclear or other sources of
19 electric generation?

20 Secretary Abraham: We have not set a specific percentage
21 for each of those sources. But let me just talk about what
22 the current set of policies projects into the future. When we
23 did the assessment of our future demand levels, we assessed
24 that electricity generation would increase by about 45 percent
25 over the next twenty years. This is done by the Energy

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1 Information Administration in the Department, which is an
2 independent assessment office.

3 They further concluded that approximately 90 percent of
4 that increase would be in the area of natural gas driven
5 generation. That is assuming current policies, practices and
6 so on were maintained. They further estimated that there
7 would probably be a decline in the role of hydropower and
8 nuclear, a slight decline in terms of their ^{generation} ~~participation~~,
9 Coal would, as a total, decline although levels would probably
10 remain the same as today but because of the larger pie it
11 would ^{be} probably ~~a~~ smaller percentage. They actually saw a
12 net reduction in terms of hydropower and nuclear, and a very
13 slight increase in terms of renewable and alternative energy
14 ^{means} ~~as basis~~ for producing electricity.

15 Our conclusion was that the ultimate number was probably
16 correct, in terms of the 45 percent increase. If anything
17 that might be a conservative estimate because in recent years
18 the percentage increase has exceeded that which EIA is
19 projecting forward because of new technologies, particularly
20 computer-driven technologies that seem to be moving at a
21 faster pace.

22 Our general conclusion, Senator, ^{was} to have all of the
23 increase essentially a natural gas-driven increase was a risky
24 course in the sense that it could place us very dependent on a
25 specific source, not all of which could be generated

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1 domestically. And therefore the goal of the plan was to try
2 to not just propose policies that would allow for natural gas
3 production and distribution, but also to try to give the other
4 components of renewable, coal, nuclear and hydropower a chance
5 to remain active at levels hopefully that would not decline.
6 And that is essentially what, I think, is our projection. How
7 that translates directly into percentages, I would have to get
8 back to you to see if I can do that. But we did not try to
9 set a number. We tried to balance the sources.

10 Senator Graham: Well, I would urge you, as a matter of
11 policy, to establish some goals. I recognize that those goals
12 are not mandatory, but they give you some general direction.
13 I strongly agree with what you have said relative to the
14 increasing reliance on natural gas not being in the nation's
15 interest. But I am afraid there is such a momentum towards
16 that that unless there is a clear goal as to the alternatives
17 to natural gas that we will not end up with the policy changes
18 that will be required to avoid the kind of 90 percent of our
19 new generating capacity being in natural gas.

20 Let me move to a second issue and that is budget. Has
21 there been a budget developed for the total number of
22 recommendations that are in this report?

23 Secretary Abraham: No, not yet.

24 Senator Graham: When can we anticipate that?

25 Secretary Abraham: Obviously some of these are in areas

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1 outside of my department. What I have been charged with is to
2 examine our budgets relative to energy efficiency, renewable
3 energy and some of the fossil oil and gas technology areas. I
4 have already launched the review that will result in the
5 energy efficiency recommendations. I hope we can get those
6 -- we have set an initial period between now and July ^{1st}, ~~1st~~ and
7 then a second phase through September ^{1st}, ~~1st~~. But I honestly
8 cannot tell you where the other departments might be in that
9 assessment. I would be happy to keep the committee apprised
10 as I learn of information or even try to solicit from the
11 other departments their timeframes. But we are trying to move
12 quickly to determine what budget adjustments are relevant to
13 me, as a department head.

14 Senator Graham: Do you think we might get some initial
15 numbers by the first of July, and more refined numbers by the
16 first of September?

17 Secretary Abraham: The first area that I launched is the
18 review ~~that is to translate into suggestions~~ in the area of
19 energy efficiency. I expect to make further announcements
20 very soon in regards to other areas ~~in~~ where I was asked to do
21 budget related assessments. Our goal is to move quickly on
22 that. But we also want to engage a lot of participation in
23 that set of reviews.

24 Senator Graham: One area that concerned me is on page
25 5.7. I recognize this is outside of your department. But in

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1 the --

2 The Chairman: Senator, could I -- he's got to leave.

3 Please wind up. Your time is up and I have three more
4 Senators.

5 Senator Graham: I will submit this in writing but it has
6 to do with encouragement for outer continental shelf drilling
7 through waivers or diminutions in current royalty levels. I
8 will submit maybe to you or Ms. Norton some request for some
9 specifics of what is being suggested there.

10 Secretary Abraham: My understanding, and just to be
11 brief in response and I am happy to stay extra minutes so I
12 may give you this response, is that the goal here was to
13 identify whether or not there were areas where because they
14 were on the frontiers, because of the high level of financial
15 risk that might be involved in considering even exploration
16 operations in these areas would warrant some adjustment in the
17 royalties. The notion of trying to identify high-risk,
18 financial-risk areas is I think at the heart of that
19 recommendation, but I would want the Department of the
20 Interior to participate in helping shape any answer.

21 Senator Graham: This is a comment rather than a question
22 and will take just a second, Mr. Chairman. Yesterday the
23 Senate voted to utilize the full tax reduction authority that
24 has been granted under the budget resolution from now until
25 the year 2011. So any additional tax-oriented changes, which

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1 would have the effect of reducing revenue, are going to
2 require offsets. I would, as part of this review, I would
3 like your recommendation as to where we should be looking to
4 offset any of the additional diminution of tax revenue as a
5 result of implementing this energy policy.

6 Secretary Abraham: Well, I would just say two things.
7 My impression would be that the principal focus here would be
8 in areas where there was no anticipated revenue to the
9 Treasury because the risk level would basically discourage
10 investments at all and so any royalty receipts even if they
11 were lower would, in fact, be additions.

12 Senator Graham: I was not speaking to that specific
13 example but to the totality --

14 The Chairman: I have three more senators. I am going to
15 reduce your time to five minutes each, if that is fair,
16 because we have got to leave, and he has got to leave.

17 Senator Landrieu.

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1 STATEMENT OF HON. MARY LANDRIEU, U.S. SENATOR FROM
2 LOUISIANA

3 Senator Landrieu: Thank you. And I'll try to help, I
4 may stick to four minutes and giving some extra time to my
5 colleagues. Mr. Secretary it is going to be a pleasure
6 working with you on this particular subject and I look forward
7 to working with you closely and think there is some promise in
8 the the plan that has been laid out. But there is obviously a
9 lot of work that needs to be done and there are some areas
10 that are of great concern to me and the people of Louisiana.

11 Let me just begin by associating myself, Mr. Chairman,
12 with the remarks from the Senator from Indiana who I think
13 raises an excellent point that all the great plans, and
14 rhetoric, and promises in the world do not mean very much if
15 there is not budget authority and real money to back them up,
16 whether we need tax cuts or tax credits or new investments in
17 alternative energies.

18 So as we move forward to develop a plan, I think we have
19 got to be very honest and responsible to make sure that the
20 initiatives that we propose, and hopefully can work together
21 in a bipartisan way, there are actually, Mr. Secretary,
22 dollars that can carry those out and help create a supply of
23 energy that this nation can depend on and grow with.

24 My second point is that I think in the plan I agree with
25 the focus that must be made to increase production in our

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1 nation. And this is sensitive in many areas. I believe we
2 can increase production and still maintain our commitment to
3 the environment. We are doing a very good job of that in
4 Louisiana, and the technology has improved substantially. I
5 want to commend the industry. The industry gets beat up on
6 this committee from both sides and I want to say that the
7 industry over the last twenty years has made remarkable
8 investments and changes to be able to drill in areas that we
9 were not able to drill before and do it in an environmentally
10 sensitive way.

11 So I want to commend you for your emphasis on production
12 both onshore and offshore. I am hoping that the Gulf,
13 including Lease 181, we can look at in reasonable ways and try
14 to increase the supply which is very important for our nation.
15 My colleague from California is not here, but she made a
16 statement, and I just want to respond, "California is the most
17 energy efficient state in the Union." And with all due
18 respect to that, and I most certainly think it is true and
19 have appreciated her leadership, it brings me to my point
20 exactly, that energy efficiency does not guarantee adequate
21 supply. Yes being energy efficient is important, but it is
22 also very important to have a supply and reliable sources of
23 energy.

24 The second thing that I want to say on a positive note is
25 that I think the focus on nuclear, and the role that nuclear

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1 power can play in our nation now that we have become more
2 sophisticated about controlling the liabilities, more
3 sophisticated about approaches for the waste, and more sure of
4 our science to make sure that the public is protected and is
5 safe. Nuclear power as has been used in France can be a very
6 good mix for the nation of a clean and efficient fuel. So I
7 want to commend you on that.

8 But let me say that one of the negatives from the
9 perspective of Louisiana particularly. There is a point in
10 the plan that says that we might want to take royalties from
11 offshore/onshore revenues and fund weatherization plans for
12 the nation. But then it goes a step further to say also to
13 help with low-income energy assistance. But as you know,
14 southern states are not really treated as fairly in that
15 formula and there is no help for cooling.

16 So I want you to know that I think it is ironic, and I am
17 certain that we will make this change, that if you are
18 expecting some of the Gulf coast states to actually produce
19 the revenues necessary to fund programs that we ourselves are
20 not able to participate in, that is a great weakness in this
21 plan. So I wanted to call that to your attention, to say I
22 look forward to working with you, as we hopefully develop this
23 royalty conservation fund program which is, I think, of good
24 merit, maybe not exactly the way it has been proposed but
25 something along those lines. But to urge you as we do help

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1 consumers in my state in Louisiana, around the nation, with
2 their energy bills that you recognize that what you are
3 proposing the money is coming from basically off the shores of
4 Louisiana. We produce 85 percent of the offshore oil and gas
5 yet the formula does not accommodate Louisiana. Obviously, I
6 cannot support that and look forward to working with you to
7 correct it. Mr. Chairman, thank you for the time, but I look
8 forward to working with you.

9 The Chairman: Thank you very much, Senator Landrieu. I
10 appreciate you staying within your time allotment. The last
11 member of the panel, Senator Cantwell, please proceed.

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1 STATEMENT OF HON. MARIA CANTWELL, U.S. SENATOR FROM
2 WASHINGTON

3 Senator Cantwell: Thank you , Mr. Chairman. Mr.
4 Secretary, good to see you here. Obviously my colleagues have
5 run through some the issues and I do want to associate myself
6 with the comments from the Senator from California about the
7 lack of, what I believe, is a short-term solution to this
8 plan. And I think that we have had a couple of exchanges on
9 that, and will not focus my comments on that at this moment.
10 But I continue to be extremely concerned about the next 10 to
11 24 months in the Northwest and the larger Western economy as
12 we struggle through this. I am hopeful as we go through this
13 process here that any energy plan that comes out of the
14 committee will provide some short-term relief for the
15 Northwest and particularly the West.

16 I wanted to ask you a couple of things in general about
17 the report and specifically about the recommendations in the
18 report as it relates to -- I know the President basically
19 during his campaign had a pledge to keep the existing
20 moratoria on outer-continental shelf leases. And I know that
21 Secretary Norton when she came before the committee we asked
22 her about this said the same thing. But yet the report calls
23 for a reexamination of that. So basically it is saying we
24 need to determine if changes are needed regarding energy
25 related activities and siting of energy facilities in the

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1 coastal zone and on the outer-continental shelf. So currently
2 we in Washington have a moratoria. Is the Administration
3 suggesting --

4 Secretary Abraham: No, I think my understanding of that
5 area, and I am happy to do my best here to represent all the
6 different departments who participated, so I want to be as
7 effective as I can be in representing an area that the
8 Department of Interior had the lead on in the compilation of
9 this set of recommendations, but my understanding was that
10 there were some concerns. There are no implications here and
11 none should be drawn with respect to existing moratoria. I
12 think the concern was about the implementation of the Coastal
13 Zone Management Act in areas where in fact exploration is
14 permissible beyond the area in which the states have direct
15 authority. As you know in the way the law works, after so
16 many miles, three miles, or whatever, the states still have a
17 role but it is not the same kind of control that exists closer
18 to the shore.

19 And my understanding is that there ^{has} been in some
20 areas ^{the} goal of trying to get the federal government's
21 decision making process and the state's process ^{operating together} in a consensus
22 and harmonious way has not always worked out. The way the
23 process -- I think there are multiple sorts of steps which
24 begin with decisions by Interior which can then be challenged
25 by the states which are then adjudicated by the Department of

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1 Commerce and then can be taken to court. And I think the
2 goal was to try to look at these regulations to see if there
3 was a way to better harmonize the relationships between the
4 state and the federal government in these decisions. That is
5 my understanding of the thrust of that recommendation.

6 Senator Cantwell: So you believe the Administration
7 still supports the moratoria on offshore drilling?

8 Secretary Abraham: That's my understanding, yes.

9 Senator Cantwell: Thank you. That is very helpful. The
10 issue of natural gas supply in Canada is something that has
11 come up in conversations with you before this committee and in
12 some of the recommendations in looking at a closer energy
13 integration plan with Canada. Can you update us on what --

14 Secretary Abraham: Sure. One of the things the
15 President had recommended in the campaign was the need for us
16 to look at energy policy on a North American basis, and had
17 recommended that we forge a North American energy framework or
18 strategy with our partners in Mexico and in Canada. I had the
19 opportunity to have the first trilateral meeting with my
20 counterparts from those two countries in March at the
21 Hemispheric Energy Initiative Conference in Mexico City. And
22 we agreed at that time that there were areas of common
23 interest that had to do with a variety of cross-border matters
24 and so on that we wanted first to identify and then perhaps
25 assign to working groups.

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1 And it is my understanding we are on track to have the
2 first working group meetings in June, probably here in
3 Washington. At which point we will principally try to
4 identify areas of interest that each of the countries would
5 like to work together on. If there are suggestions for topics
6 that we might include as a list of proposed areas of joint
7 effort, I would be very receptive to getting those from the
8 committee, and would welcome them.

9 Senator Cantwell: We will certainly supply that given
10 the large natural gas supply just over the border from us and
11 the energy crisis that will continue to prevail in the
12 Northwest. I think it becomes a very important discussion
13 point that I would like to see accelerated with the Canadian
14 government. It brings up a related issue of that relationship
15 and the need for strong pipeline safety legislation. Does the
16 Administration support Senator McCain's pipeline safety bill?

17 Secretary Abraham: That is the Department of
18 Transportation's ultimate responsibility, but I do know that a
19 set of recommendations in this report call for the President
20 to direct the agencies to continue their inter-agency efforts
21 to improve pipeline safety and expedite pipeline permitting in
22 an environmentally-sound manner, as well as recommend that the
23 President support legislation to improve the safety of natural
24 gas pipelines. Those are two separate recommendations on the
25 topic. I honestly cannot tell you but I would be glad to get

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1 an answer for you as to whether that translates into the
2 McCain bill.

3 Senator Cantwell: That would be great. I know my time
4 has expired here. But I think it is an important question
5 because I think we will go through a mark-up process and I
6 think that particular legislation which seems to be stalled
7 and seemed to be stalled in the past, and yet we want this
8 larger integration effort with our partners. We have to
9 assure the communities' security in how that supply is
10 delivered.

11 Secretary Abraham: That was one of the recommendations,
12 and I would be glad to determine if that suggests a separate
13 legislation initiative by the Administration. I'll look into
14 that for you.

15 Senator Cantwell: Specifically their support or
16 nonsupport of Senator McCain's bill. Thank you very much, Mr.
17 Chairman.

18 The Chairman: Thank you, Senator. For your information
19 I advise you that I attended a U.S-Canadian interparliamentary
20 meeting and there was a proposal as a consequence of the new
21 government of British Columbia under Premier Campbell, to, I
22 guess, reconsider the OCS activity off the west coast of
23 British Columbia, which you might be interested in.

24 Secretary Abraham: Mr. Chairman, could I just make two
25 quick comments. One, I was just informed by ^{my} staff that

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1 apparently that there is a statement of Administration's
2 position in support of Senator McCain's bill. And second, I
3 would just want to make sure that the record does not leave in
4 doubt that in addition to our trilateral efforts with both
5 Canada and Mexico, we also have a very robust and continuing
6 on-going effort on a bilateral basis with Canada that is
7 independent of anything we might do as part of a North
8 American strategy. And I do not want to leave any implication
9 that the only activities between the United States and Canada
10 now will take place within the context of the North American
11 initiative.

12 The Chairman: Thank you very much. I want to thank the
13 Secretary and the members for their effort to try to live
14 within the time sequence. And again, I want to apologize to
15 those witnesses that came here to testify on Price-Anderson.
16 Their statements will be taken by the staff and entered in the
17 record. Again I want to thank the Secretary. I gather your
18 short-term solution would be to challenge us to repeal the
19 laws of supply and demand as one solution. With that profound
20 observation, again let me thank you, Mr. Secretary. The
21 hearing is concluded.

22 [The information referred to follows:]

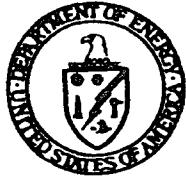
23 [Whereupon, at 11:05 a.m., the committee adjourned.]

24

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Department of Energy
Washington, DC 20585
July 17, 2001

2001-800053

The Honorable Jeff Bingaman
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed is the edited transcript of the May 24, 2001, testimony given by Spencer Abraham, Secretary of Energy, regarding the Administration's National Energy Policy Report.

If we can be of further assistance, please have your staff contact our Congressional Hearing Coordinator, Barbara Barnes at (202) 586-6341.

Sincerely,

Michael Whatley
Director, Office of Congressional
Intergovernmental Affairs

Enclosure



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2001-017212 7/18/01 3:08pm

*Minister of Economy, Trade
and Industry*

**The Honorable Spencer Abraham
Secretary of Energy
Department of Energy
1000 Independent Avenue, S.W.
Washington D.C. , 20585
U.S.A**

Dear Mr. Secretary

Thank you very much for your letter dated May 17, 2001. I understand that the National Energy Policy is the outcome of the comprehensive deliberation at the National Energy Policy Development Group chaired by Vice President Cheney and would like to express my sincere respect of it.

Taking into account the fact that the energy policy of the U.S., the largest energy-consuming and -producing country in the world, will have a significant impact on the international energy situation, we would like to follow its development with great interest.

I understand that the U.S. and Japan share many common policy goals including improving energy efficiency, reducing dependence on imported oil and diversifying the energy mix. In particular, I am quite encouraged to find that the role of nuclear energy is emphasized in a positive manner from the viewpoints of both energy security and global warming. I appreciate that the positive reference to nuclear energy in the IEA Ministerial Communiqué was achieved thanks to the close coordination between the U.S. and Japan.

I also share your view that the rapid expansion of the oil consumption of major developing countries in the Asian region needs to be addressed in order to achieve global energy security. I believe that the U.S. and Japan

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should closely cooperate in such forums as the IEA and APEC.

The Bush Administration's firm commitment to the environment is very encouraging to us. As pointed out in the National Energy Policy, it is a great challenge to ensure the compatibility of the 3Es, namely, energy security, economic growth and environmental protection. We share a common understanding that technology will play a key role in solving environmental issues including global warming. In this regard, close cooperation between the U.S. and Japan on both a bilateral and a multilateral basis is highly desirable.

Last, but not least, I have great interest in your proposal to hold a meeting of G8 energy ministers. Japan would like to make a constructive contribution to ensure the success of this meeting.

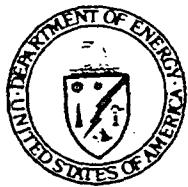
While it was a great pity that we could not meet on the occasion of the IEA Ministerial Governing Board Meeting in May, I am looking forward to an early opportunity to meet with you and enhancing our productive working relationship to tackle the energy problem.

Sincerely yours,



Takeo Hiranuma
Minister of Economy, Trade and Industry

2001-013552



Department of Energy
Washington, DC 20585

JUL 18 2001

Mr. Timothy R. Warfield
Executive Director
National Association for
Community Services Programs
400 North Capitol Street, N.W.
Suite 395
Washington, DC 20001

Dear Mr. Warfield:

This is in response to your letter dated, June 4, 2001, to Secretary Abraham regarding the National Energy Policy Report and its implications for the Department of Energy's Weatherization Assistance Program, the State Energy Program, and the Department of Health and Human Services' Low-Income Home Energy Assistance Program (LIHEAP). I have been asked to respond on the Secretary's behalf.

The strong opposition of you and your colleagues to the National Energy Policy Report recommendation, "that the President support legislation to allow funds dedicated for the Weatherization and State Energy Programs to be transferred to LIHEAP if the Department of Energy deems it appropriate," is important to us. We share your concern about this provision and have developed an internal Issue Paper that includes a reference to your opposition.

Thank you for your support and the many contributions that the National Association for State Community Services Programs has provided to the Weatherization Assistance Program over the years. I look forward to your continued assistance as we work collaboratively towards meeting the energy needs of low-income Americans.

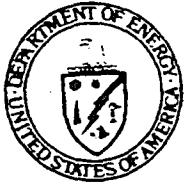
Sincerely,

Gail McKinley, Director
Office of Building Technology Assistance
Energy Efficiency and Renewable Energy



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Department of Energy
Washington, DC 20585

2001-013552

JUL 18 2001

Mr. Frank Bishop
Executive Director
National Association of
State Energy Officials
1414 Prince Street, Suite 200
Alexandria, VA 22314

Dear Mr. Bishop:

This is in response to your letter dated June 4, 2001, to Secretary Abraham regarding the National Energy Policy Report and its implications for the Department of Energy's Weatherization Assistance Program, the State Energy Program, and the Department of Health and Human Services' Low-Income Home Energy Assistance Program (LIHEAP). I have been asked to respond on the Secretary's behalf.

The strong opposition of you and your colleagues to the National Energy Policy Report recommendation, "that the President support legislation to allow funds dedicated for the Weatherization and State Energy Programs to be transferred to LIHEAP if the Department of Energy deems it appropriate," is important to us. We share your concern about this provision and have developed an internal Issue Paper that includes a reference to your opposition.

Thank you for your support and the many contributions that the National Association of State Energy Officials has provided to the Weatherization Assistance Program and to the State Energy Program over the years. I look forward to your continued assistance as we work collaboratively towards meeting the energy needs of low-income Americans.

Sincerely,


for Gail McKinley, Director
Office of Building Technology Assistance
Energy Efficiency and Renewable Energy



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Department of Energy 2001-013552
Washington, DC 20585

JUL 18 2001

Mr. Mark Wolfe
Executive Director
National Energy Assistance
Directors' Association
1615 M Street, N.W., Suite 800
Washington, DC 20036

Dear Mr. Wolfe:

This is in response to your letter dated June 4, 2001, to Secretary Abraham regarding the National Energy Policy Report and its implications for the Department of Energy's Weatherization Assistance Program, the State Energy Program, and the Department of Health and Human Services' Low-Income Home Energy Assistance Program (LIHEAP). I have been asked to respond on the Secretary's behalf.

The strong opposition of you and your colleagues to the National Energy Policy Report recommendation, "that the President support legislation to allow funds dedicated for the Weatherization and State Energy Programs to be transferred to LIHEAP if the Department of Energy deems it appropriate," is important to us. We share your concern about this provision and have developed an internal Issue Paper that includes a reference to your opposition.

Thank you for your support and the many contributions that the National Energy Assistance Directors' Association provided to the Weatherization Assistance Program over the years. I look forward to your continued assistance as we work collaboratively towards meeting the energy needs of low-income Americans.

Sincerely,

Gail McKinley, Director
Office of Building Technology Assistance
Energy Efficiency and Renewable Energy



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July 18, 2001 2001-017284 Jul 19 p 4:05

The Honorable Spencer Abraham
Department of Energy
1000 Independence Avenue, S. W.
Washington, DC 20585

Dear Mr. Secretary: *Spence*

On behalf of the Business-Government Relations Council (BGRC); I would like to extend an invitation for you to speak to our group. The BGRC is a non-profit organization whose purpose is to improve business understanding of government policies, methods, and operations, and to increase government officials' awareness of the role of business in government affairs. Our membership consists primarily of executives who run the Washington offices for their corporations. Many also have responsibility for state and international business/government relations.

Former speakers at BGRC have included Members of Congress, Administration officials, Cabinet Secretaries, and Members of the Diplomatic Corps. Traditionally, our speakers address the BGRC at a breakfast or luncheon at the Willard Hotel. We will be happy to accommodate your schedule for the location.

We would be very interested in your views on current energy policy, as well as, the 107th Congress and the Administration. I will call your office in the near future to discuss your potential availability.

Thank you.

Sincerely,

A handwritten signature in cursive ink that appears to read "Joann Piccolo".

Joann Piccolo
Corporate Vice President and Director
North America Region
Global Government Relations

*Good seeing you at
the John Quincy Adams
Dinner -*

cc: Mr. Arnie Havens, CSX Corporation

LAWRENCE
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APPLETON, WISCONSIN 54912-0499

20 July 2001

Representative Mark Green
1218 Longworth House Building
Washington, DC 20515

Dear Representative Green,

I have read with great interest the report of the National Energy Policy Development Group - National Energy Policy - May 2001. I find the report to be comprehensive, informative, and timely. A statement of our nation's energy policy is much needed.

As an educator I am pleased to see so much information under one cover. Among the many recommendations that I find attractive is the recommendation to develop an educational campaign to communicate the NEPD group's findings. If there is a need for outside consultants to develop educational materials I would like to express my interest and availability. I am currently working as a reservist/trainer for FEMA and have enjoyed helping FEMA develop educational materials.

If you can identify any individuals or agencies that I might contact I would appreciate hearing from you.

Sincerely,

Ron Tank
Ronald Tank
Emeritus Professor of Geology
Lawrence University
Appleton, WI 54912

Encl.: Curriculum Vitae

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017703

NATIONAL
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Governor of Michigan
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Raymond C. Scheppach
Executive Director

July 23, 2001

The Honorable Francis S. Blake
Deputy Secretary
U.S. Department of Energy
Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585

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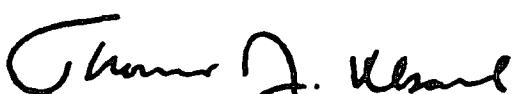
Dear Deputy Secretary Blake:

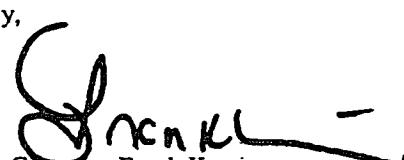
On behalf of the National Governors Association (NGA), we thank you for accepting our invitation to join us at the Natural Resources Committee meeting during the NGA Annual Meeting. The Committee session will take place at the Rhode Island Convention Center in Providence, Rhode Island, on August 6th, from 10:00 a.m. to 11:30 a.m. There will be two topics on the agenda (enclosed); we would like you to do a presentation on the President's national energy policy, and the role that states will play.

We would appreciate it if you would speak for approximately 20 minutes, to discuss the President's energy policy and key energy issues, including improving supply, conservation and efficiency. NGA plans to adopt its own energy policy at this meeting, and your views and perspective will be an invaluable resource to the committee. Following your remarks, time will be scheduled for an informal question and answer session with the Governors.

We hope you are able to join us and we look forward to hearing from you. If you have any questions, please do not hesitate to contact us or Diane S. Shea, Director of the Natural Resources Committee at (202) 624-5389.

Sincerely,


Governor Tom Vilsack
Chair
Committee on Natural Resources


Governor Frank Keating
Vice Chair
Committee on Natural Resources

Enclosure

COMMITTEE ON NATURAL RESOURCES

**RHODE ISLAND CONVENTION CENTER
PROVIDENCE, RHODE ISLAND
MONDAY, AUGUST 6, 2001**

AGENDA

10:00 A.M. Welcome and Introductory Remarks

Governor Tom Vilsack, Iowa, Chair
Governor Frank Keating, Oklahoma, Vice-Chair

10:10 Applications of Biotechnology to Crops: Benefits & Risks

Guests:

Sally McCommon, Science Advisor
Animal and Plant Health Inspection Service
U.S. Department of Agriculture

Dr. Gwen Acton, Assistant Director
Functional Genomics Program
Massachusetts Institute of Technology
Whitehead Institute

Dr. Robert Paarlberg, Professor of Political Science
Wellesley College

10:40 Questions and Discussion

10:50 National Energy Policy: The Administration's View

Guest:

The Honorable Francis S. Blake
Deputy Secretary
U.S. Department of Energy

11:10 Questions and Discussion

11:20 Consideration of Policy Proposals

11:25 Other Committee Business

11:30 Concluding Remarks and Adjourn

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Pacific Palisades, CA 90272
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5

Polydyne, Inc.

July 23, 2001

7/23/01
30

Vice President Richard Cheney
Chairman, Energy Task Force
The White House
Washington, DC 20500

Re: National Energy Policy

Dear Vice President Cheney:

Congratulations on your rational and sound energy policy, including national exploration of natural resources to develop energy self-sufficiency. I also admire President Bush's and your stand regarding the global warming issue and withholding your support of the Kyoto Agreement.

Having over 40 years management experience in the energy field, including overseeing the development of new and renewable energy technologies at the Electric Power Research Institute (EPRI) and being a resident of California, it is really painful to witness the political mismanagement of energy resources in this state. This government created crisis has been long in the making by our Democrat controlled Legislature and their politically appointed committees, and more recently promulgated by our elected Democratic Governor Davis. The California "crisis" could have been easily resolved by letting the prices rise, which would have resulted in an immediate decrease in demand and increase in supply of electricity in the absence of political interference. Instead, Governor Davis elected to opt for the political expediency of price controls, government regulation and market interference, while blaming everyone but his own mismanagement for the problem.

Unfortunately, the press and the public have accommodated his position and most voters believe that there is no energy problem other than the one created by the "greedy" energy companies, supported by the Bush Administration. The result is a widely held perception that deregulation and the power industry are to blame, even though we only had quasi deregulation at the energy supply side, while maintaining full PUC regulation at the retail level and of new power plant

FIGHTS FOR TOMORROW

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construction. Most importantly, this debacle and associated rhetoric have provided fuel for the opposition of your administration's energy policy. At the same time, the environmental political forces have faulted your administration for not supporting renewable energy resources development and the international global warming treaty.

Based upon my extensive experience in the RD&D of renewable energy technologies, to include: solar thermal, photovoltaics, wind, ocean thermal, geothermal, and fusion, I have long ago concluded that these technologies are far too expensive in cost and much too limited in reliability of supply. This is due to their low energy density and intermittent availability. Consequently, the advocates for deployment of these renewable resources cannot make a serious case for displacing most of the conventional resources available.

Fortunately, there is a new technology in the advanced stages of development which has the potential to greatly improve the overall energy efficiency of converting conventional depletable energy resources, oil and gas, while at the same time reducing and eliminating harmful emissions. This technology is the *fuel cell*, which has achieved significant progress during the last several years and has the ability to significantly improve the overall conversion efficiency of natural gas, propane gas, and oil derivatives.

The fuel cell can provide both electric and thermal energy, operating as small co-generators located at dispersed customer sites (residences, commercial buildings). The waste products are pure water and reduced carbon dioxide. Subsequently, when the cost have significantly been reduced through large-scale production for these small-scale stationary applications, these fuel cell systems can be incorporated into hybrid electric cars, with the potential of obtaining fuel efficiencies of 100 mpg. *As you can readily surmise, more than doubling the conversion efficiency of scarce energy resources, while simultaneously eliminating harmful emissions, for both stationary and mobile applications, is a two-fold political and economic winner.*

As an independent consultant, with over 25 years of experience in fuel cell development, I have conducted a great number of studies relating to the commercialization of this important 21st century technology and presented my findings as invited speaker at various national and international energy symposia and workshops. For your information, I have included a few select presentations addressing the commercialization and market opportunities of small-scale fuel cells.

To further the commercialization of fuel cells, I formed a potential users group (Small-scale Fuel Cell Commercialization Group) several years ago. This group

To further the commercialization of fuel cells, I formed a potential users group (Small-scale Fuel Cell Commercialization Group) several years ago. This group issued a Market Opportunity Notice (MON) with market-derived technical and cost specifications for small distributed market residential fuel cell systems, which has become a de facto strawman for fuel cell developers.

Unfortunately, the DOE has politically focussed its fuel cell program on the much lower value automotive applications. Since cars are relatively cheap per unit weight, the fuel cell for this application has a market-derived value of only one-twenty-fifth of that for the much higher market value small-scale stationary residential and commercial applications (\$80/kW versus \$2,000/kW, respectively). Consequently, the initial market entry of fuel cells is projected to be the much higher value stationary applications. Only when the fuel cell costs have been decreased sufficiently, as a result of continued production learning and innovation, will the mobile applications become market viable.

Both these stationary and subsequent mobile markets have the potential to reduce energy consumption of depletable oil and gas resources at least two-fold, while essentially eliminating harmful emissions associated with the current conversions of these resources.

Obviously, the economic and political benefits of this fuel cell technology are enormous for this country and the world. Your inclusion of this technology development and deployment in your energy plan will have tremendous political implications. *This inclusion will simultaneously reduce our foreign energy dependency, with the associated balance of trade and national security benefits, while eliminating harmful emissions, including substantially reducing the CO₂ emissions. The former being the concern of many environmental activist groups critical of your administration's policy and the latter deflating the arguments against the industrialized nations for contributing to the real or alleged global warming.*

Furthermore, this technology can facilitate off-the-grid distributed energy systems for residential and commercial applications, which will reduce the customer dependency on centrally generated power. For example, if available, these systems would have realized tremendous market expansion during the recent and future energy rotating blackouts in California. *Obviously, the potential impact of this technology on the deregulation of energy is very large.*

In addition, the fuel cell systems will provide clean electrical power with extremely high reliability, both attributes being extremely important to the Silicon Valley and other high technology industries. Consequently, these distributed fuel cell systems, when developed in the United States, can be successfully exported,

especially to those countries without the financial resources to develop the very expensive power grids associated with central power generation. This technology export will again significantly benefit the trade balance of the U.S.

In view of the above, I strongly urge you to consider inclusion of this strategically very important fuel cell energy technology in your energy plan and, thus, reflect a fully integrated and environmentally conscious approach by your administration. Obviously, the full impact of a new technology will not be immediate, since all new product or technology market penetration occurs logically ("S-shaped) over time.

Currently, as an independent consultant, I have no specific financial interest in any fuel cell company, however, I do have a great personal interest and ambition in bringing this technology into the market. Therefore, I hope that you will perceive this important information as an unbiased assessment of an energy development opportunity and benefit for this country and the world, as well as provide significant political ammunition in response to the various vocal critics of your administration's policy. This fuel cell development is the technology of the 21st century and you can greatly facilitate in making its commercialization happen. In this context, if I can be of further assistance to you, I will be available to offer you my experience and consulting services at your convenience. I have included my biographical summary for your information.

Sincerely,



Peter B. Bos
President
Polydyne, Inc.

Enclosures.

Peter B. Bos
President, Polydyne, Inc.

Mr. Bos is the founder and President of *Polydyne, Inc.*, a multi-disciplinary management consulting company, located in Pacific Palisades, California. Since its incorporation in 1981, Polydyne, Inc. has consulted with a large number of private companies and public agencies, specializing in integrated, market-oriented assessment of clean, innovative energy technologies for stationary and mobile applications.

With over forty years of management experience, Mr. Bos has extensive experience in the interdisciplinary synthesis of energy systems to include technology development and transfer, market analysis and penetration, energy investment and policy analysis, utility interfacing and regulatory considerations, and private and public sector interaction. He has been an invited speaker at various national and international symposia and workshops.

Mr. Bos has been involved in fuel cell research, development, and commercialization efforts since 1975, starting with the early attempts to commercialize the United Technology Corporation phosphoric acid fuel cell, which efforts are currently organized under the International Fuel Cells Corporation/ONSI (IFC/ONSI). Several years ago, Mr. Bos founded and currently is Managing Director of the *Small-scale Fuel Cell Commercialization Group, Inc.* (SFCCG, Inc.), a consortium of major electric and gas utilities in the U.S. and Canada, which is chartered to commercialize small-scale fuel cell systems following a market-driven commercialization strategy.

This *market-driven* strategy was originated by Polydyne, Inc. for the development of stationary and mobile technologies that have the potential for mitigating resource constraints and environmental problems for a large spectrum of commercial applications. This includes the identification of high value entry markets for and commercialization of fuel cells and batteries for both stationary and mobile applications. These high value entry markets identified are the distributed power stationary residential and small commercial markets and the remote telecommunications markets. To facilitate these efforts, Mr. Bos has developed several proprietary computer programs, to include Market Assessment and Penetration Models, Fuel Cell Design and Production Costing Program, Advanced Vehicle Design and Simulation Model, Financial Simulation Models, and the commercially available Financial Software: FAST 123 (Financial Analysis STandard).

Prior to founding Polydyne, Inc., Mr. Bos was Director of the Department for New Energy Resources Development at the Electric Power Research Institute (EPRI) and was responsible for planning, direction, and control of the utility-sponsored new energy technology programs including solar, photovoltaics, wind, geothermal and fusion. Overall accomplishments at EPRI include management of major demonstration projects throughout the United States and authorship of numerous articles and reports. He has participated in many advisory committees and workshops and has contributed to significant program decisions on a national level. As a consequence, Mr. Bos is widely known throughout the utility and vendor industries, the U.S. Department of Energy and associated laboratories and in the energy community in general.

Mr. Bos holds an MBA degree from the Graduate School of Business Administration at the University of California, Los Angeles, and an Engineering degree from the Massachusetts Institute of Technology.

*Polydyne, Inc.
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Pacific Palisades, California 90272*

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Fax: (310) 230-6084
E-Mail: ppbos@aol.com

2001-017592 JUL 24 A 10:36

CALIFORNIA HYDROGEN BUSINESS COUNCIL

July 23, 2001

Dear Mr. Secretary,

As a member of the Republican Party in Orange County, California I was invited to attend your presentation today. By way of preparation, I obtained a copy of the speech you made earlier in San Francisco to the Bay Area Council. I was very pleased with its content. And I was particularly pleased with your comments regarding distributed energy, fuel cells and hydrogen. I am currently a member of the DOE Hydrogen Technical Advisory Panel (HTAP) and as such was doubly pleased with your emphasis on these new technologies.

One of the things that those of us who are believers in the future of hydrogen as an energy carrier have done in California is to establish an organization called the California Hydrogen Business Council. This organization currently has more than 50 member companies who are interested in a wide variety of applications of hydrogen. We have even had requests from other states to join with us. Rather than doing this, we have urged them to form their own State Hydrogen Business Council. Hawaii has decided that they wish to be a chapter associated with us and they are underway. Various individuals in Nevada, Florida and New York are also discussing similar steps. So we shall all be helping you in your major task of energy diversity and energy independence.

Many of us who read the President's Energy Plan were disappointed that it lacked the diversity it needed initially. However, the newspapers as well as your comments today tell us that diversity is being added. Many of us would like to see the recent areas of discussion added to a comprehensive revised Energy Plan. Will a comprehensive new Plan be issued instead of simply addendum's?

Again, enjoyed your comments. Keep up the good work.

Henry W. Wedaa

Henry W. Wedaa
President
California Hydrogen Business Council
PO Box 980
Yorba Linda, Ca 92885
714-779-1604
hwedaa@bigfoot.com

28625

2001-017544 JUL 23 P 3:51



YOU ARE CORDIALLY INVITED TO ATTEND A LUNCHEON BRIEFING ON:
"What the Bush Energy Plan Means for America"

Featuring

MARK WILSON

Research Fellow, The Heritage Foundation

REA HEDERMAN

*Manager of Operations, Center for Data Analysis
The Heritage Foundation*

CHARLI COON,

*Senior Policy Analyst, Energy & Environment
The Heritage Foundation*

President Bush's National Energy Plan calls for significant changes to energy supply and demand over the next 30 years. Many critics of the plan, however, have characterized it as "radical" and "environmentally unsound." What exactly does the National Energy Plan contain?

The Heritage Foundation energy team has spent the past two months analyzing President Bush's National Energy Plan in great detail. They will unveil the results of their analysis at this Heritage luncheon.

Learn what will happen to electricity and petroleum prices over the next 10 years. Learn how the NEP slowly but steadily changes consumption of electricity and alters the national energy distribution system. What does the NEP have in store for the nuclear power industry? What are the long-term forecasts for electricity and gasoline demand in California, New York, Texas, and each of the other states?

This event continues the Heritage-sponsored series of policy or process-oriented briefings for political appointees. These sessions are designed to be topical, timely and helpful to you and your colleagues, while providing a forum where you can interact with fellow appointees.

MONDAY, JULY 30, 2001

12:00 – 1:30 P.M.

**THE HERITAGE FOUNDATION, VAN ANDEL CENTER
214 MASSACHUSETTS AVENUE, NE**

**PLEASE, RSVP by July 28th TO (202) 608-6078
OR BY EMAIL TO crystal.gibson@heritage.org**

28626

2001-020952 9/10/01 3:54

020952

20 University Road
Cambridge, Massachusetts 02138 USA
+1 617 497 6446 • Fax: +1 617 497 0423
Internet: www.cera.com



DANIEL YERGIN
CHAIRMAN

July 24, 2001

Hon. Spencer Abraham
Secretary of Energy
United States Department of Energy
7A-257
Forrestal Building
1000 Independence Avenue, S.W.
Washington, DC 20585-1000

Dear Secretary Abraham,

I want to tell you how much we valued the opportunity to organize the program for you in Boston last June, and we want to thank you for thinking of us for this. It was an honor for us to be able to do this. Your presentation was excellent; you did a superb job of presenting the drivers and essential elements of the energy policy; and you very concretely outlined the role of technology. You really made a major impact.

We very much enjoyed collaborating with you and your team. The whole joint team all very smoothly got a lot done in short order!

I was also, personally, very glad to work with you, and indeed appreciated both your gracious words -- and your graciousness about *The Prize*. I was very touched.

I hope you have had a good summer, and that you found a little time to loaf.

With kind regards and best wishes.

Cordially,

Dan Yergin

CAMBRIDGE ENERGY RESEARCH ASSOCIATES

Cambridge, Massachusetts • Paris • Oslo • Oakland, California • Washington, DC
Moscow • Seoul • Mexico City • Bangkok • Calgary • Beijing • São Paulo

1133 Connecticut Avenue, NW Suite 903 Washington, DC 20036, USA

28627



Department of Energy
Washington, DC 20585

July 24, 2001

Mr. Urvan R. Sternfelds
President
National Petrochemical and Refiners Association
1899 L Street, NW
Suite 1000
Washington, DC 20036-3896

Dear Mr. Sternfelds:

Thank you for your letter of May 14, 2001, to Secretary Abraham in which you respond to the Secretary's request for your member's recommendations concerning the short and long-term responses to petroleum product price and supply constraints. These recommendations will be helpful as the Administration begins the process of developing strategies to achieve the goals of the President's National Energy Policy (NEP). The goals of the NEP as they relate to your members industries are:

- to maintain or improve the environmental benefits of state and local clean fuel programs while increasing the flexibility of the fuels distributions infrastructure, improve fungibility, and provide added gasoline market liquidity,
- to provide regulatory certainty, and streamline the permitting process,
- and consider the cumulative impacts and benefits of rules to ensure that America has adequate refining capacity.

Currently the Department is working with the relevant agencies in evaluating the New Source Review program, "boutique fuels", the Mobile Source Air Toxics rule, energy system impacts of an MTBE ban, and the reevaluating the implementation strategy of the on-road diesel rule.



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We appreciate your input on these important issues affecting U.S. refinery industry and look forward to any additional input your members may have in the future.

Sincerely,


Margo Anderson
Deputy Assistant Secretary
Office of Policy and International Affairs

28629

2001-013872



Department of Energy

Washington, DC 20585

July 24, 2001

Mr. Steve Saland
New York State Senate
President-elect, National Conference of State Legislatures
444 North Capitol Street, NW
Suite 515
Washington D.C. 20001

Dear Mr. Saland:

Thank you for your letter of June 6, 2001, addressed to President Bush, conveying the support of the National Conference of State Legislatures (NCSL) for the President's National Energy Policy (NEP). We have read your comments with interest and take note of the NCSL recommendations in areas where it believes that the NEP can be strengthened.

We take particular note of the NCSL stated principle that: "A national energy policy should ensure adequate supplies of affordably priced energy." The President's NEP released on May 17, 2001, is put forward with this principle clearly in mind and with the recognition of the role of State authorities in the implementation of an effective national energy strategy.

We agree, as some of your recommendations suggest, that further discussion may be appropriate in defining the methods by which the NEP would be implemented. The President has taken a major step toward the NEP's implementation by sending his supporting legislative initiatives to the Congress on June 28, for action. We would encourage and see continued assessment by the NCSL on the initiatives of interest to the organization as a positive contribution to the national energy debate.

Thank you for the comments provided by the NCSL. If you would like to discuss these topics further please have NCSL staff contact Mr. Michael Whatley, Director, Office of Congressional and Intergovernmental Affairs, (202) 586-5450.

Sincerely,

Margot Anderson
Deputy Assistant Secretary
Office of Policy and International Affairs



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28630



Department of Energy
Washington, DC 20585

July 26, 2001

Mr. Clifton Below
New Hampshire State Senate
Chair, National Conference of State Legislatures
444 North Capitol Street, NW
Suite 515
Washington D.C. 20001

Dear Mr. Below:

Thank you for your letter of June 6, 2001, addressed to President Bush, conveying the support of the National Conference of State Legislatures (NCSL) for the President's National Energy Policy (NEP). We have read your comments with interest and take note of the NCSL recommendations in areas where it believes that the NEP can be strengthened.

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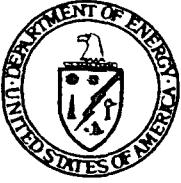
Sincerely,

Margot Anderson
Deputy Assistant Secretary
Office of Policy and International Affairs



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28631



Department of Energy
Washington, DC 20585

July 26, 2001

Mr. Jim Costa
California State Senate
President, National Conference of State Legislatures
444 North Capitol Street, NW
Suite 515
Washington D.C. 20001

Dear Mr. Costa:

Thank you for your letter of June 6, 2001, addressed to President Bush, conveying the support of the National Conference of State Legislatures (NCSL) for the President's National Energy Policy (NEP). We have read your comments with interest and take note of the NCSL recommendations in areas where it believes that the NEP can be strengthened.

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Thank you for the comments provided by the NCSL. If you would like to discuss these topics further please have NCSL staff contact Mr. Michael Whatley, Director, Office of Congressional and Intergovernmental Affairs, (202) 586-5450.

Sincerely,

Margot Anderson
Deputy Assistant Secretary
Office of Policy and International Affairs



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28632

2001-017816 7/27 12:05

DER BOTSCHAFTER
DER BUNDESREPUBLIK DEUTSCHLAND
THE AMBASSADOR
OF THE FEDERAL REPUBLIC OF GERMANY

Dear Mr.-Secretary:

I have the honor of presenting to you the enclosed letter from Federal Minister for Economics and Technology Dr. Werner Müller.

A courtesy translation is attached.

Respectfully yours,



*Wolfgang Ischinger
Appointed Ambassador*

Washington, D. C., July 26, 2001

*The Honorable
Spencer Abraham
Secretary of Energy
U.S. Department of Energy
Washington, D.C. 20585*

28633



Department of Energy
Washington, DC 20585

July 30, 2001

The Honorable Strom Thurmond
United States Senate
Washington, DC 20510

Dear Senator Thurmond:

I am responding to your letter of June 12, 2001, asking Mr. Michael Whatley of the Department of Energy to review a April 25 letter from Dr. Doyne Loyd, (referencing case #468079). Mr. Loyd's letter expressed his serious concerns about the lack of a coherent energy policy and our continued dependence on imported oil.

To address the many energy issues facing the Nation, one of President Bush's first acts was to create a National Energy Policy Development Group, headed by Vice President Cheney. This Group was charged with developing recommendations to help the private sector and government at all levels promote reliable, affordable, and environmentally sound energy for America's future. On May 16, 2001, Vice President Cheney sent to the President the recommendations of this group, together with a National Energy Policy report.

The report of the National Energy Policy Development Group describes a comprehensive long-term strategy that uses leading edge technology to produce an integrated energy, environmental and economic policy. The National Energy Policy it proposes follows three basic principles:

- The Policy is a long-term, comprehensive strategy. Our energy crisis has been years in the making, and will take years to put fully behind us.
- The Policy will advance new, environmentally friendly technologies to increase energy supplies and encourage cleaner, more efficient energy use.
- The Policy seeks to raise the living standards of the American people, recognizing that to do so our country must fully integrate its energy, environmental, and economic policies.

To achieve a 21st century quality of life – enhanced by reliable energy and a clean environment – it recommends 105 actions to modernize conservation, modernize our infrastructure, increase our energy supplies, including renewables, accelerate the protection and improvement of our environment, and increase our energy security.



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The President has already taken actions to implement many of the report's recommendations. Over the coming months, further actions will be taken by the President, individual Federal agencies and the Congress. These actions, once fully implemented, will help minimize future energy prices, while assuring that energy supplies are reliable and the environment is protected.

A full copy of the National Energy Policy report, with the specific recommendations to the President, is available on the White House webpage, www.whitehouse.gov, or on the webpage of the U.S. Department of Energy, www.energy.gov.

I hope this information is helpful. Thank you for writing.

Sincerely,



Margot Anderson
Deputy Assistant Secretary
Office of Policy
and International Affairs

018407 8/6/01 11:03

018407



Kenneth L. Lay
Chairman of the Board

Enron Corp.
P.O. Box 1188
Houston, TX 77251-1188
713-853-6773
Fax 713-853-5313
kenneth.lay@enron.com

July 31, 2001

The Honorable Spencer Abraham
Secretary of Energy
U.S. Department of Energy
Forrestal Building
1000 Independence Ave. SW
Washington, DC 20585-1000

Dear Mr. Secretary:

I'd like to follow up with you personally on a recent invitation extended by Jeff Skilling for an event Enron is hosting, "**U.S. Energy Policy at a Crossroads: Alternative Futures for the Current Energy Crisis**," in Washington, DC on October 3-4. We would be honored to have you as a featured keynote speaker to communicate your vision of America's energy future. The energy industry is at a critical juncture. Through this event, Enron is committed to creating an open dialogue for the industry to work together collectively and constructively to find solutions and discuss ways to get them implemented.

Your involvement in this industry forum represents an opportunity to engage with the most senior level stakeholders in our sector—key opinion leaders, policymakers, regulators, and business executives. This forum resonates with the industry. Our efforts thus far have generated a positive response, and we anticipate a productive and insightful discussion.

I'd appreciate your being part of this forum. Your participation would greatly enhance the prospects of a positive outcome.

Sincerely,

A handwritten signature in black ink that reads "Kenneth L. Lay".

Endless possibilities.™

28636

M
L
**EnDurAloy
Corporation**

21 Breckenridge Lane
Savannah, Georgia 31411
Telephone: (912) 598-1210
Facsimile: (912) 598-0785

31 July 2001

President George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
E-Mail: President.whitehouse.gov

RE: National Energy Policy and Funding of Critical Research

Dear President Bush:

In recent years NIST (ATP), DOD, DOE, EERE, and other entities have wisely funded high-risk research and development, leveraging potentially hugely beneficial projects. It is sometimes falsely assumed that this amounts to "industrial pork barrel." Instead, small businesses, fueled by scarce funding not available elsewhere, are developing innovative technology that will assure continued United States leadership in productivity. Today, this group is creating new jobs faster than any other sector.

As President of a fledgling small business developing a proven new-paradigm in tool materials, I wish to voice my fervent support for continuing these policies. Tool materials are key drivers of technological development, manufacturing efficiency, and standard of living; our product will therefore positively impact all segments of society and business worldwide.

My company, EnDurAloy Corporation, is a spin-off of a company that could not fund tool research and development. When the funds of our angel investor were exhausted, I found that venture capitalists would only fund companies with cash flow. The two sources of funding for these risky but potentially beneficial ideas are angel investors and some of the above agencies. Interestingly, American angel investors are rare. Simply said, EnDurAloy Corporation would have failed had it not been for a \$200,000 grant from DOE that sustained us until a new angel investor was found.

To develop new paradigm tool performance is to leverage pervasive cross-cutting improvements in multiple major sectors of the economy. *The tool is the fulcrum for 25 percent of all work done and energy expended in manufacturing, petroleum drilling, and mining. All the power of industry's motors is focused on the energy expended at the working surfaces and edges of its tools, and longer-lasting tools consume 30 percent less energy.* We project, at TCHP market maturity, worldwide benefits in energy and productivity of over \$250 billion for a pricetag of only \$4 billion for our products. Half of these benefits will occur in the United States.

This is an excellent return for DOE/OIT's (Inventions & Innovations) investment of only \$200,000 in EnDurAloy.

Our capital system, based on public ownership, prioritizes short-term results (thereby constraining long-term R & D) by focusing on quarterly earnings. PLEASE maintain a balance by continuing these sources of leveraged government funding.

Sincerely,
EnDurAloy Corporation



Richard E. Toth
President

018083



2001-018083 8/1 P 12:07

Facsimile Cover Sheet

To: The Honorable Spencer Abraham
Company: U. S. Department of Energy
Phone: 202-586-6210
Fax: 202-586-4403

From: Kenneth Lay
Company: Office of the Chairman
Phone: 713/853-6773
Fax: 713/853-9479

Date: August 1, 2001

ages including
this cover page: 2

Comments:

28638



Federal Emergency Management Agency

Washington, D.C. 20472

AUG 16 2001

The Honorable Spencer Abraham
Secretary of Energy
Department of Energy
Washington, DC 20585

Dear Secretary Abraham:

Thank you for your letter regarding the Department of Energy's strategy to support the National Energy Plan and FEMA. I apologize for the delayed response.

The Department of Energy (DOE) has worked closely with FEMA and the Catastrophic Disaster Response Group (CDRG) in our joint efforts to support the National Energy Plan and to respond to potential energy emergencies in the State of California. As your letter indicated, Major General John McBroom, USAF (Ret.) has briefed the CDRG on the energy situation, and DOE provides FEMA Headquarters with regular updates on any potential or emerging energy shortfalls in California or other affected States. DOE also assisted in the development of and participated in a joint State/Federal Planning meeting on July 10, 2001, in Sacramento, CA, where CDRG agencies were presented with a detailed briefing on the California energy situation, as well as potential Federal resource requests from the State of California to respond to an energy emergency. I personally attended this meeting, and I appreciated DOE's efforts to ensure its success.

I offer my thanks to DOE for your support in this effort to date, and I look forward to working with you and your staff to ensure that the Federal Government is fully prepared to respond to any incidents that might result from an energy emergency. Should you have any further questions, please do not hesitate to contact me, or have General McBroom contact Lacy Suiter at (202) 646-3692.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe M. Allbaugh".

Joe M. Allbaugh
Director

28639

**NATIONAL
GOVERNORS
ASSOCIATION**

John Engler
Governor of Michigan
Chairman

Paul E. Patton
Governor of Kentucky
Vice Chairman

Raymond C. Scheppach
Executive Director

2001-019466 Aug 21 A 11:21

August 17, 2001

The Honorable Spencer Abraham
Secretary
U.S. Department of Energy
Forrestal Building
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Secretary Abraham:

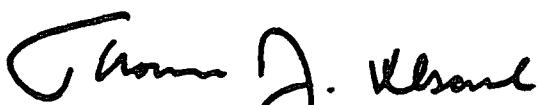
On behalf of the National Governors Association (NGA), please accept our sincere thanks for speaking at the recent NGA Annual Meeting before the Natural Resources Committee. Your comments were informative, insightful, and provocative, and we received a great deal of positive feedback on your presentation.

We appreciated your assurances that the Department of Energy will work closely with NGA to address issues relating to energy diversity, transmission reliability and routing of transmission lines. We share your optimism that the states and the federal government, working as partners, can help solve the nation's energy supply problems while protecting the environment and increasing our use of renewable and alternative fuels.

Enclosed for your information is a copy of the new NGA policy NR-18, Comprehensive National Energy Policy, approved by the nation's Governors at the closing plenary session of the Annual Meeting on August 7.

Again, it was a great pleasure to have you join us, and we look forward to working closely with you and your staff in the future. Please don't hesitate to call us directly or Diane S. Shea, NGA Natural Resources Committee Director, at dshea@nga.org, or 202/624-5389, if we can be of help.

Sincerely,



Governor Tom Vilsack
Chairman
Committee on Natural Resources



Governor Frank Keating
Vice Chairman
Committee on Natural Resources

Enclosure



Policy Position

NR-18. Comprehensive National Energy Policy

18.1 Preamble

The Governors recognize the energy and environmental challenges facing the United States at the beginning of the 21st century. Periodic shortages in oil, gas, and electricity cause hardship for consumers and businesses, harm the economy, and can reduce national security.

Our nation's dependence on foreign sources of oil is at an all-time high. At the same time, improved energy efficiency and conservation has reduced energy consumption and energy costs, while allowing consumers to enjoy a cleaner environment and more energy services without commensurate increases in energy demand.

Demand for energy will continue to grow, however. Simultaneously, energy efficiency is projected to continue to improve. Yet even with more conservation, innovation, and new technology, the United States will need more energy supplies.

Energy issues must be addressed nationally, while still recognizing state and local authority over environmental and energy matters. The solution to the need for energy will require increased conservation and energy efficiency as well as exploration of new energy supplies, including environmentally responsible development of traditional sources and greater reliance on alternative and renewable sources. We also must continue the trend of reducing emissions associated with energy production.

18.2 Principles

A comprehensive national energy policy must meet the public's current and future needs for energy, environmental quality, national security, and a healthy economy. Recognizing the costs and benefits associated with these public needs, the Governors support a national energy policy based on these ten principles.

- Provide our citizens with adequate, affordable energy supplies and services.
- Ensure environmental quality.
- Promote conditions in the federal and state regulatory context that recognize the unique and complementary roles of federal, state, and local governments, and are conducive to the development of economically viable and environmentally sound energy resources.
- Recognize the authority of states, tribes, and local communities in decisionmaking.
- Promote a diverse and reliable portfolio of energy sources and increase production of domestic sources of energy in a safe and environmentally sound manner.
- Support the production and use of domestic renewable energy sources.
- Promote the prudent and efficient use of our country's resources through conservation and efficiency efforts.
- Support sustained investment of public and private funds into expansion and updating of infrastructure capacities, and ensure improved public and private investment into research and development for alternative and renewable energy resources and advanced technologies for cleaner, more efficient production of traditional energy resources.

Provide Americans with access to the information they need to make sound energy choices.

considered as government considers new policies to promote the rapid deployment of more fuel-efficient vehicles into the market.

18.3.4 Demand Response. The federal government should create incentives for energy providers to provide mechanisms for consumers to change their energy demands in response to price fluctuations. Incentives for retail consumers also should be provided to manage demand for peak load, conserve energy, and utilize energy-efficient technologies and tools.

18.3.5 Energy Conservation Education, Research, and Development. The federal government should promote energy conservation education programs and fund research into conservation technologies. Federal funding of energy conservation programs, including grants to states, should be enhanced. The development of energy-efficient technologies, including fuel-efficient engine and vehicle technologies, should be actively promoted. DOE should be provided with adequate authority, staffing, and funding to undertake and coordinate conservation activities.

18.3.6 Energy Efficiency Programs. The federal government should provide funding and incentives for programs that help businesses, industries, schools, public agencies, and residences use energy-efficient building techniques, building materials, appliances, equipment, motors, and other systems readily available in today's market. Public benefits funds and tax incentives are examples of how these programs may be accomplished.

18.4 Improving Energy Supply

The national security and economic well-being of this nation are predicated on securing economic and environmentally sustainable supplies of energy. To improve energy supply, the Governors support the following measures:

- exploration and development of the nation's energy resources, to the extent they are competitive in energy markets and can be developed consistent with federal, state, and local environmental requirements;
- federal land management agency participation and coordination with states regarding decisions by federal agencies about energy exploration and production on federal lands, particularly regarding public lands withdrawals and lease stipulations;
- continuation of the production of energy on federal lands and allowing states physical access to federal lands for state exploration and production projects that will promote the development of clean energy supplies;
- federal policies and incentives that encourage reliable, affordable, and clean energy supplies and that encourage capital investment, protect current production, and promote marginal production; and
- removal of barriers that discourage energy-efficient technologies, renewable energy resource development, and fuel diversity.

Consistent with these measures, there is a need to develop a diverse and flexible portfolio of fuel sources, including increased domestic production from renewable, alternative, and conventional sources.

18.4.1 Oil. Promote new domestic production through exploration and development of additional petroleum reserves and refining capacity, and promotion of enhanced oil recovery technologies.

18.4.2 Natural Gas. Encourage effective market-based measures that will support production of natural gas supplies and development of infrastructure in an environmentally sound manner, reduce impediments that limit such production, provide appropriate funding levels to avoid unnecessarily lengthy reviews imposed by the Federal Energy Regulatory Commission and other federal agencies, and promote policies against unfair transportation practices. In addition, Governors endorse, pending completion of appropriate environmental reviews, a project to bring Alaska natural gas to market via a pipeline from the North Slope along the Alcan Highway through Canada to the North American distribution system, while ensuring full pipeline safety to protect the public and the environment.

18.4.3 Coal. Encourage technologies to utilize coal more cleanly and efficiently, including continued support for the Clean Coal Technology Program, in partnership with the private sector, as well as research and development in clean

responsibility for the protection of the environment and the judicious management of their energy and other natural resources. States must exercise lead authority for:

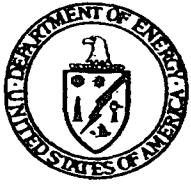
- exploration and development of energy resources within their borders, especially those resources whose development has highly regional and local impacts;
- continuation of primary state responsibility and final decision authority for the approval and siting of energy facilities, consistent with state and federal law, along with safety and environmental requirements (siting of energy transmission facilities should follow existing rights-of-way whenever possible);
- prevention and abatement of air and water pollution;
- management of water resources;
- management of the coastal zone, and continued authority under the Coastal Zone Management Act to ensure consistency of federal activities with approved state plans; and
- administration and enforcement of building codes.

Because of these primary responsibilities, the states recognize they bear a heavy burden in the achievement of our national energy goals. Successful development of these national policies requires the early, effective, and sustained participation of state and local governments. Essential to this partnership is consultation and concurrence between the states and the federal government in all areas of national energy policy.

- Joint federal-state task forces should ensure effective state-federal communication.
- There should be adequate and early opportunity for state review and comment on federal energy regulations and policies.
- Administration of federal programs should be flexible so that the regional differences and diversity among states are recognized and incorporated into the goals of the federal energy programs.
- Multi-state cooperation should be encouraged in identifying the economics and need for additional energy transmission and generation projects. Regional energy transmission and generation planning should be further enhanced through improved communication and coordination of regulatory reviews among the appropriate state and federal regulatory agencies, affected energy suppliers, and other affected parties.
- There should be no preemption of state regulatory authority or the establishment of federal standards governing state regulation of utilities. Utility commissions should continue to have authority over mergers, retail energy rates and ratemaking processes, and consumer protection measures. In addition, there should be no preemption of state regulatory authority governing energy exploration and development when states have primacy or delegation over the relevant environmental regulations.
- The backlog of permit applications by federal land management agencies should be addressed and unnecessarily burdensome regulations and procedures for energy production, transmission, and generation projects should be streamlined.

Regulatory practices should encourage net environmental improvements, while providing a stable planning environment for energy providers and consumers as well as a well-defined planning horizon. Unnecessary federal energy regulations, policies, and programs should be reviewed and revised as necessary. The Governors specifically recommend the following.

- Motor fuel composition must continue to be an integral component for reducing mobile-source air emissions. Efforts must be undertaken to avoid policies that promote and sustain the development of "boutique fuels." More simplified approaches and streamlined regulatory requirements that promote the standardization of motor fuel products must be explored.
- Congress should pass legislation to establish a flexible, market-based program to significantly reduce and cap emissions of sulfur dioxide, nitrogen oxides, mercury, and voluntary reductions of carbon dioxide from electric power generators. The legislation should provide regulatory certainty by establishing reduction targets for emissions, phasing in reductions over a reasonable period of time, and providing market-based incentives, such as emissions-trading credits, to help achieve the required reductions.



Department of Energy
Washington, DC 20585

AUG 17 2001

The Honorable Phil Gramm
2323 Bryan Street #2150
Dallas, Texas 75201

Dear Senator Gramm:

Thank you for providing me with a letter from your constituent A.F. Delaloye, addressing declining oil reserves in the United States and the need for energy conservation as part of our National Energy Policy. I hope the following information will be useful to A.F. Delaloye.

Your constituent is correct in noting the changing apparent distribution of oil reserves as America's fields mature and exploration has taken place in the rest of the world. The United States is still a major oil producer in the global market (at the same time, the U.S. is the greatest oil consumer in the world). With advanced technology, some of which is being developed here at the Department of Energy, it is now possible to recover a greater proportion of the oil and natural gas from a reservoir in a more environmentally sound fashion than ever before.

Your constituent states that the National Energy Policy (NEP) should place greater emphasis on conservation. Despite some reporting on the predominance of supply options in the report, about one half of the recommendations in the report pertain to energy efficiency and conservation. These recommendations include attention to automobile energy efficiency, building standards, and development of advanced technology to improve end use in all sectors of our economy. The Federal Government is taking the lead by further incorporating conservation and efficiency measures in reducing energy use in its transportation fleet and buildings. The NEP also includes incentives for utilization of these technologies.

We believe that a National Energy Policy must incorporate a broad portfolio of actions to address the energy needs of our country. The NEP presents a comprehensive set of recommendations, that does not emphasize one technology or resource over another. This balance helps to enhance energy security and protect against system upsets.

The enclosed article is an interesting one that mirrors the Administration's interest in advanced technology to address our energy situation. The Department of Energy has been involved in development of many technologies recommended in the article, including automotive hybrid technologies in the transportation technology program, fuel cells, and use of hydrogen. For example, on August 8th



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a major announcement was made about research funds awarded in our fuel cell program.

I would encourage your constituent to visit the DOE website to answer many of the questions in the letter. In particular, <http://www.energy.gov/scitech/index.html>, will display many of the interesting things the Federal government is doing through the Department of Energy to develop the variety of advanced energy technologies we will need in the near future. This will include information on the variety of clean coal projects underway and the environmental performance of those technologies.

I hope that this information is helpful in responding to your constituent. Should you have additional questions please have your staff contact Mr. Dan R. Brouillette, Director, Office of Congressional and Intergovernmental Affairs, at (202) 586-5450.

Regards,



Vicky A. Bailey
Assistant Secretary
Office of Policy and International Affairs

2001-019467 Aug 21 A 11:21



August 17, 2001

The Honorable Francis S. Blake
Deputy Secretary of Energy
Room 7A-229
Forrestal Building
1000 Independence Avenue, S. W.
Washington, DC 20585

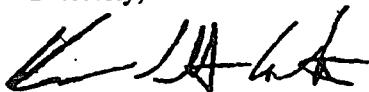
Dear Deputy Secretary Blake:

Enclosed, please find a copy of Resolution 2001-3 "A Resolution in Support of State Participation in the Development and Implementation of a National Energy Policy" which was approved by the Western States Land Commissioners Association (WSLCA) at their Summer 2001 Conference.

As elected and appointed officials given the responsibility of managing lands for the support of specific public trusts, we feel very strongly about these issues and would appreciate your support in urging Congress and the Administration to include the WSLCA and affected States early in the development and implementation of policies and initiative.

Your support will be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin S. Carter".

KEVIN S. CARTER
SECRETARY

KSC/eb
Enclosure

Alaska • Arizona • Arkansas • California • Colorado • Hawaii • Idaho • Louisiana • Minnesota • Mississippi • Montana • Nevada • New Mexico • North Dakota • Oklahoma • Oregon • South Dakota • Texas • Utah • Washington • Wisconsin • Wyoming

28646



The Western States
Land Commissioners Association

Resolution 2001-3

**A RESOLUTION IN SUPPORT OF STATE PARTICIPATION IN THE
DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL ENERGY POLICY**

WHEREAS, The Western States Land Commissioners Association (WSLCA) has a vital interest in national energy policy because its members are major contributors of national energy resources;

WHEREAS, the U.S. economy is dependent on reliable, reasonably priced energy;

WHEREAS, the high growth rate in the West has created special needs for energy and related infrastructure;

WHEREAS, after federal land holdings the WSLCA members' land holdings constitute the largest ownership of land;

WHEREAS, it is imperative that the western States and the federal government engage in a cooperative stewardship effort in order to effectively implement a national energy plan;

WHEREAS, the member states of the WSLCA produce a majority of the nation's fossil fuels;

WHEREAS, the Administration is seeking to expand natural gas pipelines and electricity transmission lines;

WHEREAS, the WSLCA recognizes the importance of research and development in expanding the production of both fossil and renewable fuels;

WHEREAS, the WSLCA members seek to participate in federal energy demonstration projects in renewables and fossil fuels;

Alaska • Arizona • Arkansas • California • Colorado • Hawaii • Idaho • Louisiana • Minnesota • Mississippi • Montana • Nevada • New Mexico • North Dakota • Oklahoma • Oregon • South Dakota • Texas • Utah • Washington • Wisconsin • Wyoming

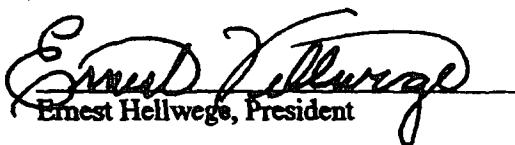
WHEREAS, the experience of the WSLCA members would be vital in creating an effective national energy policy;

NOW, THEREFORE, BE IT RESOLVED, that the WSLCA encourages its members to urge Congress and the Administration to consult with the WSLCA in the development and implementation of national energy policies and initiatives;

BE IT FURTHER RESOLVED, that the WSLCA encourages its members to urge federal agencies involved in pipeline and transmission line rights-of-way to engage affected State Land Commissioners in early consultation;

BE IT FURTHER RESOLVED, that the WSLCA encourages its members to urge the Department of Energy to invite the participation of WSLCA members in its energy demonstrations and alert WSLCA members about important federal research results that can improve energy production.

Approved this 26th day of July, 2001.



Ernest Hellweger
President



Kevin Carter
Secretary



August 22, 2001

CETEK LIMITED

640 N. Rocky River Drive, Berea, OH 44017
Tel: 440/891-0892 Fax: 440/891-0899

1038 Rutledge Road, Transfer, PA 16154
Tel: 724/646-2800 Fax: 724/646-2809

Mr. Spencer Abraham, Secretary of Energy
Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Dear Mr. Abraham:

As we all know, the recent energy crisis has severely impacted the United States and demanded a lot of attention from our country's leaders. The development of a new energy policy was essential but, as usual, it is impossible to satisfy everyone, thus criticism abounds.

I believe that my company, Cetek Ltd., has much to offer the refining industry, our country, and government by achieving productivity improvements coincident with emission reduction, and thereby significantly reducing the potential for the aforementioned criticism. Many refineries, world wide, have taken advantage of our service, and included in this package are independent reports confirming our claims.

I respectfully request the opportunity to meet with you, or your nominee, to discuss the possibility of working with you toward our common goal of satisfying the producers and the environmentalists and strengthening the recently published energy policy.

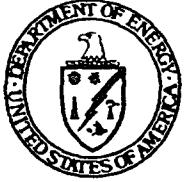
Sincerely yours,

CETEK LTD.

A handwritten signature in black ink, appearing to read "Derek Scott".

Derek Scott
Chief Executive Officer

DS:jg
Encs.



Department of Energy

Washington, DC 20585

August 24, 2001

2001-019644

Mr. Derek Scott
Chief Executive Officer
Cetek Limited
640 North Rocky River Drive
Berea, Ohio 44017

Dear Mr. Scott:

We have received your correspondence dated August 22, 2001, requesting a meeting with Secretary Spencer Abraham, or his designee, to discuss the recently published energy policy.

We have forwarded your request to the Secretary's Office of Scheduling and Advance. A staff member from that office will notify you regarding the status of your request.

If you have any questions, please call Ms. Robyne Johnston at (202) 586-5534.

Sincerely,

A handwritten signature in black ink that reads "James N. Solit".

James N. Solit
Director, Executive Secretariat



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19739 Aug 27 A 9:46

State of North Dakota
Washington Representative
400 North Capitol Street, NW, Suite 585
Washington, DC 20001
202.347.6607

MEMORANDUM

TO : Secretary's Scheduler 
FROM : Toby Burke, Washington Representative
DATE : August 24, 2001
RE : Request for Meeting Between Governor Hoeven and Secretary Abraham

Governor Hoeven will be visiting Washington, DC on Tuesday, September 11, 2001 and respectfully requests a meeting with Secretary Abraham to discuss the current National Energy Policy and the role Governor Hoeven and his colleagues can play in the debate. In addition, the Governor would like to discuss the energy task force established at the National Governors Association. If you have any questions, please do not hesitate to contact me at 202.347.6607.

Thank you for your consideration of our request. I look forward to hearing from you.

28651

MK Tech Solutions, Inc. - Chemical, Environmental and Petroleum Technology

RECEIVED

August 25, 2001

Mr. Lawrence B. Lindsey
Assistant to the President for Economic Policy
The White House
1600 Pennsylvania Ave
Washington, DC 22050

SEP. 04 2001

National Economic Council

Dear Mr. Lindsey:

Thank you for your reply to my letter to President Bush and others concerning my disappointment with the National Energy Policy Group's report. I appreciate the defense of elements of the plan that effect "conservation and efficiency." However, most of the points listed are continuations or expansions of existing programs and not bold programs leading us towards the future.

Four of the points in the your letter of reply merit further comment. These are

- "Enacting a tax credit for fuel efficient vehicles." Yet the administration gutted programs to help develop technology to produce vehicles competitive with Japanese models.
- "Allocating billions of dollars of bid bonuses from ANWR to environment and alternative energy research." ANWR is unlikely to happen in the foreseeable future, so nothing can be allocated from those monies. The government will spend the money anyway because it is essential to our future.
- "Permanently extending research and development tax credits." This is good, however, the credit has been renewed every five years since I have been in R&D. At least the work of renewing it is saved.
- "Continue the ethanol excise tax exemption." This is detrimental to good environmental policy when producing ethanol from corn requires 70% more energy than ethanol contains and meeting clean air goals does not require oxygenates. It may be impossible to convince an engineer not working for ADM that ethanol is a viable as a fuel in any way. We all know the political reasons why we are stuck with ethanol in our fuel mix.

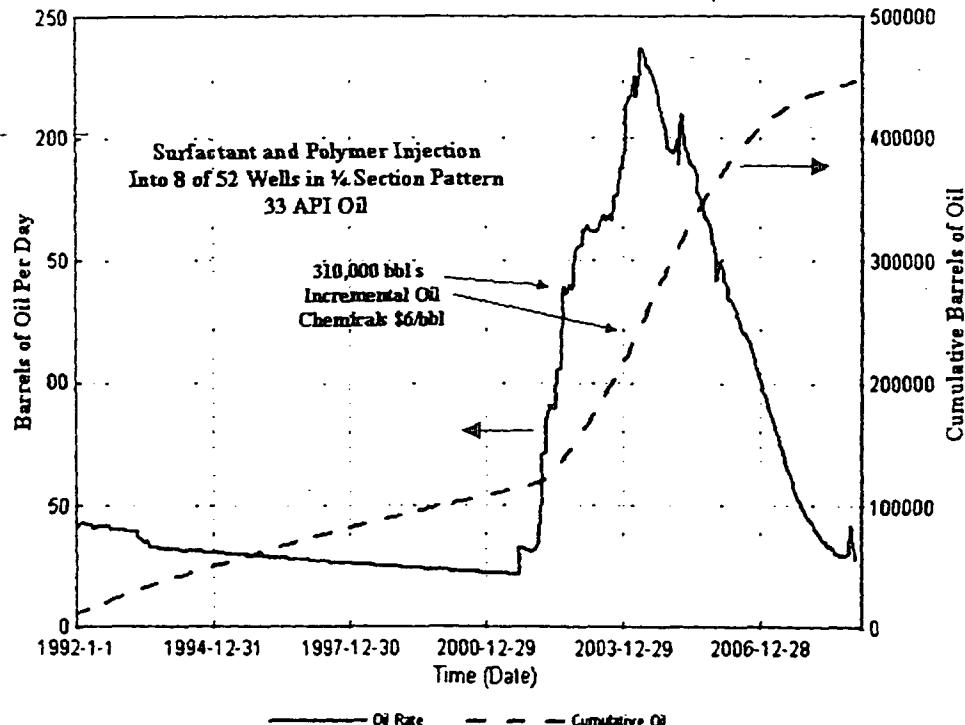
The administration's uneven support for its energy program since my original letter has been a major concern to me. It continues, for instance, to back ANWR while dropping a responsible and more promising offshore Florida drilling program and does nothing about producing oil from the more than 50 known, undeveloped, offshore California reservoirs in federal waters.

The lack of support for *Enhanced Oil Recovery* is even more disconcerting. The administration acts as if Halliburton can revitalize old American oil fields and produce 60 billion barrels of oil by "hydraulic fracturing." It will take much more than this, and government leadership will be essential. Winning WWII was not a triumph of free enterprise. It was a triumph of organization

NEPG Reply - page 2

and leadership by the government. Leadership on a much smaller scale can help revitalize old oil fields in the continental United States.

The following graph is an example of what can be done in *one*, 160-acre section of *one* 2,000-acre field. It is likely that 310,000 barrels of oil can be recovered from this small plot in Oklahoma with a profit margin of 30%.



Four million to eight million barrels can be recovered from this field, and up to 10,000,000,000 barrels (2.5X ANWR) nationwide by surfactant polymer injection. Other technologies such as gas or steam injection will be useful in other types of reservoirs to help recover many times as much oil as is in ANWR. One of these, waste CO₂ injection (sequestering), may have environmental benefits. The problem is that most of these fields are owned by very small independents that may not be familiar with these options or do not have the financial resources and certainly do not have the technical expertise to start these projects.

All that may be necessary for the government to do is to help promote enhanced oil recovery NEPG

MK Tech Solutions - Chemical, Environmental and Petroleum Technical Services

Reply – page 3

technologies through research, education and organization. I am certain that the administration does not realize the potential of enhanced oil recovery because the administration tried to cut federal petroleum R&D funding by 50%. That would have been a mistake because government funded R&D is about the only petroleum research into enhanced oil recovery in the country.

We all loose if the federal government does not help here. It can help by working with researchers at major universities like Stanford, Rice, Texas A&M, The University of Texas and Oklahoma University who actively research these technologies and kept some alive by doing government funded R&D for the EPA for years. The government can also help by funding the DOE to promote field applications and help show small independents how to arrange financing and technology for EOR projects. This effort would be much smaller than the very successful Soil Conservation Service that helped revitalize American farms after the dust bowl in the 30's.

Lack of organization and financing appear to be the major barriers to revitalizing these old reservoirs at reasonable oil prices. Proven technology is available. The prediction in the previous figure is based on a model of the performance of a DOE funded pilot at the Sho-Vel-Tum field in Oklahoma (available for review at www.MKTechsolutions.com). All who are involved can profit if this oil is produced, the owners, their employees, the service providers, the banks, and governments through billions in new tax revenues.

I believe that this is good economic policy, and you are in a position to help fashion it.

Best Wishes,



Dr. Myron Kuhlman



2001-014284

The Secretary of Energy
Washington, DC 20585

August 28, 2001

The Honorable Paul O'Neill
Secretary of the Treasury
Washington, DC 20220

Dear Mr. Secretary:

The President's recently released "National Energy Policy" recommends developing transportation, renewable energy, and oil and gas tax incentives. As we have in the past, I am offering you our support to make these proposals a reality.

I would like to propose a more formal arrangement for coordination and exchange of analysis and information. The Department of Energy's Office of Energy Efficiency and Renewable Energy, headed by Assistant Secretary David Garman, along with the Office of Fossil Energy, headed by Acting Assistant Secretary Robert Kripowicz, are prepared to provide market assessment and acceptance, technology evaluation, and forecasts to assist in clarifying revenue estimates in a number of areas including:

Chapter 4

Recommendation #6, providing either a shorter depreciation life or an investment tax credit for combined heat and power projects. At your request, we are prepared to develop a cost-benefit study of the two options.

Recommendation #11, developing a tax credit for fuel-efficient vehicles. To augment previously provided information, we are prepared to develop additional analyses of tax credit market impacts.

Chapter 6

Recommendation #4, expanding section 29 tax credit to make it available for new landfill methane projects. We are prepared to provide assistance as required.

Recommendation #7, extending and expanding tax credits for electricity produced using renewable technology, such as wind and biomass. We are prepared to provide technology market assessments in biomass open-loop systems.



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Recommendation #8, providing a new 15 percent tax credit for residential solar property. We are prepared to develop an analysis of market potential for small solar systems.

Recommendation #10, continuing the ethanol excise tax exemption. We are prepared to provide market potential analysis.

I have asked Assistant Secretary Garman to take the lead in this effort for us. He can be reached at (202) 586-9220. We look forward to working with you and the Department of Treasury to develop a clean, secure, and affordable energy future.

--
Sincerely,



A handwritten signature in black ink, appearing to read "Spencer Abraham".

Spencer Abraham

28656

2001-020081 Aug 29 p 2:18

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002



August 29, 2001

The Honorable Spencer Abraham
Secretary, United States Department of Energy
1000 Independence Avenue, SW Room 7A-257
Washington, DC 20585

Dear Secretary Abraham:

I am writing to request the opportunity to meet with you and your key staff to discuss The Heritage Foundation's policy recommendations in several crucial areas to the Department of Energy. Specifically, we would like to brief you on our extensive analysis of the President's National Energy Plan, its impact on emissions and its impact energy efficiency.

I am also enclosing a hard copy of our evaluation of President Bush's National Energy Plan, which is the first independent, integrated analysis of this important public policy initiative. Prepared by the Center for Data Analysis of The Heritage Foundation, in partnership with DRI/WEFA, Inc. (the nation's premier economics consulting firm), this study evaluates the plan's effects in major energy markets and in the general economy.

This meeting would include up to 6 attendees from Heritage:

- Dr. Edwin J. Feulner, President
- Dr. Stuart Butler, Vice President, Domestic & Economic Policy Studies
- Mike Franc, Vice President, Government Relations
- Bill Beach, Director, Center for Data Analysis
- Mark Wilson, Research Fellow
- Charli Coon, Senior Policy Analyst, Energy & Environment

To follow up on this request, your scheduler may contact me or my Deputy, Rich Dunn, at (202) 608-6058.

We look forward to seeing you at your earliest convenience.

Sincerely,

Virginia L. Thomas
Director, Executive Branch Relations

*Thank you
for your public
service too!
Enclosure*

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28657



SUMMARY OF THE CENTER FOR DATA ANALYSIS EVALUATION OF THE NATIONAL ENERGY PLAN

This is the first independent, integrated analysis of the President's National Energy Plan (NEP). Prepared by the Center for Data Analysis of The Heritage Foundation, in partnership with DRI/WEFA, Inc. (the nation's premier economics consulting firm), this study evaluates the plan's effects in every major energy market and in the general economy.

The economic and industry models used in the study compare the NEP to a baseline stretching from 2000 to 2030. The baseline assumes that current law prevails over that time period. Thus, our estimates reflect the differences in energy supply, demand, infrastructure, price, and economic performance between current law and the alternative world of the NEP.

Americans will spend \$74.4 billion more on energy this year than in 1999, an average of \$934 per family. The largest increase comes from gasoline (\$41.2 billion), followed by natural gas (\$13.9 billion), electricity (\$10.5 billion), and fuel oil (\$8.8 billion). These costs will only rise if the decision makers in Washington fail to adopt a long-term energy plan.

We found that, if enacted and implemented in its entirety, the NEP would:

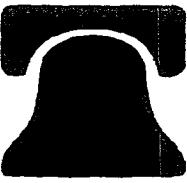
- **Reduce electricity demand.** The plan's energy efficiency programs would significantly cut electricity demand over the 30-year forecast period.
- **Improve energy efficiency.** The plan would improve energy efficiency by more than 20% by 2020. That would result in 1% efficiency improvement each year over what the Energy Department projects under current law.
- **Ease electricity capacity pressures.** Improved appliance and transmission efficiencies in the plan would reduce capacity needs by 6.2 percent in 2030. By 2030, this would cut the number of new power plants (250 MW size plants) needed by about 364.
- **Cut electricity losses suffered in transmission.** Infrastructure upgrades and expansions would reduce average line losses 50 percent by 2030.
- **Lower consumer electricity prices.** The end user's cost for electricity is consistently lower under the NEP than under current law.

- **Reduce reliance on coal and natural gas.** The NEP would reduce electricity generation from coal and natural gas fuels by 13 and 12 percent, respectively in 2030—improving prospects for reaching key environmental goals.
- **Increase nuclear capacity.** NEP policies would expand electricity generation from nuclear power more than 270 percent by 2025.
- **Reduce gasoline demand.** By 2030, demand for gasoline products would be nearly 12 percent lower under the NEP than current law.
- **Increase petroleum supplies.** The NEP’s emphasis on exploration and development would increase total U.S. production by 27 percent above baseline by 2030.
- **Reduce dependence on foreign oil.** Imports would be 16 percent lower by 2030 under the NEP, and U.S. dependence on foreign petroleum would fall nearly 8 percentage points below what it would be if current law continues.
- **Increase oil refining capacity.** By providing more regulatory certainty to refinery owners and reducing the number of petroleum product specifications, the NEP would increase capacity by 7.7 percent by 2030.

Lower prices and more readily available supplies of energy would improve the nation’s general economic performance. The NEP would create about 1.5 million more jobs, increase investment, reduce consumer energy costs, increase disposable income, and promote faster economic growth over the entire forecast period.

Specifically, the CDA dynamic analysis projects that the Bush energy plan would:

- **Increase economic growth.** In 2025, GDP (adjusted for inflation) would be \$540 billion higher than the by-the-book forecast. The rate of economic growth would increase by an average of 0.1 percentage point per year (from 3.1 percent to 3.2 percent) from 2005 to 2025.
- **Create more job opportunities.** By 2025, over 1.5 million more Americans would be working compared with the by-the-book forecast. Moreover, the unemployment rate would average just 4.8 percent instead of 5.1 percent from 2005 to 2025.
- **Increase family income.** By 2030, lower energy prices and higher economic growth increase the disposable personal income for an average family of four (adjusted for inflation) by \$1,828.
- **Increase investment.** Investment (adjusted for inflation) would increase by an average of \$65 billion per year from 2005 to 2025. By the end of 2025, the net capital stock would be \$1.4 trillion higher under the Bush energy plan.



ECONOMETRIC AND POLICY EVALUATION OF THE NATIONAL ENERGY PLAN

A REPORT OF THE CENTER FOR DATA ANALYSIS

OF THE HERITAGE FOUNDATION

CDA PROJECT TEAM

WILLIAM W. BEACH

CHARLIE COON

REA S. HEDERMAN, JR.

D. MARK WILSON

AUGUST, 2001

28660

2001-017592



Department of Energy
Washington, DC 20585

August 29, 2001

Mr. Henry W. Wedaa
President
California Hydrogen Business Council
P.O. Box 980
Yorba Linda, CA 92885

Dear Mr. Wedaa:

Thank you for the July 23, 2001, letter expressing your agreement with remarks made by Secretary Abraham during a recent visit to California, and urging a revision of the National Energy Policy Report to add greater emphasis on the need to exploit diverse energy technologies, such as distributed energy, fuel cells and hydrogen.

The National Energy Policy Report does place considerable emphasis on the importance of new and diverse energy technologies and sources. The critical role of these technologies has been further emphasized by the actions of the Department and other agencies to implement the report's recommendations. While there are no plans to revise the National Energy Policy Report in the near future, we hope that misconceptions regarding the intent of the Administration's energy policy will lessen as we develop and implement the specific actions recommended.

Thank you for writing.

Regards,

A handwritten signature in black ink, appearing to read "David L. Clegg" or "David L. Clegg Jr." followed by a stylized signature.

Vicky A. Bailey
Assistant Secretary
Office of Policy and International Affairs



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28661

Oil Heat Institute, Inc.

2001-022209 10/1 4:18

September 4, 2001

Secretary of Energy Spencer Abraham
Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary of Energy Abraham:

An excellent article that appeared in the Providence Journal is enclosed with this letter. The commentary was written by Makubin Thomas Owens, Professor of Strategy and Planning at the U. S. Naval War College. He formerly worked for the U. S. Department of Energy.

Sincerely,



Peter Lombardi, Jr.
Executive Director

PL/jag
c



1395 Atwood Avenue
Suite 209A
Johnston, RI 02919-493
(401) 464-8000 - phone
(401) 464-9506 - fax
email ohiri@netsense.net
www.oilheatri.com

28662

Toward a comprehensive energy policy

MACKUBIN THOMAS OWENS

IT IS UNDENIABLE that a major factor contributing to U.S. prosperity is affordable access to energy. Indeed, economic growth and energy growth track each other. But energy production is not keeping pace with consumption, and herein lies a major problem.

As Federal Reserve Chairman Alan Greenspan said earlier this year in testimony before the Senate Finance Committee, looming energy shortages have "emerged as a very significant question" concerning the future performance of the U.S. economy.

Before Congress's August recess, the House passed legislation designed to provide a comprehensive energy policy for the United States. The Senate will take up this legislation after the recess. Those who think that continued U.S. economic growth is a good thing must hope that the House bill passes the Senate with little change.

According to the Energy Information Administration (EIA) of the Department of Energy, U.S. energy production has grown only 14 percent since 1970 while energy use has risen by 30 percent. Things will only get tighter over the next two decades. The EIA predicts that total energy consumption in the United States will increase 32 percent by 2020, petroleum 33 percent, natural gas 62 percent, coal 22 percent, electricity 45 percent, and renewable energy 26 percent.

In addition, the dependence of the United States on foreign petroleum is growing. In 1973, the U.S. imported 36 percent of its oil. Currently, imports account for 56 of America's petroleum consumption. By 2020, more than 65 percent will be imported. There is no question that conservation and improved energy efficiency can help to curtail demand, but they can help only so much. According to the EIA, energy efficiency is projected to improve by 1.6 percent a year by 2020. More than half of the nation's increased energy requirements through 2020 are expected to be met through gains in energy efficiency. Nonetheless, the United States will still need an additional 30 quadrillion BTUs (British thermal units) to support economic growth through 2020.

But providing this additional energy will be impossible if investment in energy infrastructure continues to lag demand for energy. To have enough energy to keep pace with future economic growth, the United States needs to expand and modernize its energy infrastructure. Without comprehensive action, the U.S. will continue to pit fuel type against fuel type, conservation against production, and energy "haves" against energy "have-nots."

California's recent power crisis is merely one instance of the sort of growing imbalance between supply and demand that may afflict Americans unless shortfalls in production and bottlenecks in delivery infrastructure are fixed. Here are some ways that energy infrastructure problems can be rectified.

- **Crude oil.** While U.S. production of crude oil has declined from 9.6 million barrels a day (bpd) to 5.8 million bpd since 1970, consumption has jumped from 14.7 million bpd to 20 million bpd. The number of operating U.S. refineries has declined from 315 in 1981 to 155 in 2000. A new refinery has not been built in the U.S. in over two decades. Domestic sites, including the Alaska National Wildlife Refuge (ANWR), should be opened to exploration and drilling and new refineries must be built.

- **Natural Gas.** To meet the projected increase in natural gas demand, pipeline transmission and distribution line mileage must be increased. According to the EIA, pipeline capacity needs to increase by 30 percent to meet the demand forecast for 2020.

- **Nuclear power.** In 1999, nuclear-power plants produced a record-high 727.9 billion kilowatt-hours of electricity. The efficiency of nuclear power has improved 16 percent since 1990, the equivalent of adding over 23 1,000-megawatt power plants. Yet no new nuclear plants have been ordered since 1979. This situation should be rectified by relicensing nuclear plants now in operation and moving ahead with a new generation of advanced nuclear plants. – **Generation of electricity.** The EIA projects a requirement of 1,310 new power plants capable of producing 393 gigawatts of power by 2020 to meet growing demand and to offset retirements of existing plants. Many of the new plants will need to make use of coal, the nation's primary fuel for producing electricity. Wider use of clean-coal technology, particularly systems that convert coal into synthetic gas, will help make coal more acceptable.

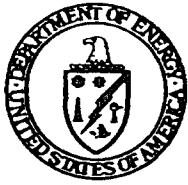
- **Transmission of electricity.** At the same time, transmission capacity is not keeping pace with demand. The

system faces significant increases in congestion, especially during hours of peak demand. According to a study conducted by the Electric Power Research Institute, power outages caused by the aging power grid cost the U.S. economy more than \$119 billion annually. These problems can be remedied only by modernizing and expanding the transmission infrastructure.

Critics will argue that such policy prescriptions favor energy suppliers and neglect the environment. But energy suppliers provide the means for economic growth, to the benefit of all. And energy can be produced and transmitted to consumers in ways that protect the environment. Environmental concerns have become a centerpiece of the U.S. political economy, but they must be balanced against the requirement for affordable energy. The comprehensive approach embodied by the House legislation is the best way to balance the two.

Mackubin Thomas Owens, a monthly contributor, is a professor of strategy and force planning at the U.S. Naval War College. He worked for the Department of Energy during the Reagan administration. He can be reached by e-mail at owensm@nwc.navy.mil.

<u>Back to: Columnists</u>	 <u>Printer-Friendly Version</u>
<u>Read/Post to our Bulletin Board on this topic</u>	



Department of Energy

Washington, DC 20585

September 5, 2001

The Honorable Phil Gramm
2323 Bryan Street #2150
Dallas, Texas 75201

Dear Senator Gramm:

Thank you for providing me with a letter from your constituent A.F. Delaloye, addressing declining oil reserves in the United States and the need for energy conservation as part of our National Energy Policy. I hope the following information will be useful to A.F. Delaloye.

Your constituent is correct in noting the changing apparent distribution of oil reserves, as America's fields mature and exploration has taken place in the rest of the world. The United States is still a major oil producer in the global market (at the same time, the U.S. is the greatest oil consumer in the world). With advanced technology, some of which is being developed here at the Department of Energy, it is now possible to recover a greater proportion of the oil and natural gas from a reservoir in a more environmentally sound fashion than ever before.

Your constituent states that the National Energy Policy (NEP) should place greater emphasis on conservation. Despite some reporting on the predominance of supply options in the report, about one half of the recommendations in the report pertain to energy efficiency and conservation. These recommendations include attention to automobile energy efficiency, building standards, and development of advanced technology to improve end use in all sectors of our economy. The Federal Government is taking the lead by further incorporating conservation and efficiency measures in reducing energy use in its transportation fleet and buildings. The NEP also includes incentives for utilization of these technologies.

We believe that a National Energy Policy must incorporate a broad portfolio of actions to address the energy needs of our country. The NEP presents a comprehensive set of recommendations that does not emphasize one technology or resource over another. This balance helps to enhance energy security and protect against system upsets.

The enclosed article is an interesting one that mirrors the Administration's interest in advanced technology to address our energy situation. The Department of Energy has been involved in development of many technologies recommended in the article, including automotive hybrid technologies in the transportation technology program, fuel cells, and use of hydrogen. For example, on August 8th



28665

a major announcement was made about research funds awarded in our fuel cell program.

I would encourage your constituent to visit the DOE website to answer many of the questions in the letter. In particular, <http://www.energy.gov/scitech/index.html>, will display many of the interesting things the Federal government is doing through the Department of Energy to develop the variety of advanced energy technologies we will need in the near future. This will include information on the variety of clean coal projects underway and the environmental performance of those technologies.

I hope that this information is helpful in responding to your constituent. Should you have additional questions please have your staff contact Mr. Dan R. Brouillette, Director, Office of Congressional and Intergovernmental Affairs, at (202) 586-5450.

Regards,


Vicky A. Bailey
Assistant Secretary
Office of Policy and International Affairs

28666



The Secretary of Energy

2001-017639

Washington, DC 20585

September 5, 2001

The Honorable Harry Reid
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

Thank you for your recent letter to President Bush in which you and other members of the Nevada Congressional Delegation expressed your concern that the nuclear energy recommendations of the *National Energy Policy* could influence future decisions on the suitability of the Yucca Mountain site in Nevada for a geological repository.

Our *National Energy Policy* is based on the principle that all Americans should have affordable and reliable energy. The Administration has developed a balanced approach to electricity supply, an approach that includes the use of traditional sources of electricity supply such as nuclear energy. Nuclear energy provides about 20 percent of the Nation's electricity supply without producing harmful air emissions and nuclear power plants are among the most reliable and efficient electricity sources available on the grid today. For these reasons, we believe that nuclear energy is an important element of tomorrow's energy supply. Industry and the Nuclear Regulatory Commission are successfully moving forward with relicensing of existing nuclear plants, and we expect that nearly all of the 103 existing plants in this country will operate beyond their original licenses. For the first time in decades, industry is also examining business cases for new nuclear plant construction in the United States.

Regardless of the future of nuclear energy in the United States, the Federal Government must meet its obligations under the Nuclear Waste Policy Act. We must address the existing legacy of high-level radioactive waste, and to meet this objective, we believe that a geologic repository is required. At present, there are over 40,000 metric tons of spent fuel from nuclear power generation plus significant quantities of Department of Energy and Navy spent fuel, surplus plutonium, and vitrified high-level waste resulting from national security and environmental cleanup missions that must be safely managed. Regardless of whether new nuclear plants are built, renewal of the Price Anderson Act is needed to enable the Department to meet its environmental cleanup obligations and operate our facilities safely.



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The Department has conducted an extensive program of investigative science at Yucca Mountain, and the scientific analysis is still underway. My decision on whether to recommend Yucca Mountain for development as a repository will follow the processes outlined by the law and will be based on sound science. I will not prejudge the outcome. I, too, want to ensure that health and safety concerns of the people of Nevada have been fully addressed.

This Administration is committed to working closely with Congress as we move forward implementing an integrated and comprehensive *National Energy Policy*. If you have further questions, please feel free to contact me or Mr. Dan Brouillette, Director, Office of Congressional and Intergovernmental Affairs, on (202) 586-5450.

Sincerely,



Spencer Abraham



The Secretary of Energy
Washington, DC 20585
September 5, 2001

The Honorable John Ensign
United States Senate
Washington, D.C. 20510

Dear Senator Ensign:

Thank you for your recent letter to President Bush in which you and other members of the Nevada Congressional Delegation expressed your concern that the nuclear energy recommendations of the *National Energy Policy* could influence future decisions on the suitability of the Yucca Mountain site in Nevada for a geological repository.

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Sincerely,



Spencer Abraham

28670



The Secretary of Energy
Washington, DC 20585
September 5, 2001

The Honorable Shelley Berkley
U. S. House of Representatives
Washington, D.C. 20515

Dear Representative Berkley:

Thank you for your recent letter to President Bush in which you and other members of the Nevada Congressional Delegation expressed your concern that the nuclear energy recommendations of the *National Energy Policy* could influence future decisions on the suitability of the Yucca Mountain site in Nevada for a geological repository.

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Sincerely,



Spencer Abraham

28672



The Secretary of Energy
Washington, DC 20585
September 5, 2001

The Honorable Jim Gibbons
U. S. House of Representatives
Washington, D.C. 20515

Dear Representative Gibbons:

Thank you for your recent letter to President Bush in which you and other members of the Nevada Congressional Delegation expressed your concern that the nuclear energy recommendations of the *National Energy Policy* could influence future decisions on the suitability of the Yucca Mountain site in Nevada for a geological repository.

Our *National Energy Policy* is based on the principle that all Americans should have affordable and reliable energy. The Administration has developed a balanced approach to electricity supply, an approach that includes the use of traditional sources of electricity supply such as nuclear energy. Nuclear energy provides about 20 percent of the Nation's electricity supply without producing harmful air emissions and nuclear power plants are among the most reliable and efficient electricity sources available on the grid today. For these reasons, we believe that nuclear energy is an important element of tomorrow's energy supply. Industry and the Nuclear Regulatory Commission are successfully moving forward with relicensing of existing nuclear plants, and we expect that nearly all of the 103 existing plants in this country will operate beyond their original licenses. For the first time in decades, industry is also examining business cases for new nuclear plant construction in the United States.

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Sincerely,



Spencer Abraham

28674

2001-020945 9/10/01 3:53

020945



Electric Power Supply Association

Advocating the power of competition

1401 New York Avenue NW

11th Floor

Washington, DC 20005

202 628 8200

202 628 8260 fax

www.epsa.org

September 7, 2001

Hon. Frank Blake
Deputy Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Deputy Secretary Blake:

On behalf of the Electric Power Supply Association (EPSA), I would like to invite you to be the keynote luncheon speaker at the 2001 EPSA Fall Membership Meeting to discuss the Administration's energy policy. This lunch will be held on Tuesday, October 23rd at 12:00 p.m. at The Monarch Hotel in Washington, D.C.

As you may know, EPSA is the national trade association representing competitive power suppliers, including independent power producers, merchant generators and power marketers. The competitive power supply industry owns at least 33% of the U.S. installed generating capacity and have announced plans to build over 300,000 MWs of new generation. EPSA's members also provide reliable, competitively priced electricity from environmentally responsible facilities in global power markets.

We anticipate approximately 100 business leaders in the competitive power supply industry to be present at our meeting, including power project developers, marketers, major fuel and equipment suppliers, lenders and investors. We would like you to take the podium for approximately 15-20 minutes, followed by a brief question and answer period.

I hope that your busy schedule will allow you to join us. We will contact your office soon to ascertain your availability. In the meantime, thank you for your consideration.

Sincerely,

Lynne H. Church
Lynne H. Church
President

28675

2001-021007 9/12/01 9:19 am



COMMERCE COMMITTEE

SUBCOMMITTEES:
HEALTH AND ENVIRONMENT
FINANCE AND HAZARDOUS MATERIALS
OVERSIGHT AND INVESTIGATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

September 7, 2001

Dr. Craig Reed
Senior Policy Advisor
Office of the Secretary
U.S. Department of Energy
Room 7B-222
1000 Independence Ave SW
Washington, D.C. 20585

Dear Dr. Reed:

My District Director, Clarke Scanlon, tells me that he had a nice chat with you in Nevada, Iowa at the Power Supply Forum. Your remarks about the DOE and President Bush's Energy Plan were appreciated. Clarke has shared your insights with me.

Thank you again for taking the time to visit with Clarke. If you have opinions or concerns that you would like me to know, please feel free to call or write me.

Sincerely,

Greg Ganske
Member of Congress

JGG:cs

28676



Department of Energy
Washington, DC 20585

SEP 11 2001

Mr. Newal K. Agnihotri
799 Roosevelt Road
Building 6, Suite 208
Glen Ellyn, IL 60137

Dear Mr. Agnihotri:

Thank you for your letter of August 10, 2001, to Secretary of Energy Spencer Abraham with your response to the recommendation in the National Energy Policy (NEP) for developing an educational campaign that communicates the benefits of alternative forms of energy.

There is a great deal of information on the Internet for educating the public about alternative energy and we believe some of the best sites available for that purpose are sponsored by the Department of Energy (DOE). For information purposes, you might wish to acquaint yourself with them and the links they provide. I would suggest visiting www.energy.gov as well as DOE's Energy Efficiency and Renewable Energy Network at www.eren.doe.gov and exploring many of the links that you can reach from those sites. Additionally, each home page has a webmaster that can be contacted with specific concerns. Since you mentioned hydrogen and fusion, I am including a print-out of both those home pages with this letter. An education campaign recommended in the NEP, however, has not yet been put in place.

As for funding our work, DOE programs, like most government programs, receive annual appropriations for specific research and development activities. Some of the activities are implemented at National Laboratories, some through contracts and financial assistance. To the maximum extent feasible, competitive solicitations are issued when contracts and financial assistance instruments are used. In order to receive best value, we encourage all interested parties to submit proposals for our competitive solicitations. To help with that process, I have included information



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and contacts for finding information about solicitations and other sources of funding. I hope the material assists you.

Thank you again for your letter and good luck in the future.

Sincerely,



Patricia M. Pickering
Office of Power Technologies
Office of Energy Efficiency and Renewable Energy

Enclosures

28678



Department of Energy
Washington, DC 20585

2001-800081

September 11, 2001

**The Honorable Jim Nussle
Chairman
Committee on Budget
U.S. House of Representatives
Washington, DC 20515**

Dear Mr. Chairman:

Enclosed is the edited transcript of the June 20, 2001, testimony of Francis S. Blake, Deputy Secretary of Energy, regarding the Economic and Budgetary Effects of National Energy Policy.

Also enclosed are five inserts for the record requested by Representatives Capuano, Culberson and Honda. The one remaining insert is being prepared and will be forwarded to you as soon as possible.

If we can be of further assistance, please have your staff contact our congressional Hearing Coordinator, Lillian Owen, at (202) 586-2031.

Sincerely,

Dan R. Brouillette
Assistant Secretary
Congressional and Intergovernmental Affairs

Enclosure



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112 Chairman NUSSLE. Secretary Blake, we welcome you to the
113 committee, and we would invite you for your testimony at this
114 point.

115 STATEMENTS OF FRANCIS S. BLAKE, DEPUTY SECRETARY, DEPARTMENT
116 OF ENERGY; AND R. GLENN HUBBARD, Ph.D., CHAIRMAN, COUNCIL OF
117 ECONOMIC ADVISERS

--
118 STATEMENT OF FRANCIS S. BLAKE

119 Mr. BLAKE. Good morning, Mr. Chairman, Congressman
120 Spratt, members of the committee. Thank you very much for
121 inviting me here this morning to address what is truly both
122 an important and timely topic, the impact of energy on the
123 Nation's economy. What I would like to do is submit my
124 testimony for the record and then proceed ~~just to go~~ through
125 a few charts in an overview.

126 Chairman NUSSLE. We will place your entire testimony in
127 the record. You can summarize as you would like.

128 Mr. BLAKE. Thank you very much.

129 Beth Quinn, who works with EIA at the Department of
130 Energy, will help me as we go through these charts.

131 The first chart here shows just some general numbers on
132 the country's energy consumption. In 2000, we consumed
133 approximately 100 quadrillion BTU of energy. We produced
134 about 72-, and the remainder we made up through imports. If
135 we keep at the projected demand growth of about 1.3 percent a
136 year, we would be consuming nearly 180 quads in the year
137 2020, but because of our energy efficiency program,
138 structural changes in the economy and the like, we anticipate
139 that that number is going to be more like 127 quads as shown
140 on ~~that~~^{the} chart, which continues the 58 percent decline in
141 what we call the energy intensity of the economy.

142 We go to the second chart. The point of this chart is
143 that electricity represents an increasing share of our total
144 energy consumption. As you see, the green line that is
145 declining shows consumption per unit of GDP, and that has
146 been declining consistently, while electricity sales, spiking
147 as the country as a whole got access to electricity, has
148 actually been stable over the last several years.

149 If we go to chart 3, we now get to one of the fundamental
150 changes that is occurring in energy production in the
151 country, and that is the fuel that is used for electricity
152 generation. As you can see from this chart, now and
153 projected into the future, coal remains an important source
154 of fuel for our electricity generation. But what is notable
155 on the chart is the role of natural gas. Natural gas, which

156 was really a modest component of our fuel generation in the
157 1970s and 1980s, has increased substantially over the last
158 several years and into the year 2020, as you can see, is
159 projected to grow dramatically.

160 If we go to the next chart, there are a number of reasons
161 for this. I think you are all aware of the environmental
162 constraints on new coal-fired capacity, the difficult, in
163 siting nuclear plants and the like. But part of the reason
~~may be attributed to~~ change
164 ~~also goes to~~ how we have deregulated electricity generation
165 and the emphasis that ~~that~~ puts on technologies that have
166 lower capital costs, particularly when ~~our~~ producers are not
167 assured of the recovery of their capital costs. This chart
168 breaks out for the different technologies, coal, combined
169 cycle natural gas, wind, and nuclear, what their projected
170 costs are, divided capital O and M and fuel in the future.
171 And you will see there is an economic driver as well as an
172 environmental driver ~~on~~ for why natural gas ~~is~~ an represents an increasing
173 share of our fuel for electricity production in the United
174 States.

175 The next chart gets to some of the practical issues that
176 we face as we shift and add generation on our current
177 infrastructure, and is one of the major issues addressed in
178 the national energy policy. This ~~a~~ similar chart could be
179 drawn showing constraints on the natural gas pipeline
180 and infrastructure, showing the additional pipelines that we are

181 going to need to supply all of this natural gas for power
182 generation. This chart is showing what is called
183 transmission load relief logs. It is really a way of
184 determining when transmission systems are stressed and under
185 constraint. It goes month by month, with the different
186 years, and you can see last year just a dramatic increase in
187 constraints on our transmission systems, and this year we
188 have had the data through May and obviously a significant
189 ~~increase~~ ^{uptake} there as well. And we have yet to determine what the
190 numbers will be ~~obviously~~ ^{shows} for the rest of this year.

191 On the next chart, ~~this goes to~~ where we are in terms of
192 capacity additions across the country. To fully understand
193 this, as a reference point, we have about 780 gigawatts of
194 capacity in our national system. So you can see very small
195 replacement rates over the last several years as the industry
196 has had to face--is faced with the uncertainty of
197 deregulation in cost recoveries, including ~~actually~~ ^{actual} net
198 removals of capacity in 1998, and now we are starting to see
199 substantial pickup in capacity additions, 1999, 2000 and
200 projected to ~~increase~~ ^{increases in} 2001 and 2002.

201 Now, that is the last of the overview charts. How do you
202 translate all of this into the economic impacts, and what
203 does our national energy policy have to do with this? Dr.
204 Hubbard, who is ~~detained~~, unfortunately, his testimony
205 outlines the broad macroeconomic impacts of this on GDP,

206 inflation, downstream industries, the residential consumer,
207 and there are impacts across the economy.

208 As you reference, Mr. Chairman, in your introduction,
209 EIA, which is an independent statistical analytical arm of
210 DOE, has done a study of what the impacts of increased prices
211 of fuel as well as fuel volatility, ^{price will be} ~~what the impacts that has~~
212 on our overall economy. Their study suggests that if we had
213 a steady path of energy prices from 1997 to 2001, instead of
214 the volatility that we ^{in fact} saw, ^{GDP been} ~~that could have boosted~~
215 ~~GDP~~ by 2/10ths of a point from 4.1 percent to 4.3 percent.
216 ~~So~~ that is a substantial impact on the economy just from a
217 reduction in the volatility. That doesn't even address the
218 question of if ^{and how} removing some of the pressure on the
219 increased price ^{effect} ~~what that would have on GDP~~.

220 There are obviously as well some more qualitative impacts
221 of fuel volatility and high prices. They impact business
222 decisions ^{on plant siting and} ~~where they site plants~~ ^{also} ~~what kinds of investments~~
223 ~~decisions~~ ^{they make} And I would point to another, a fourth impact,
224 that I think we are only beginning to understand, which is
225 the extent to which our economy is increasingly dependent on
226 electricity.

227 We talk about our economy as entering the information
228 age. It is worth remembering that to move a bit of
229 information, the technical computer term "bit of
230 information," you need an electron. An interesting example ^{of this}

231 is if you look at the energy usage--I was just looking at a
232 study this morning that looked at the energy usage of a plain
233 telephone. The energy usage of just the normal telephone is
234 about 40 kilowatt hours per year. The wireless phone that we
235 all carry around everywhere and see everywhere is 140
236 kilowatt hours a year when you take into account ~~the~~
237 ~~recharging,~~ the power used for recharging, the power used for
238 ^{and} the various wireless towers, the entire infrastructure
239 required with those phones.

240 In addition to the increase in the usage of electricity,
241 the need for reliability of that electricity grid has
242 increased, and there have been a number of studies on
243 industries, particularly our high-tech industries, that
244 require what is called nine 9s or six 9s of power, ^A high
245 amount of power than you would have, ^{the} rather than what we
246 see on our transmissions grid.

247 Turning just briefly, and I won't go through all the
248 recommendations in the national energy policy, but just
249 summarizing them, it is, we believe, a comprehensive
250 approach. It looks at energy efficiency, conservation
251 renewables and the role that they need to play going forward.

252 It looks at our supply side of the equation and constrained
253 supply and how we address that. And it also looks at
254 stressed infrastructure, the issues on our transmission
255 system, our pipeline system and the like, and how we address

256 those.

257 Just from my own perspective, coming to DOE from industry
258 just ~~in~~ the last 2 weeks, the comment that I would make is a
259 lot of it seems to me ^{to be} very sound common sense. If you know,
260 as you can see in the charts I put up previously, that you
261 are going to start adding large numbers of power plants to
262 the transmission grid in the United States, you need to turn
263 and say, what are we doing from a policy perspective to
264 ensure that the grid can handle that additional power
265 generation? Similarly, if you know, as outlined, that
266 natural gas is going to play an increasingly large role, what
267 are we doing to ensure that we get the adequate supply and
268 adequate transmission so that we don't see these tremendous
269 spikes in prices and volatility?

270 ~~So~~ in summary, ~~I think~~ the policy sets forth a balanced
271 and valuable blueprint for where the country needs to move.
272 I think the purpose of this hearing could not be better timed
273 in terms of a fuller understanding of the economic impacts
274 that our energy infrastructure has on the country. And
275 again, thank you very much for inviting me to be here this
276 morning.

277 Chairman NUSSLE. Thank you, Mr. Secretary.

278 [The prepared statement of Francis S. Blake follows:]

279 ***** INSERT 1-1 *****

**Statement of Francis S. Blake
Deputy Secretary of Energy
U.S. Department of Energy
before the
House Budget Committee
June 20, 2001**

Mr. Chairman, Congressman Spratt and Members of the Committee I want to thank you for the opportunity to testify before you today on the economic effects of energy policy.

Trends in the Energy Markets

I will begin my testimony by discussing some of the major trends in energy markets and changing patterns in US energy consumption. In 2000, America consumed 99 quadrillion British thermal units (or quads) a year in all forms of energy, while our domestic production was only 72 quads. This imbalance between energy demand and domestic energy production is made up with imports. Between now and 2020 our energy demand is projected to rise at a rate of 1.3% a year. If the energy intensity of the U.S. economy – the amount of energy needed to generate a dollar of GDP – remained constant, our energy demand would reach 179 quads in 2020. Under current policies, improved energy efficiency and structural changes in the economy suggest that forecasted energy demand in 2020 can be lowered to 127 quads. This would continue the decline of 58% in US energy intensity since 1970. [Figure 1]

Another important trend relates to energy consumption and the electricity generation mix. Electricity represents an increasingly larger share of total energy consumption. [Figure 2] This trend will likely continue as our high technology economy becomes more dependent on electricity to power everything from our computers, to our cell phones and palm pilots. At the same time, the mix of fuels we use to generate electricity has changed and will continue to do so over the next 20 years, with natural gas predicted to be the fuel choice for most new power plants. [Figure 3]

Increasing competition has also spurred significant change in the structure of our energy industry. To better understand the changing mix of electricity generation resources, it is helpful to look at both capital and fuel costs for different types of power plants. In a deregulated environment in which recovery of capital costs is no longer guaranteed to power plant developers, firms are less likely to commit the massive capital investments required to construct large nuclear and coal base load facilities. Instead, they are attracted to the relatively lower capital cost of smaller and more modular new natural gas fired facilities, despite higher fuel costs. [Figure 4]

Increased demand for natural gas has strained both production capabilities and the pipeline delivery system. Bottlenecks and capacity constraints have restricted this new dynamic industry, resulting in soaring commodity price volatility. Similarly, our electricity system is strained. Investment has not kept pace with demand, with the result that system overloads are occurring with increasing frequency. [Figure 5] These infrastructure limitations exacerbate problems of supply and demand in areas like California.

Increased volatility adds risk for energy dependent businesses, including producers and consumers. Accompanying this increased price risk has been the added regulatory uncertainty associated with an industry in transition and an outmoded set of rules and regulations that often restrict or delay new investment and can result in investment dollars being allocated inefficiently. An example of the effect of regulatory uncertainty can be seen in the slow pace of investment in new power generation throughout most of the 1990's when the rules of the newly competitive generation market were still being developed in many States. This in turn has been followed by a significant acceleration in investment over the last couple of years as competitive wholesale markets have taken hold. [Figure 6]

Economic Effects of the National Energy Policy

Chapter Two of the Report of the National Energy Policy Development Group (NEPDG) is entitled "Striking Home" and addresses the impacts of high energy prices on families, communities and businesses. The Report points to a nearly 20-year decline in the share of household income devoted to energy needs. But importantly, the Report notes that between 1998 and the end of last year, that share has risen by almost 26% from 3.8 to 4.8 percent of after-tax income. [Figure 7] The Report also cites higher fuel and oil prices as representing one-third of the increase in farm production costs in 2000.

On March 7, 2001, the Federal Reserve reported that businesses across the country experienced high fuel and other energy costs in February 2001 but were unwilling or unable to pass these costs on to consumers. This absorption of increased energy cost decreased the profit margins of many businesses. About one quarter of the increase in total unit costs of non-financial, non-energy corporations in the final quarter of last year reflected a rise in energy costs. Beyond the costs associated with higher energy prices for families, agriculture and businesses, there is also a broader macroeconomic impact of energy price increases as set out in Dr. Hubbard's testimony.

With an energy industry in transition and an economy that has been negatively affected by recent high energy prices, it is important that we develop the tools to more critically evaluate the effects of energy policies on the economy. Earlier this year the Energy Information Administration (EIA), the independent statistical and analysis arm of the Department of Energy, released a report entitled "Energy Price Impacts on the U.S. Economy." The report concluded that both the level of prices and the level of price volatility may hinder economic growth and lead to inappropriate investment decisions. The report also suggested that over the entire 4-year period 1997 through 2001, a steady path of energy prices throughout could have boosted GDP growth by 0.2 percentage points, to a rate of 4.3 percent rather than its actual 4.1 percent. As we look to implement the recommendations of the NEPDG and develop long-term solutions to our energy challenges, we will need to build on the analytical capabilities of groups like EIA to undertake further work of this kind.

As we study the effects of energy on the economy, it is important to note the need for improved transparency in competitive energy markets. Price volatility has spurred increased use of energy risk management tools ranging from long-term contracts, to futures and options and complex energy derivatives. These tools are of growing importance to businesses for the mitigation of energy price risk. In order for these markets to thrive and provide energy producers and consumers with a forum to manage risk, there must be a level of information symmetry. Transparency provides consumers with the information to make rational decisions on energy consumption, and we need reliable, independent information to provide transparency to our competitive energy markets.

National Energy Policy

The Report of the NEPDG recommends a comprehensive approach to challenges that are long-term in nature. The recommendations are balanced, with a number of proposals addressing energy efficiency to ensure that the improvements made in lowering the level of energy intensity over the last 30 years continue into the next two decades. At the same time, the report recognizes the changing nature of the energy industry and the need to address issues of constrained supply and infrastructure to meet our energy needs in the future.

The Report addresses the need to expand and diversify our energy resource base by increasing domestic production while looking to expand global markets through cooperation within our own hemisphere and encouraging increasing energy resource development abroad. Removing transmission bottlenecks, expanding refinery capacity and encouraging the expansion of our pipeline network will further decrease the likelihood for future price spikes caused by supply limitations or disruptions. The Report also recognizes the important role of renewable fuels and promotes environmentally sound increases in energy supply.

The Report further addresses regulatory barriers and regulatory complexity. Working to limit regulatory uncertainty will create a more robust investment environment; allowing refiners, electricity generators, and other energy providers to make the appropriate investment decisions to improve the efficiency of existing facilities, while simultaneously, looking to new projects to better serve the energy consumer. The Report also requires EPA to study opportunities to maintain or improve environmental benefits of state and local "boutique" clean fuel programs while exploring ways to increase the flexibility of the fuels distribution infrastructure, improve fungibility, and provide added gasoline market liquidity.

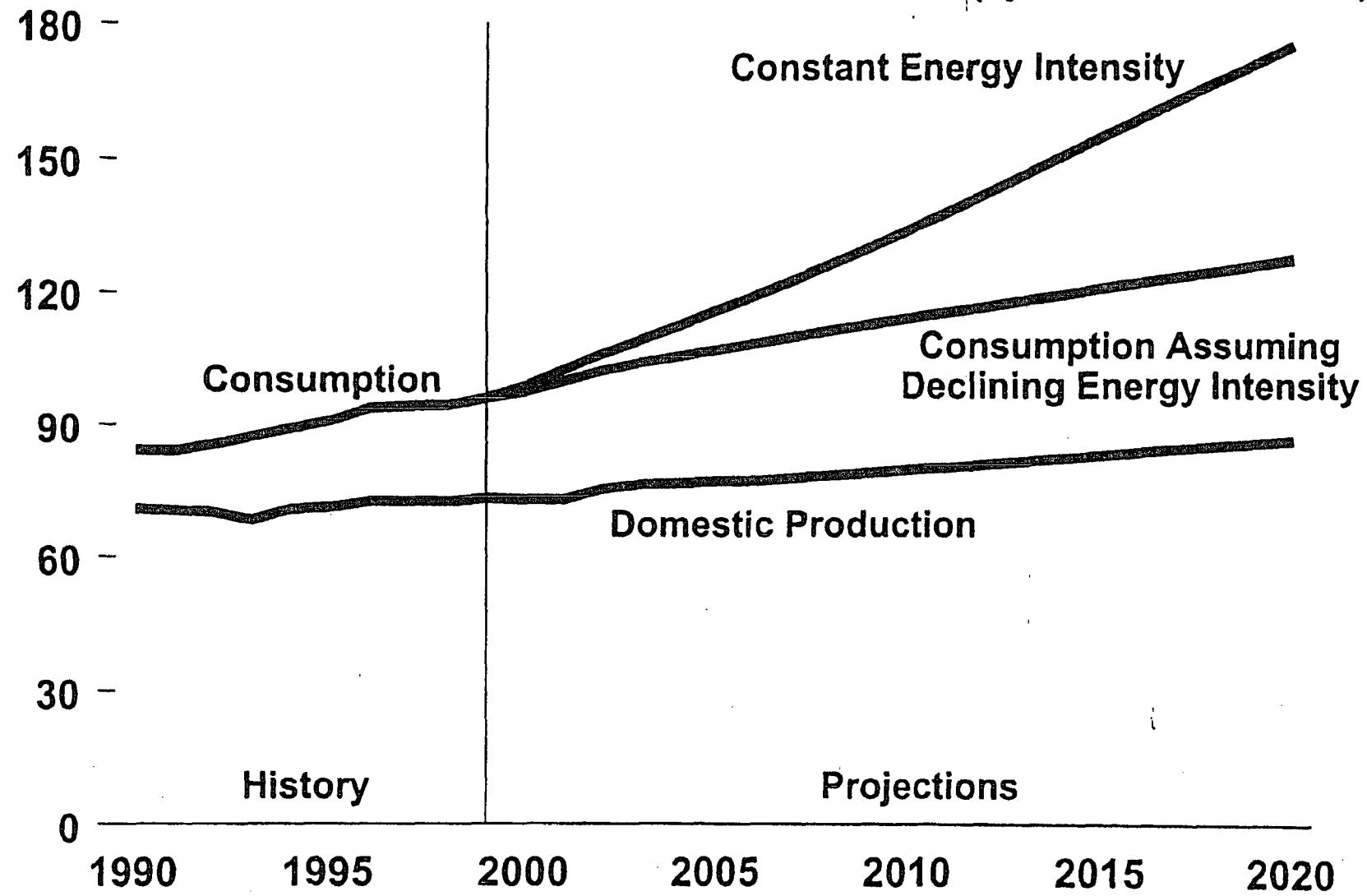
Finally, the Report advocates protecting lower income consumers from the effects of high energy prices by strengthening the Low Income Home Energy Assistance Program. Additionally, the President recently requested \$150 million in FY2001 supplemental funding for LIHEAP. The NEPDG also recommends further funding of \$1.2 billion over the next 10 years for the Department of Energy's Weatherization Assistance Program, which concentrates on making homes more energy efficient. This increase nearly doubles the funds dedicated to this program over the next decade.

Conclusion

Today, there is little question that the effects of energy on the economy are significant. Recognizing this fact, the NEPDG has provided a valuable and balanced blueprint to address the energy needs of the American economy through increased energy supply, improved infrastructure and more efficient use of our energy resources. Meeting our energy challenges is critical to maintaining a healthy economy and while we recognize that additional work needs to be done to quantify the relationship between the energy and the economy, we must act now to ensure that supply limitations and price volatility do not limit economic growth.

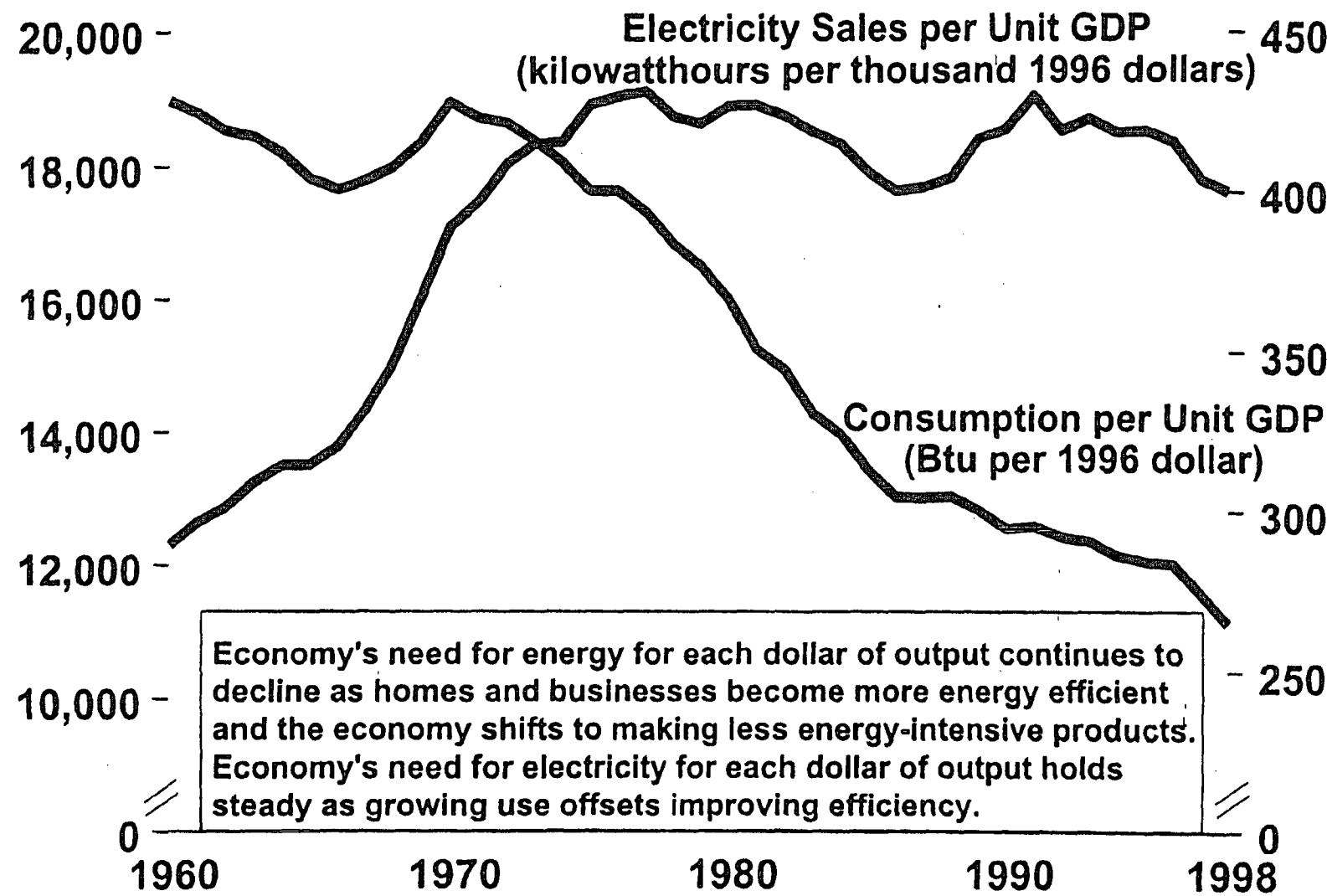
I again thank the Committee for the opportunity to testify today and look forward to answering any of your questions.

Figure 1. Projected U.S. Energy Consumption and Production in Three Cases, 1990-2020 (quadrillion Btu)



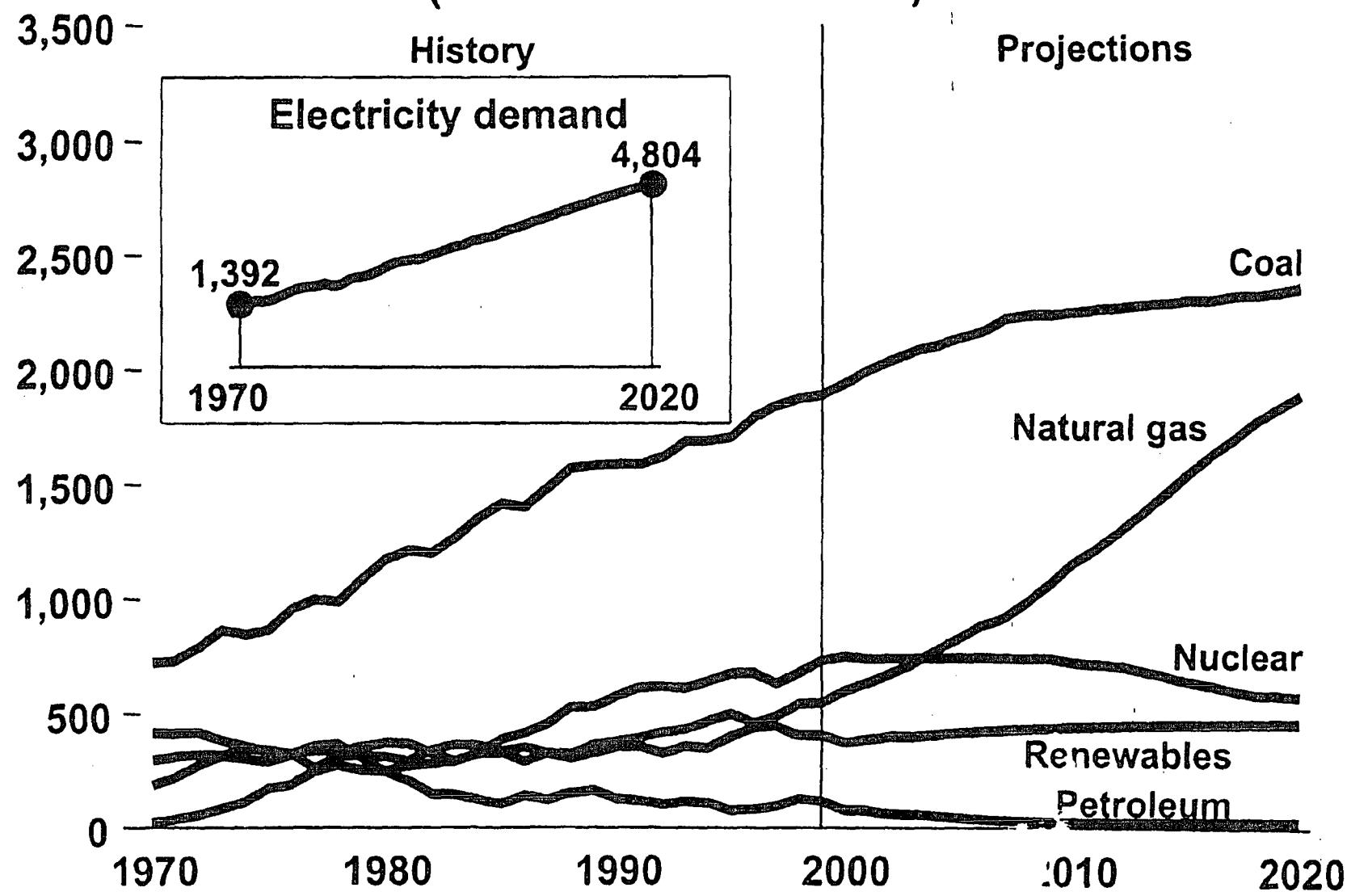
Source: Energy Information Administration

Figure 2. Total Energy Consumption and Electricity Sales per Unit of Gross Domestic Product, 1960-1998



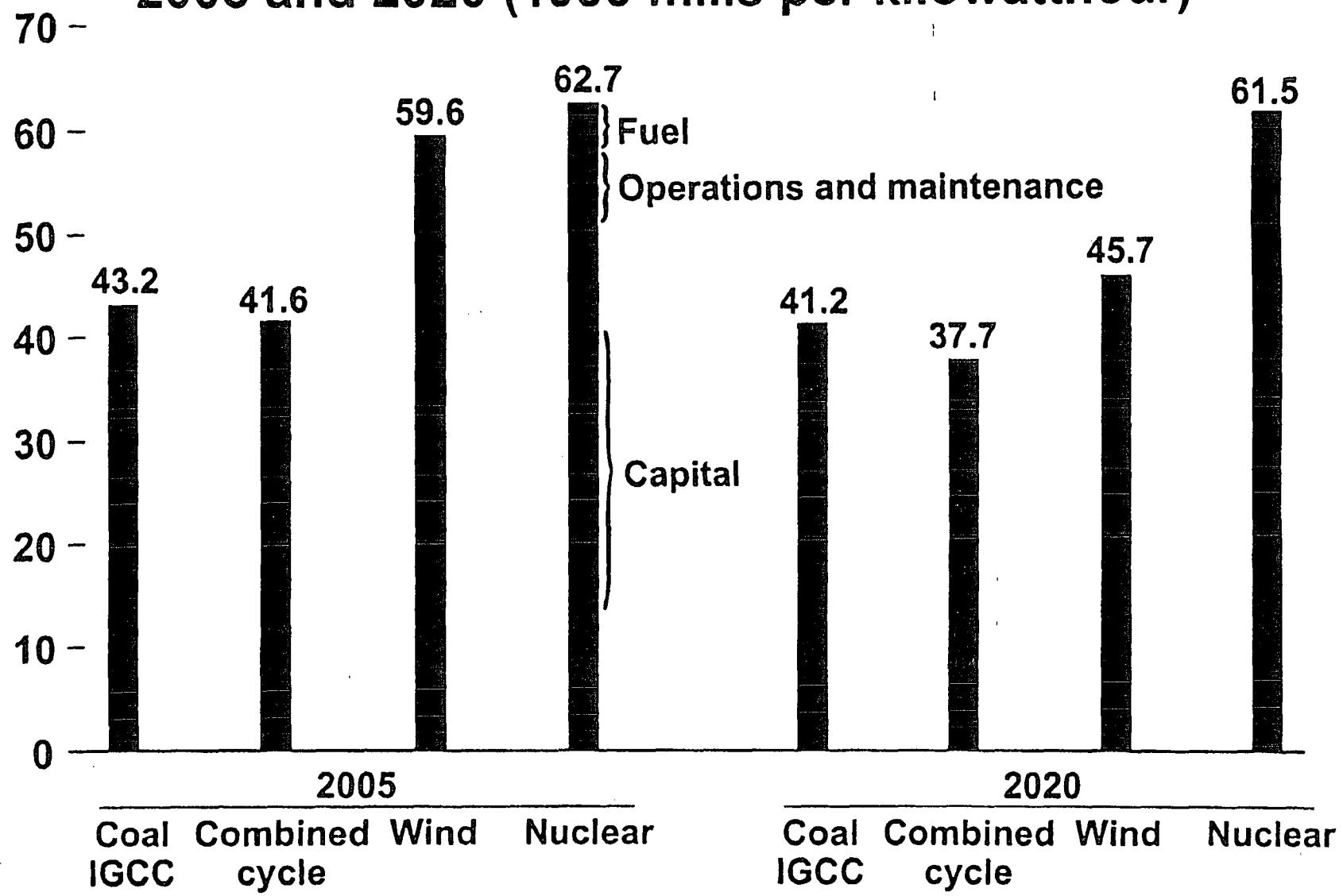
Source: Energy Information Administration

**Figure 3. Electricity Generation by Fuel, 1970-2020
(billion kilowatthours)**



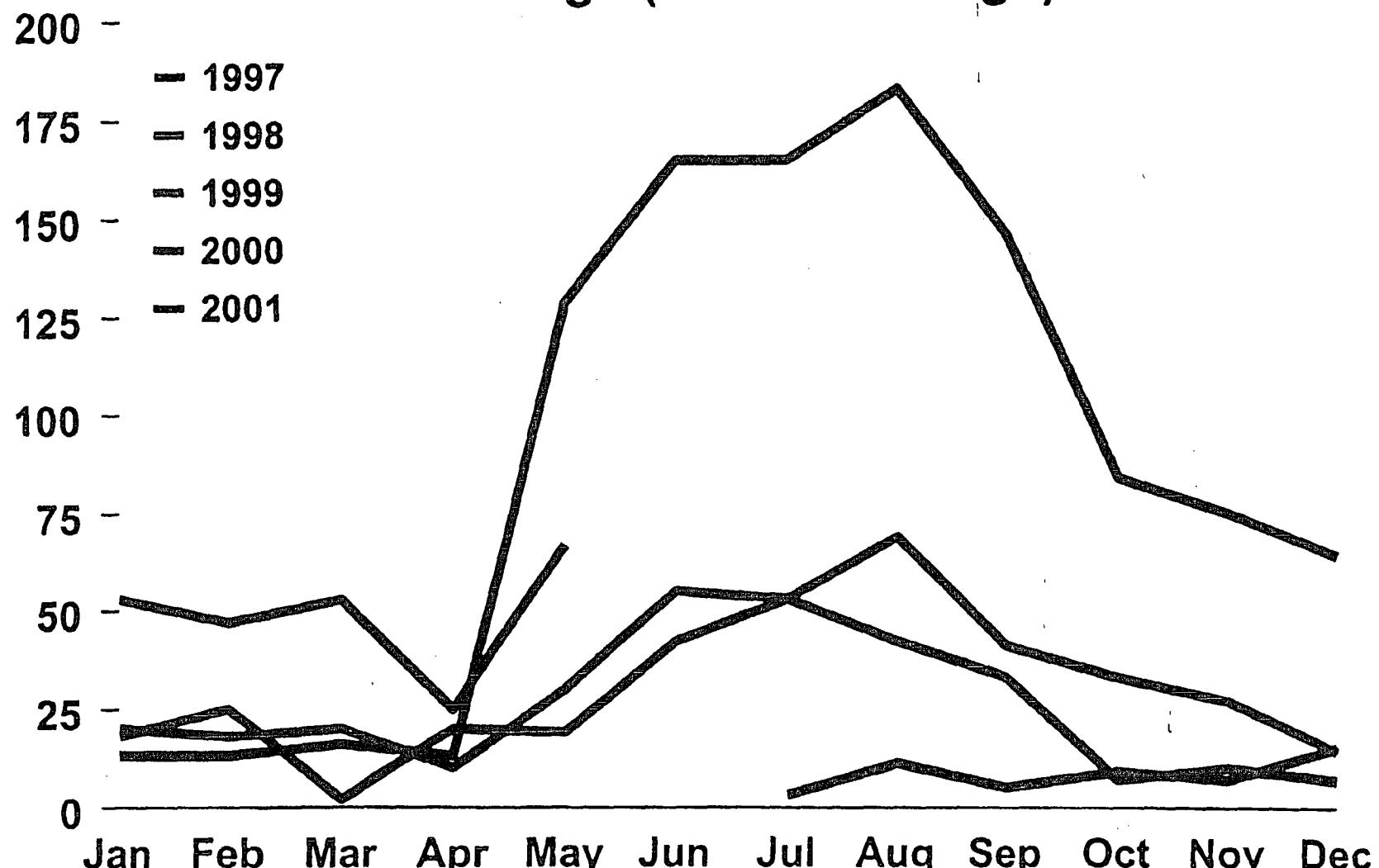
Source: Energy Information Administration

**Figure 4. Projected Electricity Generation Costs,
2005 and 2020 (1999 mills per kilowatthour)**



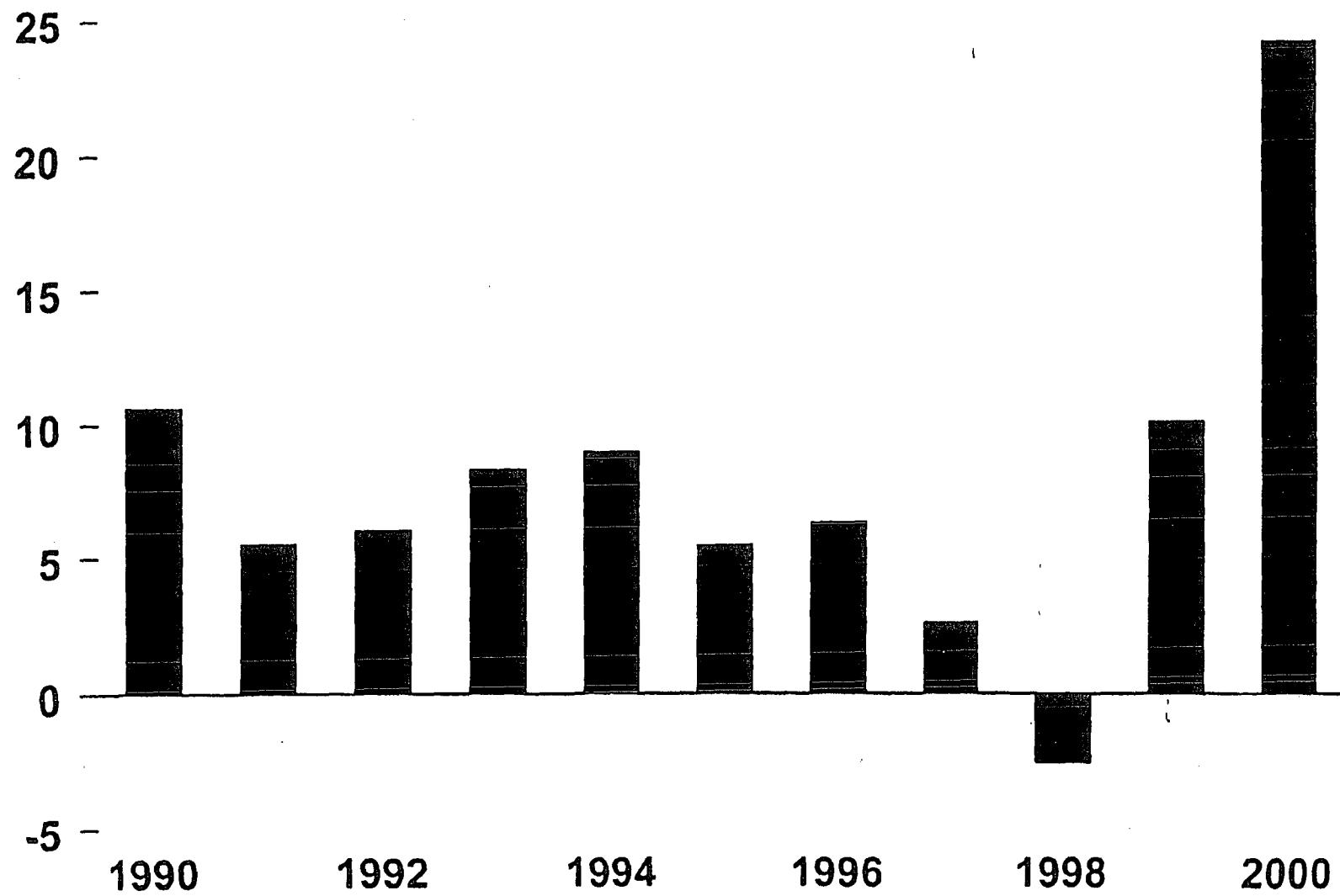
Source: Energy Information Administration

Figure 5. Level 2 or Higher Transmission Load Relief Logs (number of logs)



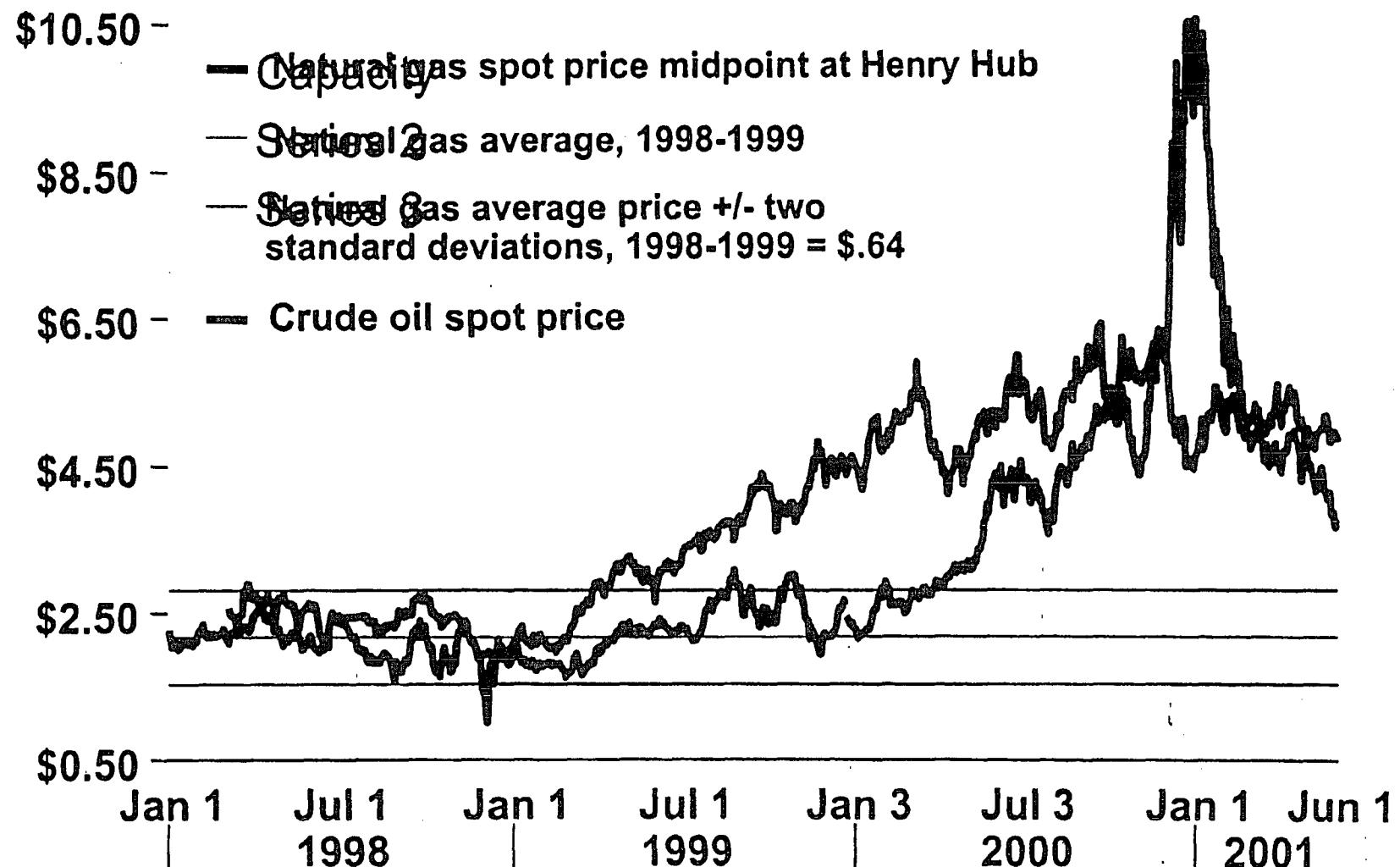
Source: North American Electric Reliability Council

**Figure 6. Net U.S. Electricity Capacity Additions,
1990-2000 (gigawatts)**



Source: Energy Information Administration

Figure 7. Natural Gas and Crude Oil Spot Prices, January 1, 1998 - June 1, 2001 (nominal dollars per million Btu)



Source: Financial Times Energy, Gas Daily

280 Chairman NUSSLE. When I was home in my district over the
281 recess here for Memorial Day, I had the opportunity, as I
282 know many Members did just from conversations I had with
283 people on the way back, where we took the opportunity to
284 visit a number of different energy kinds of examples in my
285 district, everything from--you mentioned many of
286 them--nuclear, coal, natural gas. We have many others out in
287 my State as there is a variety throughout the Nation, wind,
288 methane. We obviously have biodiesel and ethanol, but we
289 also have ag lubricants. We are now making lubricants and
290 transformer box oils and things out of all sorts of different
291 renewable resources.

292 I noticed on your chart that renewables--and I have noted
293 in the report and the recommendations that renewables and
294 many different types of energy are important to the solution.

295 To start with, I just wanted to get your impression.

296 It has been my impression that the Vice President has
297 said, and others from the administration have indicated, that
298 while they are part of the solution, we can't do--we can't do
299 enough in renewables and we can't do enough in conservation
300 in order to solve the problem in and of itself. I take
301 some--not exception, but I am concerned about that to some
302 extent because I think that part of the beauty of our economy
303 is the--and that is what we are talking about today is the
304 fact that people will step up to the plate and solve a

305 problem. It is as much as whether it is solving a problem,
306 coming up with new ideas, using manure for methane, which is
307 a very unseemly kind of thing for maybe some to consider, but
308 out in Iowa we have a lot of it, and, therefore, that may be
309 part of the solution. We also have a lot of wind, and not
310 only when I am there, but throughout the year. There are
311 many other opportunities. How important are these areas,
312 conservation and renewables, to the overall solution to the
313 energy strategy that the administration has put forth?

314 Mr. BLAKE. I think they are tremendously important. You
315 have outlined some of the really interesting technological
316 advances, just the ingenuity people are now applying to what
317 we can do with the resources that we have. It obviously--it
318 happens ^{to be an important} ~~on the import~~ issue because [^]using ^{whether} ~~it is~~ ^{your} ^{there}
319 manure or wind or ethanol, whatever it is, ^{these} ~~are~~ going to
320 be local U.S. sources. Conservation by definition is largely
321 ^{a/1} local. So it ^{has got} ~~is~~ a very important role, and I think
322 maybe that has been somewhat misunderstood in terms of the
323 importance of the role. ~~I think~~ ^{the} ~~administration~~ ⁼ ⁼ Vice President's group recognize that.

325 The only point that still needs to be made, though, is
326 ^{that} this is not a set of issues that will go away through
327 conservation and renewables. Just, again, with the data on
328 where we are now, we already have issues with our
329 transmission system. Those issues will remain whether that

330 new power plant is run on biomass or natural gas. We are
331 going to be putting more natural gas-fired turbines on the
332 system. That is going to put a stress on our pipeline
333 structure. It is going to require some additional activity
334 in terms of supply.

335 ~~So I think it is~~ your basic point is exactly right.
336 These are very important. ~~I think~~ ^{=sources of energy} they are recognized as
337 very important. The only thing to remember is that they
338 don't supply the entire answer.

339 Chairman NUSSLE. Again, as we concern ourselves with the
340 volatility of energy prices and what that means to overall
341 economic growth and its impact on the budget, you indicated
342 that the Energy Information Agency has done a report, and I
343 guess I am interested in some of its conclusions. Growing
344 up, as I am sure we all have, with a father or mother that
345 constantly--maybe more so for me than others--who constantly
346 said, you know, shut the door when the air conditioning is
347 on; what were you born in, a barn; turn the lights off, what,
348 are you paying the bills; every one of us in the room has had
349 that experience. So there is a mindset that we have that if
350 the prices go up, that is bad, and if the prices come down,
351 that is good. But what you are telling us is that the
352 volatility in those prices can be just as bad; is that true?

353 In other words, is volatility worse than steadily
354 increasing prices? Can the economy still grow with steadily

355 increasing prices if it is predictable, or is one worse than
356 the other, volatility versus steadily increasing prices?

357 What did the report indicate?

358 Mr. BLAKE. The report was not trying to indicate that
359 volatility is worse than steadily increasing prices. The
360 economy is better off on the main to the extent you have a
361 good balance of supply and demand and prices are declining.
362 The point of the report was that volatility itself has a
363 drag--has an effect on the economy that is negative.

364 ~~so that part of~~ as we think as a country ~~of our policy~~
365 ~~solutions~~, what we can do to tamp down some of that
366 volatility, helps the overall economy. It helps investment
367 decisions. It helps people react in a more timely way. ~~You~~
368 ~~are not suddenly faced with as this happened to businesses,~~
369 as you know, on the west coast ~~that~~ ^{some businesses} have looked at
370 dramatically increased prices and have found continued
371 production extremely difficult.

372 Chairman NUSSLE. I think the two go hand in hand. The
373 more options that we have out there, the more different
374 alternative energy supplies that we have out there that is
375 producing energy for us, I think the better the marketplace
376 will be. So I appreciate those parts of the energy strategy
377 that diversify so that it can help keep volatility to a
378 minimum.

379 Mr. Spratt.

380 Mr. SPRATT. Thank you very much for your testimony. It
381 was very useful.

382 Let me ask you this: In the 1970s, we prioritized the
383 use of natural gas, preferring human needs customers over
384 boiler heat customers, and even over process users of natural
385 gas. In the late 1980s, we removed most of those
386 restrictions and allowed gas to be used once again
387 extensively for electric generation. When we did that, did
388 we see or foresee or explore the consequences for human needs
389 use? Did we have reason to see that this was going to create
390 a demand for gas that would run the price up before the
391 supply would be there to meet the requirements?

392 Mr. BLAKE. Not having been part of the planning process
393 in the 1980s, I don't know that I can directly address that.
394 I could say, though, that as you said, in the late 1970's
395 with the Fuel Use Act, the use of natural gas for generation
396 was actually prohibited in large parts of the country; that I
397 think an objective look at that would be that that had, and a
398 number of the other energy control programs in the late 1970s
399 actually had, a negative impact on supply. It wasn't well
400 calibrated to the needs of the country for clean generation,
401 which natural gas provides. I think every estimate that I
402 have seen is what we are going through now is a market
403 perturbation that needs to be addressed in terms of making
404 sure that we have the right infrastructure.

405 Mr. SPRATT. One of your charts showed the demand for
406 natural gas continued to rise steeply and steadily right on
407 to 2020 to the far end of the chart. Can that happen in
408 today's--without today's prices? Do prices have to stay
409 where they are for new gas to come on to meet that kind of
410 demand level, or can gas come back down to affordable levels
411 and still have the exploration and development of new gas
412 needed to supply that curve?

413 Mr. BLAKE. I think you are already seeing natural gas
414 prices come down. When I checked this morning, I think the
415 price is now slightly down below \$4. ~~And if I am not~~ I
416 can't remember exactly what the forward pricing is, but that
417 is also going down. So the markets would say, yes, it is
418 possible to supply this demand for power generation and
419 maintain reasonable costs for consumers.

420 Mr. SPRATT. If we allow electric generation fuel by
421 natural gas, which is very efficient and very cost-efficient
422 in particular, what happens to other alternatives like
423 nuclear production which has a high front-end capital cost?
424 Does it discourage the use of other alternatives, resort to
425 other alternatives?

426 Mr. BLAKE. I think, and the Vice President's group
427 addressed the use of nuclear power,⁹ nuclear power has a very
428 important role to play for the Nation's overall energy
429 picture both in terms of the existing plants that are now

430 online, how do we make sure that they have a full, useful
431 life, ^{including extending} ~~extend~~ the licensing and the like? Building new
432 nuclear plants, ⁱⁿ my experience at least, ^{is a different issue.} ~~there~~ the private
433 sector would say that the capital cost issue may be secondary
434 to some of the regulatory uncertainty issues. They are
435 capital-intensive, as you suggested, and as you make your
436 investments, you need some ~~spent on your~~ ^{certainty} regulatory--.

437 Mr. SPRATT. Still the capital cost on the front end and
438 the time it takes to begin and carry out a plan on your books
439 before you get any return is a significant hurdle to cross.
440 And if you have got natural gas out there as an easy
441 alternative, aren't most utilities going for the easy
442 alternative?

443 Mr. BLAKE. I think what you see now is exactly that,
444 although, as I said, I would say that the issues with nuclear
445 are that the capital issue and capital cost recovery is
446 probably secondary in the case of nuclear to other issues.

447 Mr. SPRATT. You mentioned the need for transmission
448 lines. One component of the President's recommendations, I
449 believe, is that utilities engaged at least in wholesale sale
450 of power would have Federal condemnation rights. Is that
451 truly needed? I mean, are--the State utilities seem to have
452 all the authority they need to run transmission lines about
453 anywhere they want. I say that as someone who owns a farm,
454 and I have a 505-foot right of way through my farm. The

455 power company didn't have any trouble at all acquiring it.
456 When I tried to get them to move it, they wouldn't think of
457 it. So why do we need to give them the additional authority
458 of Federal prescription for doing that?

459 Mr. BLAKE. It is an option that is being considered. It
460 matches the authority FERC has on natural gas.

461 The interesting thing, and I don't know the spec. : laws
462 in your State, but nearly--I think actually over half of the
463 States for their siting laws actually don't allow
464 consideration of benefits that are external to the State.
465 And the issue ~~that~~ ^{is that} transmission ~~we~~ are now increasingly
466 a regional system rather than a State-by-State system. ~~And~~
467 so one of the issues is how do you open up the consideration
468 of benefits? ~~So~~ if the line going through Connecticut, for
469 example, as there was a recent incident along these lines,
470 the line going through Connecticut that is to benefit Long
471 Island, how does Connecticut take that into account? Right
472 now the Connecticut structure would not allow that to be
473 taken into account, or that is my understanding of the
474 Connecticut regulations.

475 Chairman NUSSLE. Mr. Collins.

476 Mr. COLLINS. Thank you, Mr. Chairman.

477 I think we can all agree that the changes in energy
478 prices, whether it did be gasoline or electricity or natural
479 gas or whatever, has a real impact on our economy from the

480 | standpoint that it has forced families to change the cash
481 | flow of their own home budget. Many of you have experienced
482 | in the past the opportunity to buy other products or other
483 | items, things that they would like to have for their
484 | families, now having to shift that cash flow to provide a
485 | necessity for the families. So it has had a tremendous
486 | impact.

487 | In Georgia about 3 years ago or 4 years ago, we had a
488 | deregulation of the natural gas industry. I believe that
489 | deregulation has probably slowed down if not completely
490 | halted the deregulation of electricity. At least I hope it
491 | has, because natural gas prices in Georgia increased
492 | dramatically, and one of the reasons, I believe, was the fact
493 | that we created another profit center. When you deregulated
494 | natural gas, you left in place a company that owned the
495 | transport lines, and then you created other entities that
496 | actually sold the gas, but had to use the transport lines.
497 | So instead of one profit center, we then had two profit
498 | centers. Then you have others that are--the gas people
499 | themselves are creating another profit center. So that, I
500 | think, has had a lot to do with the increase in price of
501 | natural gas which consumers of natural gas have to pay.

502 | Prior to deregulation in California, because that has
503 | been the focus of this whole problem as far as the part of
504 | this problem--part of the deregulation of electricity in

505 California, were the utilities companies--were they
506 profitable?

507 Mr. BLAKE. I am sure they were. ~~They would have~~ ^{had} as
508 regulated utilities they would have had a regular rate of
509 return that would have included an equity return.

510 Mr. COLLINS. It is questionable to me. I am having a
511 problem understanding, then, after deregulation, creating a
512 wholesale market and entity to handle those wholesale prices
513 or the wholesale sales of that electricity, why the rates had
514 to increase so when the plants were producing the same power,
515 and the lines were, you know, transporting the same current?
516 Why did we have such a drastic increase in rates?

517 Mr. BLAKE. The California situation, ~~just a brief~~
^{rooted in}
518 ~~summary of it~~ is the structure of their deregulation ^{plan}.
They ^{had a} ~~had a~~ plan
519 couldn't have ^{been} worse for a situation where you have
520 constrained supply and unconstrained demand. The way they
521 did their deregulation ~~was they did not~~--their retail rates
522 were not reflective of the charges that they were seeing at
523 the wholesale level. The utilities were told to buy spot
524 market rather than long-term bilateral contracts, and they
525 didn't build anything.

526 Mr. COLLINS. I understand that, but I am talking about
527 the wholesale rate. Why did the wholesale rate in some
528 instances increase tenfold?

529 Mr. BLAKE. The way they structured their deregulation,

530 | the price of electricity, wholesale electricity, is
531 | determined at the margin by the last unit that was dispatched
532 | or the last price in. So if you take the least efficient,
533 | old gas turbine, say, for an example, ~~and it has I won't go~~
534 | ~~through the~~

535 | Mr. COLLINS. I understand that. But your first answer
536 | was they were profitable before deregulation, and yet when
537 | you deregulated, wholesale price coming from the same plants,
538 | carried over the same transmission lines in some instances
539 | increased tenfold. I don't follow that scenario. I know
540 | supply and demand. I have been in the marketplace for 30
541 | something years, almost 40 years. I know what supply and
542 | demand does. But I also have a little bit of understanding
543 | and feeling when somebody is just a little bit dadgum greedy.

544 | Mr. BLAKE. If in 1997 or 1996 to 2001, the 5 years they
545 | had remained totally regulated, and they still hadn't built
546 | these plants, they would be in the same ^{position} ~~as~~

547 | Mr. COLLINS. Maybe some folks would be sitting in the
548 | dark. I mean, that is just natural. I mean, I can take my
549 | house, and I can put in enough appliances that my switch box
550 | won't carry. My circuit breakers will go to tripping left
551 | and right. But the power company is still putting the same
552 | amount of power at my house. If the power companies were
553 | still pulling the same amount of power from those plants
554 | through those transmission lines, then why did it increase

555 tenfold?

556 Mr. BLAKE. Again--.

557 Mr. COLLINS. I don't understand this. Don't use the
558 words that the natural gas prices went up considerably. Did
559 it cost more to get the natural gas out of the well because
560 of this fact? I go back, I understand supply and demand, but
561 I also understand just plain greed and gouge, and I am afraid
562 we have had a little bit of all of this as we have tried to
563 justify supply and demand. Prices have been just
564 accelerating too much.

565 Mr. BLAKE. ~~On the~~ FERC has authority on unjust and
566 unreasonable rates. They have ordered rebates in California.
567 I think the fundamental question, though, remains ^{that} if you
568 don't build supply, and your demand continues to increase,
569 something has to give.

570 Mr. COLLINS. I understand that, too. I think you have
571 to have profits in order to be able to encourage investments,
572 and that must happen. We have got to have the investments of
573 the invested utilities to build these plants, and we need
574 some changes in the government regulations that has hindered
575 this from taking place as well. But we also need to be very
576 conscious of what is happening in the power structure.

577 Chairman NUSSLE. The gentleman's time has expired. If
578 you have a response, we will take it. Otherwise--do you have
579 a response to that question? Statement?

580 Mr. BLAKE. No, I understand the point. Again, the
581 structuring of the market in California was not well thought
582 out, and that has created the pricing problem that they have
583 now.

584 Chairman NUSSLE. Mr. Capuano.

585 Mr. CAPUANO. Thank you, Mr. Chairman.

586 Mr. Blake, I just have a few questions on some of the
587 numbers. Your first page of written testimony you talk about
588 99 quadrillion BTUs versus 72 that we produced. I am just
589 curious. Of that 72, is that any of the energy resources
590 that we exported to other countries?

591 Mr. BLAKE. Yes.

592 Mr. CAPUANO. So, that is already taken into account. So
593 if we hadn't exported any energy anywhere, that 72 would have
594 been a higher number?

595 Mr. BLAKE. Well, let me-- I will have to check on that.

596 Mr. CAPUANO. If you could, because I am not sure. I
597 think the answer is not. I think that is not taken into
598 account. So I would suggest that if we are really interested
599 in increasing our production, that the very first thing we
600 should do is tell those companies that have paid this
601 government and the American people that they should stop
602 exporting immediately if they are really concerned about what
603 is happening in America. But, again, I will wait to hear
604 that answer.

COMMITTEE: **HOUSE BUDGET**

DATE: **June 20, 2001**

WITNESS: **Francis Blake**
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Yes, of the 72 quadrillion BTUs that we produced, 4 quadrillion BTUs were exported to other countries.

605 I guess the other question I have for you is relative to
606 increasing production. I don't think you are going to find
607 too much disagreement. There may be some differences of
608 priorities, but I don't think you find too much disagreement
609 that increase in production is necessary. But I guess I
610 would like to be clear, and are you suggesting that increased
611 production is all we need to do?

612 Mr. BLAKE. No.

613 - Mr. CAPUANO. I didn't think so, but I didn't hear the
614 words. Because I don't think that is possible. I mean, I
615 think we should increase production on certain levels, but at
616 the same time I don't think it is possible at any level that
617 increased production is going to solve problems that we have
618 today or will have tomorrow. I am glad to hear that you feel
619 the same way. I also hope that it is fully understood within
620 the entire administration, it is not just you speaking. I
621 presume that when you speak, that says the administration
622 understands that as well.

623 I guess I have some concerns again in your written
624 testimony, as I was trying to read quickly, I didn't see the
625 word "conservation" or "conserve" anywhere. Now, maybe it is
626 there and I missed it, but I didn't see it. I saw a whole
627 bunch of things about national energy policy, talking about
628 increased production, but the word "conservation" wasn't
629 there with the exception of a little talk about

630 weatherization, which is a good thing. But I didn't see
631 anything else there. I didn't see anything there relative to
632 research and development, because unless I am mistaken, I
633 don't think you will find too many people, again, unless you
634 disagree, that would say that the current technology that we
635 have available is going to be capable, even if fully
636 implemented right now and fully dispersed--the economy right
637 now would actually get us to where we want to be as far as
638 energy efficiency standards. So that being the case, I
639 wonder, first of all, if you agree with that; and second of
640 all, if you do, then why did the President cut research and
641 development into energy issues in his budget request?

642 Mr. BLAKE. Let me respond in two parts. First, nothing
643 in my testimony was intended to reflect that conservation is
644 not an important priority.

645 Mr. CAPUANO. But it is not mentioned there. I thought
646 important priorities might be mentioned.

647 Mr. BLAKE. This was a summary, and I don't know if you
648 were here as I summarized.

649 Mr. CAPUANO. Yes. I didn't hear the word until the
650 Chairman asked the question, which was a good question and a
651 good answer. But I didn't hear the word prior to that, but
652 that is already--.

653 Mr. BLAKE. And I think ~~there have been~~--on the research
654 and development front, the administration is putting

655 significant funds in research and development both on
656 conservation and renewables and on clean coal technologies.
657 I think the commitment is something like \$2 billion.

658 Mr. CAPUANO. I would like to see those numbers because
659 the last numbers I saw, they were still significantly below
660 last year's. And the last I heard, it was actually the House
661 Appropriations Committee that was increasing those numbers,
662 not the administration. Again, if I am wrong, I am happy to
663 be educated and clarified on that.

664 Because I said before during the budget discussions here,
665 and I will say it again, that I think that the only way this
666 country is really going to be ahead of the curve is not
667 through production. I mean, production is part of it, I
668 don't disagree. But it is not through production. That is
669 not going to put us ahead unless we want to significantly cut
670 out consumption, which I don't think we will. So that leaves
671 us only with research and development to provide more
672 energy-efficient means.

673 Talk about the cell phones, you know as well as I do that
674 cell phones run for several hours on the same amount of
675 energy that it used to take for about 30 minutes. And we all
676 have the same thing. It can go further and further and
677 further, as it should, all research and development, not done
678 out of thin air, not done by the government, done by private
679 enterprise with the help of government assistance.

680 And I can't argue strongly enough if we really want to
681 look long term, past this election, past this decade, it is
682 only going to be research that gets us out of it unless
683 somebody comes up with new natural gas fields or whatever.

684 I would also like to shift a little bit again to
685 production. It amazes me, absolutely amazes me, that we are
686 sitting here talking about natural gas, and that is all well
687 and good. We had a humongous natural gas reserve that is in
688 the ground, put back into the ground, taken out and put back
689 into the ground in Alaska in existing fields; not new fields,
690 existing fields. This government before I was here gave the
691 authority to build a natural gas pipeline alongside the oil
692 pipeline. That wasn't taken. Has anybody started pushing,
693 demanding, insisting that that natural gas pipeline be built
694 as soon as possible? If those reserves are there, California
695 would not have a productivity problem at this point in time.
696 They still have some problems with power plants, but there
697 would be no problem with energy supply.

698 Mr. BLAKE. I don't know what percentage of contribution
699 that could make to California, but I take your point and will
700 give you a response on it.

701 Mr. CAPUANO. I guess I have to wait for a couple of
702 responses, because, honestly, I appreciate you being here
703 today. I could have gotten no answers by not coming here as
704 well. And I kind of wonder why we are doing this if thus far

COMMITTEE: HOUSE BUDGET COMMITTEE
DATE: JUNE 20, 2001
WITNESS: DEPUTY SECRETARY, FRANCIS BLAKE
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Alaskan Gas Pipeline

The Alaska North Slope gas producers currently are reviewing whether projected market conditions will support construction of a pipeline to deliver Arctic gas to the lower 48 states. Alaska's known gas reserves, which are estimated to be over 35 Tcf, could have a significant impact on the natural gas supplies for the U.S. For over a decade the gas has helped pressurize the oil reservoirs on the North Slope, which have produced over 13 billion barrels since 1977. The need to reinject gas has diminished at a time when domestic gas transmission capacity is considered insufficient to meet projected demand.

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DATE: JUNE 20, 2001
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PAGES 35, LINE 789

INSERT FOR THE RECORD

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854 hit by two or three times.

855 Ms. HOOLEY. Correct.

856 Mr. BLAKE. Again, if you look at the situation in
857 Oregon, there are pending new generation plants ~~that are~~
858 ⁹~~online~~ that will start coming online, some for this year and
859 many more for next year.

860 Ms. HOOLEY. Right.

861 Mr. BLAKE. But I will take your question on the impacts
862 and on the schools as a question to follow up on.

888 | side of the aisle that this probably just didn't happen
889 | yesterday. I just got up here in January myself, but this
890 | energy problem has been coming for a long time, and I think
891 | we need to all accept some responsibility for it instead of
892 | trying to plug holes in what you are trying to do.

893 | In fact, I read in your report, in your conclusory
894 | remarks, it says, the blueprint to address the energ. needs
895 | of the American economy through increased energy supply,
896 | improved infrastructure and more efficient use of our energy
897 | resources. I think that certainly answers the question the
898 | gentleman just asked a while ago that it doesn't have any
899 | efficiencies in this particular proposal; and certainly I
900 | think we are all cognizant of, whether they are closing the
901 | barn door or cutting off the lights, we all have a part in
902 | making that work.

903 | Being from South Carolina, we have got a great energy
904 | policy there. I think each State should have their own
905 | energy policy. I don't know why they are looking to the
906 | Federal Government for a bailout or handout. We have done
907 | well, but we have had a great mix between hydropower, between
908 | coal, oil and natural gas. And it concerns me as we move to
909 | the future with the price fluctuation where we have it, how
910 | are we going to determine a good mix between public power,
911 | the private power to make a good energy plan that is going to
912 | work for everybody?

913 Mr. BLAKE. I thank you, Congressman.

914 First, I appreciate those comments; and the point of a
915 balanced usage of fuels is in one of the charts I showed.
916 That is critical. We need to understand as we put more
917 reliance on natural gas both what that does on our
918 infrastructure--but also perhaps ^{that} _{we} need to look at other
919 resources, how we get more clean-burning coal, how we use the
920 nuclear resources that we have in place and the
921 hydroresources that you have in place. And the plan actually
922 addresses--the policy actually addresses each one of those
923 fuels as well as renewable fuels in conservation, ^{but} _{towards} it is a
924 balanced plan. States need to work ^{to} _{towards} balanced plans, and
925 the Federal Government needs to work ^{to} _{towards} a balanced plan.

926 Chairman NUSSLE. Mr. Honda.

927 Mr. HONDA. Thank you, Mr. Chairman; and thank you, Mr.
928 Blake, for being here.

929 I took particular interest in Mr. Collins' comments in
930 asking what the difference were between pre- and post-
931 deregulation, and I guess the query for him was why there is
932 such a great increase in rates. Your response was, if I
933 remember correctly, was that it was an issue of increased
934 demand versus the supplies. Can you tell me what the--in
935 that time frame what the increase in demand was?

936 Mr. BLAKE: I don't have the exact numbers, but I can get
937 that for you.

COMMITTEE: **HOUSE BUDGET**

DATE: **June 20, 2001**

WITNESS: **Francis Blake**
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Demand for natural gas used in electricity generation is reflected in utility and non-utility consumption data. The Energy Information Administration (EIA) has statistics on total consumption of natural gas for electricity generation during the years pre- and post-electricity deregulation (approximately 1991-2000) in California. Electricity is generated by both regulated utilities and non-utility generators. As the electricity industry adjusted to regulatory reform, increasing quantities of electric power were provided by non-utility power generators, including industrial firms who were co-generators of electricity and steam. Over this period the use of natural gas for total electricity generation has varied from year to year and has not shown a clear trend.

**Table 1. California Natural Gas Consumption by Non-Utility and Utility Generators , and Prices to Electric Utilities, 1991-2000
(Million Cubic Feet and Dollars per Thousand Cubic Feet)**

California	Consumption (MMcf)			Prices (\$/Mcf)
	Year	Non-Utility and Utility Generators	Non-Utility Generators	Utility Generators
1991	787,596	338,582	449,014	\$2.95
1992	922,630	358,198	564,432	\$2.81
1993	892,550	426,489	466,061	\$3.05
1994	980,428	379,138	601,290	\$2.56
1995	787,974	393,276	394,698	\$2.28
1996	708,632	390,607	318,025	\$2.75
1997	751,666	373,719	377,947	\$3.08
1998	831,370	560,216	271,154	\$2.79
1999	918,035	773,380	144,655	\$2.76
2000 (preliminary)	1,083,801	954,052	129,749	\$6.04

Note: Non-utility use excludes coke-oven, refinery, blast furnace gas, and landfill gas.

Sources: For 1991-1999 consumption—Form EIA-759, "Monthly Power Plant Report"; Form EIA-860B, "Annual Electric Generator Report- Nonutility" (data for 1997 and prior from Form EIA-867, "Annual Nonutility Power Producer Report"); for preliminary 2000 consumption—Form EIA-906, "Power Plant Report"; for 1991-2000 prices—Form FERC-423, "Monthly Report of Cost and Quality of Fuels for Electric Plants."

938 [The information follows:]

939 ***** COMMITTEE INSERT *****

28738

940 Mr. HONDA. My understanding, it was 5 percent--.

941 Mr. BLAKE. Yes.

942 Mr. HONDA. --and then the increase in the rates was about
943 what? He said 10 times.

944 Mr. BLAKE. Well, I think he's looking at the marginal
945 cost, the marginal rate rather than--.

946 Mr. HONDA. I think he was talking about the cost of
947 natural gas. You were talking about how the bidding goes,
948 and there is a big gap between the cost of transport of
949 natural gas and the price of natural gas to California and
950 that there is a bunch of steps between that and the bidding.

951 I agree that the bidding process is kind of strange, but
952 I think that there is probably a lot of questions of what
953 goes on between those steps, and it is probably a wonderful
954 area for examination.

955 My other question is, if you said that the structure was
956 faulty, in the process of deregulation does not the plan have
957 to go before the Federal Energy Regulatory Commission before
958 it is completed?

FLRC

959 Mr. BLAKE. My memory is that it would have gone before.
960

960 Mr. HONDA. And if it went before them, why was not the
961 faults at least questioned at that point?

962 Mr. BLAKE. ~~I don't know what was in~~ I wasn't in
963 government at the time. I don't know what was in the record
964 at that time.

28739

965 Mr. HONDA. But you are criticizing it right now.

966 Mr. BLAKE. ~~I think the issue~~ I know that ^{what} people from the
967 outside were saying, disconnecting the wholesale rate from
968 the retail rate, relying wholly on the spot market would
969 create an issue; and whether those comments were made by FERC
970 at the time, I honestly don't know.

971 Mr. HONDA. But it did go through the process.

972 Mr. BLAKE. Yeah.

973 Mr. HONDA. And the function of FERC is to make sure that
974 they have oversight over unreasonable, unjust rate increases.
975 So the process was in place. So, like Mr. Brown says, there
976 is probably enough fault to go around for everybody.

977 Mr. BLAKE. Yes, including the Federal level outside of
978 California.

979 Mr. HONDA. The question of supply before deregulation,
980 did the State of California receive power and negotiate power
981 from outside of California also?

982 Mr. BLAKE. Before?

983 Mr. HONDA. Dereg.

984 Mr. BLAKE. Yes.

985 Mr. HONDA. Okay. So the reliance on supplies didn't
986 necessary happen in the boundaries of California.

987 Mr. BLAKE. No, and I think that is a good point.

988 And to the point on the original design of the system,
989 the deregulated system, if you maintained a structure where

990 you had more supply than demand, I think that what they had
991 structured might well have worked. When you shifted to where
992 you have more demand than supply, ^{there becomes a} the problem--.

993 Mr. HONDA. Demand have only 5 percent. We had
994 reserves--we had supplies that we relied upon and negotiated
995 from without the State, so the real issue about energy and
996 the crisis that we face today was precipitated by a faulty
997 deregulation plan. And perhaps there could have been some, I
998 guess--it is not my word--I heard the word "gaming" the
999 market.

1000 So, you know, when there is terminology, there must be
1001 behavior; and if there is behavior, then somebody is doing
1002 it. So, you know, I am kind of concerned about gaming the
1003 market.

1004 Does the Department of Energy get into those kinds of
1005 concerns?

1006 Mr. BLAKE. That is ^{the} direct responsibility of FERC, ^{that}
1007 it does have oversight on unreasonable rates.

1008 And just to pick up on another point that you made--.

1009 Mr. HONDA. Well, let me continue. Then if you say that
1010 is FERC, does the Department of Energy have any
1011 responsibility in encouraging FERC to pursue the
1012 responsibility? If they in fact had determined that there
1013 was something that was unjust and unreasonable, is there a
1014 responsibility on the part of the Department of Energy to

1015 pursue this or encourage them?

1016 Mr. BLAKE. Well, I think the President, not just the
1017 Department of Energy, has called on FERC to exercise that
1018 responsibility. FERC actually has ordered rebates under this
1019 administration, which was not the case previously.

1020 Mr. HONDA. When did this happen?

1021 Mr. BLAKE. I think they ordered it January, is my
1022 memory, but I can double-check on that.

1023 Mr. HONDA. And then they stop; and since then we have
1024 been asking for, in their terms, market mitigation measures
1025 to look at the increased rates, because it was still unfair
1026 and unjust.

1027 I think the other area I am a little concerned about is
1028 the budgetary actions. The budget is a reflection of our
1029 priorities, and I understand that the Department of Energy's
1030 budget has been--is less than it was last year or in the
1031 previous administration. Is that a concern of yours?

1032 If we are looking at increasing our activities in the
1033 area of conservation, which you said, increasing our
1034 activities in research, and your own laboratories have said
1035 that if we pursue conservation and alternative research that
1036 we can be less dependent by something like 47 percent, is
1037 that a direction that the Department of Energy will be
1038 pursuing based upon the laboratories that are under your
1039 Department, based upon their conclusions?

COMMITTEE: **HOUSE BUDGET**

DATE: **June 20, 2001**

WITNESS: **Deputy Secretary Francis Blake**
Page 46, Line 1022

INSERT FOR THE RECORD

FERC issued orders on March 9 and March 16, 2001, requiring that various suppliers of wholesale electricity to California make refunds for certain sales in January-February 2001 or provide the Commission with a justification of the pricing of such sales.

1040 Mr. BLAKE. The labs play an important role in the
1041 research and development efforts of the Department. The
1042 Department is pursuing energy conservation, *and* renewable energy.
1043 Those are part of the budgetary requests. There have been
1044 some supplemental requests that address that.

1045 The Department's budget obviously addresses a number of
1046 other things as well, and you know there is a balance in the
1047 programmatic increases and decreases there. I don't think
1048 you would look just at the energy, what the Department does
1049 related to the energy plan for the budgetary impacts and what
1050 the budget submission was.

1051 Chairman NUSSLE. Mr. Hoekstra.

1052 Mr. HOEKSTRA. Thank you, Mr. Chairman.

1053 Mr. Blake, good morning and thank you for being here.

1054 I think the question that I have--Bill's offered the same
1055 kinds of questions that Mr. Collins had--is that what is
1056 going on in energy?

1057 And you talked about natural gas prices in California,
1058 the tenfold increase in prices there for electricity. I know
1059 that when I go home and I talk to my constituents they have a
1060 hard time understanding what this deregulation and these
1061 prices, price fluctuations--they simply ask a very matter of
1062 fact question: Who is getting the extra profit?

1063 We had a situation where in one day gas prices went up by
1064 20 percent, and they all--all the gas stations did it at like

1065 11 o'clock in the morning. So gas went up by 30 cents a
1066 gallon. And, you know, they don't see any problems in the
1067 Mideast. They don't see any fluctuations in the price per
1068 barrel. They don't read about a refinery going down.
1069 Refineries are running at high capacity.

1070 So the question they come back with is, hey, Pete, who
1071 got the 30 cents? You know, who is getting the extra 30
1072 cents this afternoon and what is it being used for?

1073 I hope that the Department of Energy does an analysis of
1074 where this extra income is going and what is driving these
1075 costs factors. Because with a lack of a clear explanation,
1076 what is happening with consumers is there is a distrust of
1077 market forces. There is a distrust of deregulation. There
1078 is a distrust of the consolidations and the mergers that are
1079 going on in the industry and the basic conclusion that
1080 perhaps it is time for more regulation rather than less
1081 regulation.

1082 If we don't come up with some specific answers and
1083 explanations that actually make sense, as well as a strategy
1084 that says, you know, here is what market forces will work in
1085 the long run and why they may not be working in the short
1086 term--I don't know if you have got any comments or response
1087 to that statement or not.

1088 Mr. BLAKE. A couple of quick comments.

1089 First, on the pricing, and, you know, there has been this

1090 long-standing debate on price caps and whether price caps are
1091 an appropriate response to what is happening in the market
1092 and some notion of improper profits. It is worth just
1093 pausing and remembering that a price cap--if you have got an
1094 essential problem of supply and demand, a price cap addresses
1095 neither. It doesn't improve your future supply, and it
1096 doesn't affect your current demand. If anything, it makes
1097 your future supply more difficult to get on line and
1098 increases your current demand. It is a general comment.

1099 On the oil and gas and pricing, ~~it is~~ there are
1100 constrained refineries. One of the things that the policy
1101 ^{that} points out is we haven't kept up in terms of building new
1102 refineries. And I note that as I came here this morning I
1103 asked what was the price of regular gasoline, and it is
1104 \$1.60, which is 8 cents lower than it was this time last
1105 year.

1106 One of the things that has happened is we saw an increase
1107 earlier than usual; and that, along with all of the other
1108 discussion, I think has created some of the issues that you
1109 raised. But it is worth bearing that in mind.

1110 Mr. HOEKSTRA. We are going to need more help in
1111 understanding exactly why those prices come in, you know,
1112 because, my consumers, they understand supply and demand.
1113 What they are also facing in electricity, in natural gas and
1114 these types of other areas, they are coming out of a

1115 regulated market where for a long time demand was not a
1116 problem, supply was not a problem, and prices weren't a
1117 problem. We had basically relatively inexpensive sources of
1118 electricity and natural gas. And what they are now seeing is
1119 they are seeing deregulation in these areas, and the
1120 only--the end result they see is now, all of a sudden, we
1121 have got a problem with supply, we have got a problem with
1122 demand, and the only benefit I am getting as a consumer is I
1123 am getting to pay these folks more money.

1124 So tell me where the benefit of deregulating the market
1125 in these areas is. That is a question that we face when we
1126 go home, and it is a question that I ask, that says, you
1127 know, do market forces really necessarily work in these types
1128 of industries the way that we expect them to work in other
1129 markets?

1130 Mr. BLAKE. Those are very legitimate questions, and we
1131 need to do a better job in education.

1132 Because if you go back and you look at the concept of
1133 ^{of} these regulated markets with cost ^A service regulation s, what
1134 the utilities did was basically add up their costs and put a
1135 return on equity. If you look at the debates that existed in
1136 the 1970s and 1980s of utilities building enormous plants
1137 that people argued weren't necessary, the debate that I am
1138 sure you are familiar with not that many years ago on
1139 stranded investments, investments that were made in a

1140 | regulated structure, ^{where} ~~that~~ people said, we don't need this.
1141 | What is all this capacity for? It is far too expensive.
1142 | The basic concept was, and I think it is proven out in
1143 | ^a well-designed structure, ~~the basic concept is~~ the market is
1144 | [^] going to do a better job of allocating investment dollars and
1145 | ~~we will see~~ reduced costs. ~~And I think~~ you can look to a number of
1146 | [^] markets around the country where that is happening.
1147 | But your very questions emphasize the extent to which we
1148 | have got to do a better job of education.
1149 | Mr. HOEKSTRA. Thank you.
1150 | Chairman NUSSLE. Mr. McDermott.
1151 | Mr. MCDERMOTT. Thank you, Mr. Chairman. Appreciate your
1152 | bringing the author of the fossil fuel study to the
1153 | committee. I assume you wrote this. That is why they sent
1154 | you up here as the spokesman.
1155 | Mr. BLAKE. No.
1156 | Mr. MCDERMOTT. Who did?
1157 | Mr. BLAKE. There were two individuals employed at EIA,
1158 | at DOE.
1159 | Mr. MCDERMOTT. At EIA?
1160 | Mr. BLAKE. EIA is the Energy Information Administration.
1161 | Mr. MCDERMOTT. And who are those individuals?
1162 | Mr. BLAKE. Ron Early is one name, and ^{Kay} ~~Jay~~ Smith is the
1163 | other name.
1164 | Mr. MCDERMOTT. ^{Kay} ~~Jay~~ Smith. Thank you very much.

1165 I would point out to Mr. Brown that South Carolina may
1166 stand alone. They may have a wonderful energy process, but
1167 you would do a service to the country if you stopped calling
1168 this a California problem. Because those of us who are
1169 further up the West Coast, the decisions made by FERC made it
1170 much worse for us when they said Bonneville had to ship
1171 electricity down to California and force them to do it. We
1172 wound up having our dams drawn down in a drought year. We
1173 are going to have salmon problems. We are going to have all
1174 kinds of problems. So this is a regional issue and people
1175 better get it clear in their heads that no State is going to
1176 stand alone and be able to do it all by themselves.

1177 As the pressure that you see on the West Coast comes on,
1178 it is going to come across the country. That is the view of
1179 the Department of Energy, isn't it? Or do you think this is
1180 just a California problem?

1181 Mr. BLAKE. It is not just a California problem.

1182 Mr. MCDERMOTT. Is it just a West Coast problem?

1183 Mr. BLAKE. It is not just a West Coast problem.

1184 Mr. MCDERMOTT. How far does it come?

1185 Mr. BLAKE. Well, ~~I think the transmission,~~ there are
1186 transmission issues that exist around the country. The
1187 bottlenecks are not just on the West Coast. There are
1188 bottlenecks in the Midwest, ^{and} Southeast, Northeast. So you
1189 are right in saying that the issue ^{is not just in} ~~I mean~~ California.^{and}

1190 | ~~the Northwest face a particularly difficult~~

1191 | Mr. McDERMOTT. We were the first to get it is what you
1192 | are saying, basically.

1193 | Mr. BLAKE. The combination of the drought, the supply
1194 | and demand.

1195 | Mr. McDERMOTT. All the things that happened--.

1196 | Mr. BLAKE. Yeah.

1197 | Mr. McDERMOTT. --happened on the West Coast first, but
1198 | the rest of the country is going to get it.

1199 | Second thing is, people have asked the question here, and
1200 | I want to put a finer point on it. Mr. Collins kind of
1201 | walked around it, and I keep dropping a bill in the Ways and
1202 | Means Committee on an excess profits tax. Do you think 20
1203 | percent profit on your investment is adequate? I mean, you
1204 | are a free enterpriser, right?

1205 | Mr. BLAKE. It depends on the investment and the risks
1206 | and the return. I mean, what is the return?

1207 | Mr. McDERMOTT. Energy would be a pretty solid return,
1208 | wouldn't it?

1209 | Mr. BLAKE. Here is the reason why that is--what is the
1210 | period of time over which you are going to recover your
1211 | investment? What are the risks associated with the
1212 | investment?

1213 | Mr. McDERMOTT. Utilities commissions have been giving
1214 | out 10, 12, 14 percent for years; and everybody's been buying

1215 Florida Gas, Electric and Commonwealth Edison and everybody
1216 else, right?

1217 Mr. BLAKE. When you are a utility, you know that on the
1218 rate structure, if it is used and useful, you get a recovery
1219 on it. When you are developing as a merchant power plant
1220 developer, the fact that you built a ^{plant} ~~plant~~ doesn't mean that
1221 you will get a return. They are very different economic
1222 structures.

1223 Mr. McDermott. So in this period what you are suggesting
1224 is that Enron and all these companies should make as much as
1225 they possibly can at the moment because there will be a dry
1226 period someplace, right?

1227 Mr. BLAKE. No, I wasn't suggesting that.

1228 Mr. McDermott. You don't think there should be any limit
1229 on them, do you, in how much they take out of the people?

1230 Mr. BLAKE. I don't think price caps work.

1231 Mr. McDermott. I didn't ask you about price caps. I
1232 asked you, as a public policy, do you think there should be
1233 any limit whatsoever on how much an industry takes out of an
1234 essential for living? In this country, you cannot live
1235 without electricity.

1236 Mr. BLAKE. On the electricity structure, there is now a
1237 regulatory process where FERC ensures the wholesale rates are
1238 just and reasonable. So the answer to your question--.

1239 Mr. McDermott. You call those--okay, that is good. I

1240 like that. FERC just and reasonable. Do you say that the
1241 rates in California were just and reasonable?

1242 Mr. BLAKE. I think FERC has ~~made~~^{made} already some decisions
1243 that have required rebates on rates where they said they were
1244 not just and reasonable.

1245 Mr. McDERMOTT. Where have they given these rebates?

1246 Mr. BLAKE. I mean, they apply to the wholesale market in
1247 California. I assume they go to whoever was on the other
1248 side of the transaction, ~~the buy, sell and I don't know~~[^]

1249 Mr. McDERMOTT. So the rebates go to Southern California
1250 Gas and Electric. Does it flow on then down to the users?

1251 Mr. BLAKE. I don't know in those instances who were the
1252 buyers that were subject to the--that got the benefit of the
1253 rebates and how it flowed down.

1254 Mr. McDERMOTT. But it is your testimony that the FERC
1255 has set in motion a plan that guarantees rebates to
1256 California producers.

1257 Mr. BLAKE. Producers?

1258 Mr. McDERMOTT. Of electricity.

1259 Mr. BLAKE. ~~They would~~⁼ they have jurisdiction over
1260 wholesale rates. They have jurisdiction to assure that the
1261 wholesale rates are just and reasonable. They have made some
1262 conclusions that they aren't. I would think the rebates in
1263 that case would go to the buyers of that wholesale power,
1264 whoever those might be. It might be a municipality. It

1265 might be an investor-owned utility. It might be the State.
1266 I don't know enough about it.

1267 Mr. MCDERMOTT. I will check that, because I don't think
1268 there have been any rebates. At least I am not aware of
1269 them.

1270 Mr. BLAKE. I think they have been ordered and been found
1271 but where the actual cash transaction is, I don't know.

1272 Mr. MCDERMOTT. The next question I have--and Mr. Honda
1273 has suggested that the budget sets the priorities. And when
1274 you have the kind of cuts that are in this budget, in solar
1275 particularly, which is one that really troubles me, because
1276 solar energy, there is seven times the energy that California
1277 uses in a given day falls on California, and I wonder why I
1278 see nothing creative in this proposal that came out of the
1279 Department of Energy on how to use the solar energy.

1280 I have a bill in the House Ways and Means Committee on
1281 granting the abilities to sell bonds to utilities so that
1282 they can put solar panels on people's houses interest free
1283 and let them pay them back in the rates. There is an
1284 enormous sources of energy that are simply not--are not
1285 talked about and certainly no money is put into this budget.
1286 I can't understand who set those priorities except people who
1287 are interested in gas, oil and coal. That is the only thing
1288 I see.

1289 Mr. BLAKE. No, I think the budget actually reflects sums

1290 to renewable energy sources. I don't know the specifics on
1291 the solar. ~~I would just say~~

1292 Mr. McDERMOTT. It reduced it by 53 percent. The only
1293 increase was in the weatherization program. That is the only
1294 one they increased.

1295 Thank you, Mr. Chairman.

1296 Chairman NUSSLE. Thank you.

1297 Thank you very much, Secretary Blake.

1298 There is no question that this is not merely a California
1299 problem or a West Coast problem or west of the Mississippi
1300 problem. This is a national concern, and that is why we are
1301 here today, because of its impact on the overall economy and
1302 therefore its impact on our budget. The purpose of this
1303 hearing today is to examine that and to get a handle on why
1304 we need, after many years of neglect, a national energy
1305 strategy so that we can put some predictability into the
1306 system.

1307 I appreciate your testimony today. I applaud the
1308 administration for putting a product on the table for
1309 discussion and debate.

1310 Other committees of jurisdiction are now engaged in
1311 debating that, coming up with ideas, proposals. We have many
1312 members who have ideas as Mr. McDermott suggested. I have
1313 some. Many other members of the committee have alternatives
1314 and ideas, and that is where the debate needs to happen.

1315 But it is clear from this hearing that it needs to be
1316 done now. We have to begin the process because it will have
1317 a short-term, medium-term and long-term effect on this
1318 budget; and we have got to get our arms around it
1319 immediately.

1320 We appreciate your testimony here today and the fact that
1321 the administration would at least start this process. Thank
1322 you very much.

1323 Mr. BLAKE. Thank you very much. Congressman Spratt,
1324 members, thank you.

1325 Chairman NUSSLE. At this point in time, we invite to the
1326 witness table a colleague from California, Congressman Bob
1327 Filner, who represents the 50th District--have I got that
1328 right, Bob?

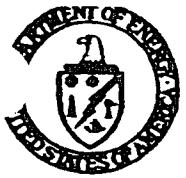
1329 Mr. FILNER. Yes, sir.

1330 Mr. MCDERMOTT. You see, when you come from a State like
1331 Iowa and you have only have five, 50 is a big number. That
1332 is why I just want to make sure--the 50th District of
1333 California, which encompasses San Diego, the southern half of
1334 the City of San Diego.

1335 Representative Filner was elected in 1992, as I
1336 understand, and serves on the Transportation and
1337 Infrastructure Committee and Veterans affairs Committee, is
1338 that correct? Any other committees you serve on?

1339 Mr. FILNER. No, that is enough.

2001-800071



Department of Energy
Washington, DC 20585

July 26, 2001

The Honorable Joe Barton
Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed is the edited transcript of the June 22, 2001, testimony given by David K. Garman, Assistant Secretary for Energy Efficiency and Renewable Energy, regarding National Energy Policy: Conservation and Energy Efficiency.

The three inserts requested by Representatives Boucher, Tauzin and Burr are being prepared and will be forwarded to you as soon as possible.

If we can be of further assistance, please have your staff contact our Congressional Hearing Coordinator, Lillian Owen, at (202) 586-2031.

Sincerely,

A handwritten signature in black ink that reads "Michael Whatley".

Michael Whatley
Director, Office of Congressional
and Intergovernmental Affairs

Enclosure



Printed with soy ink on recycled paper

28756



Kenneth L. Lay
Chairman of the Board

Enron Corp.
P.O. Box 1188
Houston, TX 77251-1188
713-853-6773
Fax 713-853-5313
kenneth.lay@enron.com

July 31, 2001

To: Honorable Spencer Abraham
Secretary of Energy
U.S. Department of Energy
Federal Building
1010 Independence Ave. SW
Washington, DC 20585-1000

Dear Mr. Secretary:

I'd like to follow up with you personally on a recent invitation extended by Jeb H. Skilling for an event Enron is hosting, "**U.S. Energy Policy at a Crossroads: Alternative Futures for the Current Energy Crisis**," in Washington, DC on October 3-4. We would be honored to have you as a featured keynote speaker to communicate your vision of America's energy future. The energy industry is at a critical juncture. Through this event, Enron is committed to creating an open dialogue for the industry to work together collectively and constructively to find solutions and discuss ways to get them implemented.

Your involvement in this industry forum represents an opportunity to engage with the most senior level stakeholders in our sector—key opinion leaders, policymakers, regulators, and business executives. This forum resonates with the industry. Our efforts thus far have generated a positive response, and we anticipate a productive and insightful discussion.

I'd appreciate your being part of this forum. Your participation would greatly enhance the prospects of a positive outcome.

Sincerely,

A handwritten signature in black ink that reads "Kenneth L. Lay". The signature is fluid and cursive, with "Kenneth" on top and "Lay" on the bottom, slightly overlapping.

Endless possibilities.™

28757



Federal Emergency Management Agency
Washington, D.C. 20472

2001-018124 8/2 A 9:34

The Honorable Spencer Abraham
Secretary
Department of Energy
Washington, DC 20585

Dear Secretary Abraham:

Thank you for your recent letter to Joe M. Allbaugh, Director, Federal Emergency Management Agency (FEMA) regarding the Department of Energy's strategy to support the National Energy Plan and FEMA. I apologize for the delayed response.

Your letter has been forwarded to the appropriate FEMA officials responsible for the Plan's implementation. They will be in contact with your staff very soon to discuss a collaborative effort between FEMA and your Department.

Sincerely,

M.C. Earman
M. C. Earman
Acting Executive Officer
Readiness, Response and Recovery Directorate

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DO NOT DETACH FROM TRANSCRIPT

RETURN TO:

**U.S. HOUSE OF REPRESENTATIVES
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**Subject: National Energy Policy: Conservation and
Energy Efficiency**

Hearing date: June 22, 2001

Referred to: David Garman

Testimony given by you before the Committee appears on the attached typewritten print. Please indicate corrections, if any, in **RED**, and return the **original** within 1 week of receipt.

PLEASE NOTE: Only technical, grammatical, stenographic, and typographical corrections will be accepted.

If supplemental material has been requested for the record by the Committee, it should be of photographic quality for reproduction. Please indicate clearly, by page and line, where material is referenced. A copy of this information should also be sent directly to the Member requesting the material. **Please supply a data disc of material and prepared statement if possible.**

Thank you.

**Joe Patterson,
Publications Office
Ph. 225-0430**

1 RPTS STALLSWORTH

2 DCMN MAYER

3 HEARING ON NATIONAL ENERGY POLICY:

4 CONSERVATION AND ENERGY EFFICIENCY

5 Friday, June 22, 2001

6 House of Representatives,

7 Committee on Energy and Commerce,

8 Subcommittee on Energy and Air Quality,

9 Washington, D.C.

10 The subcommittee met, pursuant to call, at 9:33 a.m., in
11 Room 2123, Rayburn House Office Building, Hon. Joe Barton
12 [chairman of the subcommittee] presiding.

13 Present: Representatives Barton, Burr, Whitfield,
14 Bryant, Walden, Tauzin, ex officio, Boucher, Markey, Barrett,
15 and Dingell, ex officio.

16 Staff Present: Jason Bentley, Counsel; Joe Stanko,
17 Counsel; Sean Cunningham, Counsel; Peter Kielty, Legislative
18 Clerk, Andy Black, Policy Coordinator; Sue Sheridan, Minority
19 Counsel; and Erick Kessler, Professional Staff Member.

533 | STATEMENT OF THE HONORABLE DAVID GARMAN

534 Mr. GARMAN. Thank you, Mr. Chairman, and members of the
535 committee. I will try to take less than 7 minutes, if
536 possible.

537 It is very important and notable that you are starting
538 out your first hearing on this very important subject of
539 energy efficiency. Energy efficiency is, of course, a
540 critical component of the administration's National Energy
541 Policy. As has been pointed out, of the 105 recommendations
542 contained in the policy, more than 20 directly or indirectly
543 address energy efficiency and another 16, ~~the point of refer to~~ ^
544 renewable energy.

545 By implementing these recommendations, our Nation will
546 continue the trend that has begun on decreasing energy use
547 per dollar of GDP while improving our standard of living and
548 protecting the environment.

549 My office is responsible for DOE's research, development,
550 demonstration and deployment of advanced energy technologies
551 and practices. We are quickly working to implement the
552 recommendations contained in the President's National Energy
553 Policy.

554 For example, the policy calls for a review of current

555 funding and historic performance of the Department of
556 Energy's Office of Energy Efficiency and Renewable Energy
557 Programs. Within 12 days after I was sworn in, we were
558 conducting public meetings at various locations across the
559 Nation in an effort to receive public comments on the
560 objectives of our energy efficiency programs, the objectives
561 of our future programs, program implementation, whether or
562 not our programs were achieving their intended objectives,
563 and new ideas for public-private partnerships.

564 With the benefit of public comment, we are now proceeding
565 with a top-to-bottom strategic review of all of our 31
566 programs to assess their performance and potential to be
567 complete by September 1st.

568 Our review will complement a National Academy of
569 Sciences' review that is also under way, studying some of our
570 energy efficiency programs, and that review is expected to be
571 released in mid-July. Based on these reviews, we will be in
572 a position to propose appropriate levels of funding for our
573 programs in the future, as well as to continue to engage the
574 Congress as it concerns spending levels for fiscal year 2002.

575 It is our aim to promote a diverse portfolio of activities
576 that are performance-based and modeled on public-private
577 partnerships.

578 Let me cite just a couple of examples of what we have
579 accomplished so far to illustrate why I am enthusiastic about

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580 our capacity to fulfill many of the recommendations contained
581 in the President's National Energy Policy document.

582 In the transportation sector in our government, the
583 investment in our government/^Aindustry partnership for new
584 generation of vehicles is paying off. Hybrid electric drive
585 options will be offered by each of the three automakers in
586 the 2003-2004 time frame: Dodge Durango in 2003, Ford Escape
587 in 2003, Chevrolet Silverado in 2004, and Ford Explorer in
588 late 2004.

589 In general, these configurations of hybrid vehicles will
590 deliver equal or better performance while also improving fuel
591 economy between 15 and 35 percent.

592 In our industrial programs, through cost-shared R&D on
593 precompetitive technologies, the Department has helped
594 develop over 140 technologies that are now in the
595 marketplace. For example, a new oxygen-fueled combustion
596 process in the glass industry averages energy savings of 15
597 percent on larger furnaces and can achieve savings of up to
598 45 percent in smaller furnaces, all while reducing ^{NOX}~~knocks~~^A and
599 particulate emissions; in the buildings arena, the
600 introduction of new technology to increase energy efficiency
601 that can have significant economic and environmental
602 benefits.

603 Two examples of reduced energy use that EERE has played a
604 role in include low emissivity windows that now comprise 40

605 percent of the market and reduce heat loss from the windows
606 by one-third. Also, energy-efficient refrigerators, as has
607 been pointed out this morning, use a quarter of the energy
608 needed by refrigerators as recently as 1974.

609 I want to stress that nearly our entire portfolio of
610 energy R&D is based on public-private partnerships. We
611 believe that working with the private sector stimulates
612 private investments and leverages Federal dollars. These
613 partnerships also help ensure that we develop technologies
614 that the private industry will carry forward into the
615 marketplace.

616 Finally, Mr. Chairman, in the letter asking us to
617 testify, you asked that we identify any statutory changes
618 that might further promote energy efficiency. We find that
619 at very first blush, we have significant existing authority
620 to carry out programs under the provisions of the National
621 Energy Policy Act of 1992, the Energy Policy and Conservation
622 Act, the National Energy Conservation Act, the Energy
623 Security Act, and many other provisions of law.

624 Prior to the completion of our strategic reviews, which
625 will be complete September 1st, we are not yet in a position
626 to identify other legislative initiatives beyond those
627 included in the National Energy Policy that the
628 administration is prepared to recommend at this time.
629 However, we will look forward to working with the Congress

630 and this committee as you move forward in these areas.

631 Mr. Chairman, I believe that the National Energy Policy
632 recognizes the critical role that energy efficiency plays in
633 a balanced energy policy. Thank you for the opportunity to
634 testify today, and I look forward to any questions the that
635 the panel may have. Thank you.

636 Mr. BARTON. Thank you, Mr. Harman.
Garmen
637 [The statement of Mr. Harman follows:]

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638 ***** INSERT 1-1 *****

Statement of David K. Garman
Assistant Secretary for
Energy Efficiency and Renewable Energy
U. S. Department of Energy

before the
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
U. S. House of Representatives

June 22, 2001

Chairman Barton and members of the Subcommittee, it is a pleasure for me to be here today to discuss the Administration's National Energy Policy and its relationship to the Department of Energy's Energy Efficiency programs. Mr. Chairman, the National Energy Policy, which was issued on May 16, 2001, by the National Energy Policy Development Group, is a balanced, comprehensive long-term approach highlighting the promise of technology in meeting our energy, environmental and economic challenges. The National Energy Policy promotes energy efficiency and improved energy conservation as a national priority. Of the 105 recommendations in the Policy, more than 20 directly or indirectly address energy efficiency in residences, commercial establishments, industrial sites, electrical power plants, and transportation. By implementing these actions, this nation will continue our trend of decreasing energy use per dollar of GDP, while improving our standard of living and protecting the environment.

Mr. Chairman, I am pleased to report the Office of Energy Efficiency and Renewable Energy will continue to build on our successful technology research, development, demonstration and deployment (RDD&D) activities to meet the recommendations of the National Energy Policy.

EERE is poised to play a major role in this nation's energy future. The Office funds research, development, demonstration and deployment of affordable, advanced energy technologies and practices. This effort is organized around five energy sectors — (1) buildings, (2) industry, (3) transportation, (4) power generation and delivery, and (5) federal government facilities --- which are incorporated into 31 programs. Let me cite only a few examples of what we've accomplished so far to illustrate why I am so enthusiastic about EERE's capacity to fulfill many of the recommendations of the National Energy Policy.

In the transportation sector, the investment in our government/industry Partnership for a New Generation of Vehicles (PNGV) is paying off: Hybrid-electric drive options will be offered by each of the three automakers in the 2003-2004 timeframe: Dodge Durango in 2003, Ford Escape in 2003, Chevrolet Silverado in 2004, and Ford Explorer in late 2004. In general, these configurations will deliver equal or better performance while also improving fuel economy by between 15 to 35 percent. To the individual consumer, this could mean roughly a twenty percent reduction in fuel use, which allow a fifth fewer trips to the gas station and reduced fuel costs.

In our industrial programs, through cost-shared R&D on pre-competitive technologies, the Department has helped develop over 140 technologies which are currently in the marketplace. These technologies provide environmental and general productivity improvements, as well as reducing farm and factory energy bills. For example, a new oxygen-fueled combustion process in the glass industry averages energy savings of 15% on larger furnaces and can achieve savings of up to 45% in smaller furnaces while reducing NOx and particulate emissions.

In the buildings arena, the introduction of new technology to increase energy efficiency can have significant economic and environmental benefits. Two examples of reduced energy use are: Low emissivity windows which reduce heat loss from windows by one-third and now comprise 40% of the windows market; and energy use in refrigerators has gone from over 1800 kilowatt hours per year for a typical unit sold in 1974 to a new standard of 476 kilowatt hours for a typical unit sold after July 1, 2001, reducing refrigerator energy use by roughly three-quarters.

And, finally, we have also had successes in our Federal Energy Management program. In FY 1999, the Government reached its Energy Policy Act of 1992 FY2000 goal of 20% decreased energy consumption per gross square foot since FY1985 - a year early. In FY 1999 constant dollars, the Federal government's utility bill in FY 1985 for facilities was \$5.6 billion dollars. In FY 1999, the bill was \$3.41 billion dollars - \$2.2 billion less in constant dollars.

I want to stress that nearly our entire portfolio of energy efficiency programs is based on public/private partnerships. We believe that working with the private sector stimulates private investments and leverages scarce federal dollars. These partnerships also help ensure that we develop technologies that private industry will carry forward to the marketplace.

Mr. Chairman, the Department has already begun to implement some of the recommendations from the National Energy Policy report. The Policy calls for a review of current funding and historic performance of the Department of Energy's Office of Energy Efficiency and Renewable

Energy programs. I am pleased that Secretary Abraham asked me to begin the review process. My office has undertaken the reviews by using a two-pronged approach: (1) A period of public comments; and (2) an internal programmatic review. We scheduled seven meetings across the country throughout the month of June to receive public comments on the NEP as it relates to EERE programs. Six of the meetings have been completed. We've asked the public to provide their views on (1) the objectives of the current energy efficiency and renewable energy research, development, demonstration and deployment programs, (2) suggested potential objectives for future programs, (3) implementation of current and future programs, (4) whether these federal programs are achieving intended objectives, and (5) and ideas for public/private partnerships.

When public input concludes on June 29, we will begin reviewing all EERE programs to determine their performance and potential in terms of delivering benefits to the public. We have committed to reevaluating those programs that have not made progress toward national energy goals. Likewise, we will redouble our efforts in those programs that have shown, and continue to show, good performance and potential in contributing to national energy goals. We have set the ambitious goal of completing the formal program review by September 1 at which point we will provide recommendations to the Secretary. I fully expect, that when the review is complete, we will have a diverse portfolio of activities -- from basic research to deployment projects -- that is performance-based. This is consistent with the national need to develop a balanced energy technology R&D portfolio that delivers short-term, intermediate, and long-term energy benefits. Further, this review will complement the National Academy of Sciences study of our programs which is expected to be released in mid-July.

Mr. Chairman, we are leading by example. President Bush, on May 3, 2001, issued a directive to Federal agencies, echoing the NEP recommendation that Federal managers take appropriate actions to conserve energy at their facilities to the maximum extent possible. These Federal actions, which were to begin immediately, are expected to reduce peak load and serve as examples of energy conservation for the rest of the country. They may even help reduce the extent of electricity shortages this summer in susceptible areas including California, the Northeast and the Northwest. Secretary Abraham has asked EERE's Federal Energy Management Program (FEMP) to work with federal agencies to implement the President's directive. This week we transmitted to the Vice President for his review, the consolidated report of Federal Agencies outlining the Federal Government's efforts to save electricity and reduce peak load in response to the President's directive.

The National Energy Policy report recommended that the President increase funding the Weatherization Assistance Program by \$1.2 billion over 10 years. In concert with this recommendation, the President requested an additional \$120 million in the FY 2002 budget submission for this purpose. This funding increase will enable States to weatherize 123,000 low-income homes. This represents an increase of 48,000 additional low-income homes as compared to FY 2001, thereby providing assistance to low-income citizens whose energy costs represent a disproportionate share of their income.

Mr. Chairman, I know that the Subcommittee is considering statutory changes that might further

promote energy efficiency. We find, at first blush, that we have significant existing authority to carry out our programs under the provisions of the Energy Policy Act of 1992, the Energy Policy and Conservation Act, the National Energy Conservation Act, the Energy Security Act, the National Appliance Energy Conservation Policy Act, the Federal Energy Management Improvement Act, and the Department of Energy Organization Act, among others. Moreover, Executive Orders provide us with additional authority and guidance. Prior to completion of our strategic reviews, we cannot identify other legislative initiatives beyond those included in the National Energy Policy that the Administration is prepared to recommend.

Mr. Chairman, we believe that the National Energy Policy recognizes the critical role that energy efficiency plays in a balanced energy policy. Thank you for the opportunity to testify today and I will be happy to respond to any questions you may have.

639 Mr. BARTON. And we now hear from Mr. Hoover.

640 STATEMENT OF FREDERICK H. HOOVER, JR.

641 Mr. HOOVER. Mr. Chairman, members of the subcommittee,
642 my name is Frederick Hoover, Jr., and I am pleased to testify
643 today to discuss the views of the National Association of
644 State Energy Officials on energy efficiency programs. I am
645 the Director of the Maryland Energy Administration. I am
646 also an officer of NASEO, which represents 49 of the State
647 energy offices, as well as the territory of the District of
648 Columbia.

649 NASEO's overall objective is to support balanced national
650 energy policies and to provide State perspectives on energy
651 issues. NASEO members operate energy programs in all sectors
652 of the economy and all types of energy resources. The State
653 energy officials are also generally the governor's energy
654 advisors.

655 I want to congratulate Assistant Secretary Garman on his
656 appointment. He has been open to State views, and we look
657 forward to working with him in the future. We also applaud
658 the subcommittee for holding this hearing today on energy
659 efficiency.

660 In short, energy efficiency is a critical component of a

661 responsible National Energy Policy. It is certainly not the
662 only component of a balanced policy, but it is both
663 undervalued and underfunded.

664 Energy efficiency cannot be seen as one individual
665 program or policy. It works most effectively when
666 implemented through a combination of public-private
667 partnerships, government encouragement and programs,
668 deployment and research, development and demonstration.

669 One of the many roles that State energy offices play is
670 to promote energy efficiency activities through all these
671 vehicles. Our offices push for the passage of energy
672 legislation at the State level, such as electric
673 restructuring with public benefit programs, building code
674 upgrades, State tax credits for energy efficiency, and the
675 promotion of transportation efficiency programs such as
676 telecommuting and ride-sharing.

677 Many in Washington, D.C., see energy efficiency as a
678 series of stark choices in contrast. We do not view it in
679 this manner. For example, some on Capitol Hill and in the
680 administration believe that the only Federal Government role
681 is to promote R&D. We believe this is not correct. NASEO
682 strongly supports aggressive R&D programs at the Federal and
683 State level, but R&D alone is not sufficient.

684 A sensible energy policy is built upon encouraging
685 deployment of new technologies, especially in the energy

686 efficiency area. I would cite as an example the Energy Star
687 program, a partnership with States between the Department of
688 Energy and the Environmental Protection Agency to promote
689 energy-efficient appliances.

690 Our State energy officials have their fingers on the
691 pulse of the actions that businesses and homeowners are
692 taking. We know what sells to the public. R&D without
693 deployment is a waste. We conduct both applied and long-term
694 R&D at the State level in concert with our business partners.

695 Feedback is critical to directing that work so that it is
696 relevant. Often, our Federal R&D programs lack that
697 necessary feedback loop to the energy offices and the
698 industries to provide practical advice on the direction of
699 this research and its practical application.

700 The recent action by the House Subcommittee on Interior
701 of the Committee on Appropriations, and approved by the full
702 committee on June 13, to increase funding for Federal energy
703 efficiency programs to \$940 million in fiscal year 2002 is a
704 very positive step. The Subcommittee on Interior should be
705 applauded for its leadership and bipartisan cooperation in
706 recognizing the significance of our energy problems.

707 Of greatest importance was the proposed increase in the
708 State energy program from \$38 million to \$62 million and the
709 weatherization assistance program from \$153 million to \$249
710 million. In general, most of the energy efficiency R&D

711 programs unfortunately remain closed to fiscal year 2001
712 levels.

713 The review of these programs being conducted by the
714 Department of Energy is described by Assistant Secretary
715 Garman as a positive development. This review is intended to
716 focus on measures of success in the presence of
717 public-private partnerships. Our State energy offices have
718 been participating in these meetings. We stand ready to
719 assist the new administration during this review process.

720 The State energy offices are in a unique position to get
721 us precisely this type of review which our governors and
722 legislatures call on us to undertake on a regular basis. We
723 look forward to providing useful input. Progress has been
724 made in recent years, and we look forward to continuing to
725 work with the agency in this area.

726 We do feel that there are a number of areas that require
727 specific legislative attention beyond the budget and
728 appropriation issues. Residential tax credits for new and
729 existing building energy efficiency is a critical piece of
730 legislation. The school sector is one area where we have a
731 serious energy problem.

732 The efforts on the part of Representative Udall and the
733 gentleman from New York, Mr. Boehlert, who had the foresight
734 to introduce such legislation which will provide funding for
735 energy efficiency and improvements at schools is a positive

736 development. This legislation is basically included in both
737 Senator Mikulski and Chairman Bingaman's comprehensive bills.
738 It should be included in any bill this subcommittee moves
739 forward.

740 In the transportation sector, the President's proposal
741 for hybrid and fuel cell vehicles and Senator Hatch's Clear
742 Air Act legislation are very positive developments. We
743 cannot fully address our energy problems without dealing with
744 the transportation sector.

745 I would also like to congratulate the efforts by the
746 gentleman from Louisiana, Chairman Tauzin, and the gentleman
747 from North Carolina, Mr. Burr, to remove the weatherization
748 match requirement that was taken yesterday.

749 NASEO is pleased to have had the opportunity to testify
750 today. We look forward to working with the subcommittee in
751 the future on this very important issue. Thank you.

752 [The statement of Mr. Hoover follows:]

753 ***** INSERT 1-2 *****

754 Mr. BARTON. Thank you.

755 The Chair would recognize himself for 5 minutes for
756 questions, and I don't expect to take 5 minutes.

757 Mr. Garman, how long have you actually been in the
758 Department of Energy this year?

759 Mr. GARMAN. I was sworn on May 31st.

760 Mr. BARTON. So you have been there less than a month.

761 Mr. GARMAN. Yes, sir.

762 Mr. BARTON. Okay. Have you, in your mind, had adequate
763 time to assimilate some of the programs that are under your
764 jurisdiction? Do you feel like you have got a good working
765 knowledge based on that?

766 Mr. GARMAN. I have an initial working knowledge, yes,
767 sir.

768 Mr. BARTON. Okay. Of the people that are directly under
769 your control, are any of them people that you brought with
770 you, or are they pretty much people that were there?

771 Mr. GARMAN. No, sir, I brought no one with me.

772 Mr. BARTON. Do you expect to have some assistants that
773 are of your choosing at some point in the near future?

774 Mr. GARMAN. Yes, sir, I do.

775 Mr. BARTON. Okay. So, so far, you have been in the
776 Department less than a month, and you have the career staff
777 that is in that part of the Department that you are in charge
778 of?

779 Mr. GARMAN. That is correct. And I would add that it is
780 truly an excellent and exceptional career staff. We are
781 fortunate in that regard.

782 Mr. BARTON. We would expect you to say that in their
783 presence. And I am sure it is a true statement, so I am not
784 being facetious about that.

785 When I was Chairman of the Subcommittee on Oversight and
786 Investigations of this committee, I did numerous hearings on
787 the efficiency of the Department of Energy and the programs
788 under that department. It was like throwing darts at a dart
789 board. Wherever you hit, you found a problem. It was
790 just--without exception, the programs were not well run, were
791 not cost effective, were very wasteful of taxpayer dollars.

792 So I am very interested, as you settle in, in your
793 personal analysis of these conservation programs that you are
794 in charge of, because my experience has been, at the surface,
795 they may appear to be performing ably, but in fact, if you
796 look beneath the surface, there are problems. I am not
797 talking about corruption problems, I am just talking about,
798 do they--does the program deliver what it is supposed to
799 deliver in terms of the expectation of the country and the
800 Congress.

801 So I would encourage you to really stress in your
802 programmatic reviews that we expect these things to deliver.
803 We expect these programs to deliver.

804 Now, having given you that lecture, which is just that
805 everybody is going to be--the first time you get elected a
806 Congressman, everybody is nice to you, they smile at you,
807 they laugh at jokes that they've heard 1,000 times like they
808 have never heard them. I mean it is amazing, okay?

809 But be a real manager. Work underneath.

810 Do you feel, is there one particular program under your
811 review that you, on initial review, you think is really
812 performing well?

813 Mr. GARMAN. Part of it could be my previous position,
814 sir, since I come from the South, I have a certain affinity
815 for automobiles, transportation technology. Yeah, you can
816 picture my home where I grew up is one that had cars in the
817 back on blocks. That is where I come from.

818 The time that I have been able to spend with the
819 transportation technologies, with the development of hybrid
820 vehicles, fuel cells, and looking at some of these other
821 technologies, I find that they are truly exciting.

822 I also see a great deal of promise in the area of
823 bioproducts, biofuels, opportunities to provide renewable
824 resources on the farm and turn them into products that can
825 benefit the Nation from an energy standpoint and from an
826 economic standpoint.

827 Those are two things that have jumped out at me.

828 Mr. BARTON. I will ask you a question I asked the

829 management of General Motors in Detroit this past Monday. Do
830 you see a point in the future where the fuel cell will become
831 so well developed and so efficient that it is economically
832 competitive or preferred over the internal combustion engine,
833 regardless of the cost of gasoline?

834 Mr. GARMAN. You have put your finger on a very strong
835 technological challenge. We calculate for a fuel cell to be
836 economically competitive with an internal combustion engine,
837 it is going to have to come down to the level of about \$50 a
838 kilowatt.

839 Right now, the catalyst component of the fuel cell itself
840 costs \$57 or \$60 for that unit of energy. When you add the
841 compressor pumps, the graphite stack and all the other
842 components that make a fuel cell, yes, we have some
843 significant technological challenges before we have a
844 cost-effective, efficient fuel cell vehicle.

845 Having said that, though, hybrid technologies,
846 gasoline-electric-drive hybrid technologies present an
847 excellent bridge technology that can get us--that can score
848 some efficiency gains along that pathway.

849 Mr. BARTON. My time has expired, so I want to just make
850 one final comment and recognize Mr. Boucher.

851 When I asked the GM executive that question, my
852 impression was that they have given all their thought to how
853 fuel cells are going to compete in a higher oil price market,

854 | their assumption is that as the price of oil escalates, fuel
855 | cells become more competitive because they can bring the fuel
856 | cell cost down and the oil cost is going to go up.

857 | I may have misinterpreted his reaction, but my
858 | interpretation of his reaction was, they haven't given any
859 | thought to what happens when OPEC says, oh, fuel cells are
860 | becoming pretty efficient. We had better lower the price of
861 | oil so that internal combustion engines are still
862 | competitive. We better pump more.

863 | If your only asset is hundreds of billions of barrels of
864 | oil reserves, and the Western economy moves to fuel cells and
865 | says, the heck with the internal combustion engine, then you
866 | don't have an asset. So all these projections that oil
867 | prices are going to \$50, \$60, \$70, \$80 a barrel, that is only
868 | if we don't develop an alternative.

869 | If we really develop an alternative, those prices are
870 | going to go down to stay competitive. I don't think that at
871 | least the GM people had thought about that. We need to think
872 | about that if we are going to put all of our eggs into fuel
873 | cell technology, because the people that are providing the
874 | oil are not crazy people. They are going to eventually say,
875 | we have got to lower our price to stay competitive.

876 | The gentleman from Virginia is recognized for 5 minutes
877 | for questions.

878 | Mr. BOUCHER. Well, thank you very much, Mr. Chairman.

879 And, Mr. Garman, I also want to congratulate you on your
880 appointment and thank you very much for being here today and
881 say that we look forward to working with you as we develop
882 the energy conservation and efficiency portions of our
883 national energy strategy legislation.

884 Let me direct your attention to a provision in the report
885 of the administration's Energy Task Force, recently released,
886 which recommends--and I will simply quote this; that will
887 save you actually having to open it up. You are probably
888 familiar with this direction, in any event. The
889 recommendation is that "the President direct the Secretary of
890 Energy to establish a national priority for improving energy
891 efficiency".

892 I would like for you, if you would this morning, to give
893 us a sense of how that direction is going to be translated
894 into concrete recommendations. Give us a status report, if
895 you would, on your work in developing the recommendations
896 stemming from that direction.

897 Here is where you may want to take a note or two. In
898 particular, I would appreciate your indicating how the
899 Department of Energy would propose to have energy efficiency
900 improvements in the following areas. And I will be very
901 precise about the areas that I would like for you to address.

902 First of all, how soon do you intend to update the
903 existing standards for a residential dishwasher and for

904 refrigerators, residential dishwashers and refrigerators?
905 Secondly, how soon do you expect to complete the ongoing
906 proceedings, which I think have been under way for a matter
907 of years, extending well back into the last administration,
908 relating to electricity distribution transformer efficiency?

909 Then, third, will the administration support new
910 efficiency standards for the following; commercial
911 refrigerators, exit signs, traffic lights, icemakers, and
912 commercial unit heaters?

913 The reason I have selected these precise latter topics is
914 because we are getting recommendations from other witnesses
915 who will appear this morning that in our legislation we
916 include these precise items with directions that energy
917 efficiency improvement standards be established. So
918 anticipating those recommendations, I would like to get your
919 view on those subjects.

920 I will yield the balance of my time to you for that.

921 Mr. GARMAN. One of the things that we are working to
922 do--and I will be candid with you, looking at that particular
923 recommendation that you cited, making energy efficiency a
924 national priority, gives us something of an open field.

925 What the Secretary has directed, the Deputy Secretary,
926 the number two official in the Department, us to do is to
927 take this document and to translate it into implementation
928 actions. We were in a meeting yesterday in his office going

929 over some of these very points.

930 It is going to require in most cases a collaboration
931 between the other agencies--the Department of Transportation,
932 the Environmental Protection Agency--frankly, a level of
933 collaboration we haven't always seen in the past. So in
934 addition to the fundamental issue of translating this, we are
935 going to have to refashion the dialogue and improve
936 dialogue between the disparate Federal agencies to begin to
937 put some meat on the bones of these recommendations.

938 Now, that process is under way, and on a weekly basis, we
939 have updated matrixes to try to implement the policy and
940 really put a fine point on it.

941 With respect to the specific standards, we are well along
942 the way on distribution transformers, and I can't give you an
943 exact time frame because, of course, it is a regulatory
944 process and there are opportunities for some of the
945 stakeholders in the process to lengthen or expedite depending
946 on--but let me--.

947 Mr. BOUCHER. Can you just give us a general sense?

948 Mr. GARMAN. Sure. I think we can--I think that
949 distribution transformers are an opportunity for a reasonably
950 expeditious win. I think that--and part of this, because one
951 of the programs that we are actually going to review in the
952 context of this strategic review are our rulemaking processes
953 on setting new standards for these various items.

954 I can tell you that some that you have mentioned,
955 refrigeration, commercial, are on our higher priority list.
956 And I would beg the indulgence of the committee--and perhaps
957 this is something I can provide you for the record--something
958 of a matrix of our current thinking on the prioritization of
959 these various appliances and the general time frames in which
960 we think we will be turning to them.

961 Mr. BOUCHER. Mr. Chairman, thank you. My time has
962 expired. Let me simply conclude by thanking Secretary Garman
963 for his attendance here and his answer to this question.

964 And, Mr. Secretary, I would very much welcome at the
965 earliest time that you could provide it that written response
966 to this question that establishes these priorities and some
967 suggested time frames for completing these various
968 rulemakings. And to the extent that you can talk about your
969 level of support for the specific items that I indicated in
970 the last part of the question for refrigerators and the other
971 items, that would be welcome, too.

972 Now, we are proceeding on a fairly rapid schedule here to
973 adopt legislation on this set of issues, and so if you could
974 provide an answer perhaps by next week, that would be timely
975 and helpful to us. And I thank you and thank you, Mr.
976 Chairman.

977 [The information follows:]

978

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979 Mr. WALDEN. [Presiding.] That would be good for all the
980 committee members to have a copy of.

981 The Chair now recognizes the gentleman from Louisiana,
982 the chairman of the full committee, Mr. Tauzin.

983 Mr. TAUZIN. Thank you, Mr. Chairman.

984 Mr. Garman, again my congratulations, and thanks for
985 being here.

986 Let me ask you, sir, in terms of the administration's
987 position to give the air conditioning efficiency standard a
988 hit for me, where is the administration on this, and what
989 kind of support can we expect for regulations that would
990 improve air conditioning efficiency?

991 I realize it is pretty controversial, but maybe you can
992 explain where you are on it.

993 Mr. GARMAN. Sure. I will try to make a couple of points
994 on this.

995 First of all, the current air conditioning standard is
996 set at a seasonal energy efficiency ratio of 10.
997 Approximately 79 percent of the air conditioners on the
998 market today are at a level 10. What the administration is
999 expected to shortly propose--and that rulemaking has not been
1000 offered up yet, but--is to raise standards for residential
1001 air conditioners and heat pumps 20 percent from a SEER 10 to
1002 a 12. I would expect that rulemaking to occur in the next
1003 week or two.

1004 Mr. TAUZIN. In terms of the drive to make Federal
1005 facilities more energy-efficient, you recently saw the
1006 President make an announcement that in California, he
1007 expected a 10 percent reduction in energy use in these
1008 facilities, particularly during the State's three
1009 emergencies.

1010 In the bill that Mr. Barton was proposing, we had even
1011 increased that to 20 percent, because our information was
1012 that that was achievable. We have seen 20 percent reductions
1013 in Federal facility energy consumption mandated over time and
1014 achieved. Is it time for another mandate for the buildings
1015 and the facilities of our country that are Federal to target
1016 and to achieve energy efficiency reductions?

1017 Mr. GARMAN. There is an existing executive order, if I
1018 am not mistaken, that is in place currently, it has not been
1019 rescinded, that is calling for continuous improvement in the
1020 Federal arena.

1021 Mr. TAUZIN. We are told, for example, Mr. Garman, that
1022 an investment in a simple thing of replacing incandescent
1023 bulbs with more efficient bulbs could obviously be a little
1024 costly. Most Americans are more willing to buy a 30-cent
1025 incandescent bulb rather than a \$4 very efficient,
1026 high-quality bulb because of the initial investment in cost.
1027 But we are told that you can recover those costs within a 4-,
1028 5-year period; and that would, in the long term, make great

1029 economic sense, particularly for Federal officials.

1030 If we included a new mandated number, a target, a goal in
1031 our legislation, do you think that ideas like that could be
1032 utilized by the Federal facilities to achieve even greater
1033 efficiencies than they are currently doing?

1034 RPTS SMITH

1035 DCMN MAGMER

1036 [10:30 a.m.]

1037 Mr. GARMAN. Yes. ~~I mean well~~, let me put it this way.

1038 ~~In the last~~ against the 1985 baseline, we have outperformed
1039 the goal, slightly outperformed the goal, governmentwide,
1040 that appeared in the Energy Policy Act of 1992. We achieved
1041 the goal a year early, the 2000 goal.

1042 Now, that is not to say there is not a lot, frankly, in
1043 pursuit of that goal, a lot of the low-hanging fruit such as
1044 those you have mentioned, ballasts, changing incandescent
1045 bulbs. That is not to say that--.

1046 We are testing the system now, for instance, in
1047 California where the Federal government uses about one and a
1048 half percent of all the energy in California. We had our
1049 managers, in response to the President's directive, try
1050 load-sharing opportunities, and at one point I believe we
1051 were able to cut load during peak time on the order of 20, 25
1052 percent.

1053 Mr. TAUZIN. You know, we hear big numbers like that.

1054 Mr. Hoover, I suspect the State facilities are doing
1055 similar work. Can we expect that if, in fact, we in our
1056 legislation encourage and incentivize State and local
1057 governments to achieve similar results, is that possible? Is
1058 that achievable?

1059 Mr. HOOVER. Well, in my own State we have a legislative
1060 reduction goal that increases by a certain percentage each
1061 year from a 1992 base line, and now we are up to discussing
1062 going to a 30 percent reduction. So I think all of these are
1063 very achievable.

1064 Mr. TAUZIN. I want to know what either of you know about
1065 Sterling engines. One of our members, Charlie Bass, has
1066 presented a lot of information to us on the latest
1067 developments on the Sterling engine.

1068 We hear a lot about hybrid fuel cells, and our bill
1069 obviously is going to try to incentivize more than--and also
1070 because of the environmental aspects of fuel cell use and
1071 hybrid engines on the Nation's highways. We were thinking,
1072 for example, why not allow people to use an HOV lane if they
1073 have got a high-mileage, low-emission vehicle even if you are
1074 only one person in that car? Why not incentivize you to do
1075 that?

1076 But in terms of the Sterling engine, do we have a good
1077 understanding of its capabilities as it has been recently
1078 modified to add to all sorts of new energy efficiencies in
1079 the market?

1080 Mr. GARMAN. I had the opportunity to actually see a
1081 Sterling engine a couple of weeks ago. It is not a
1082 particularly new technology.

1083 Mr. TAUZIN. It is very old.

1084 Mr. GARMAN. But, as you pointed out, there are new
1085 modifications and possibilities that it affords. I think
1086 in--particularly in some of, you know, energy renewable where
1087 an external heat source can be applied.

1088 Mr. TAUZIN. We are also told that in distributive energy
1089 systems Sterling engines can be extraordinarily useful,
1090 particularly new designs. I would love to have something
1091 from you to complement what Charlie Bass has brought on our
1092 committee, if you can to give us your latest of its potential
1093 as part of a conservation and distributive energy initiative.

1094 Finally, I just wanted a comment from both of you on one
1095 of the most important elements of conservation. In
1096 California, when California had price caps on the retail
1097 market on its electricity, we discovered in our surveys in
1098 California a drop in conservation of 8 percent. It shouldn't
1099 have surprised us. Price controls tend to encourage demand
1100 and weaken conservation efforts. Price increases have the
1101 opposite results always. We saw a 13 percent increase in
1102 conservation in California the moment it was announced that
1103 those price controls would be lifted on the retail market.

1104 Is the price of gasoline going up, shortage of natural
1105 gas, prices of natural gas going up? How much do prices and
1106 increases in prices under your analysis create conservation
1107 incentives? What is the relationship in that? Is it a
1108 one-to-one relationship? Is it a one-to-two?

1109 How high do prices have to go before people really get
1110 serious, for example, and change all the incandescent bulbs
1111 in their houses and buy the systems that turn our air
1112 conditions on and off when we are gone and turn them back on
1113 when we are coming home? Those are very cheap items to buy.
1114 We don't buy them. We don't install them. But they could
1115 save enormous amounts of energy for the consumers ... r the
1116 country. How high do prices have to get, and what is the
1117 relationship in price conservation reaction?

1118 Mr. GARMAN. Pricing is, of course, an obviously--a very
1119 powerful incentive to conservation. And it is not always the
1120 magnitude of the price, but the pace of the price increase.

1121 I know that when I was, you know, in my own home, was
1122 noticing that my price of gas was going to roughly double,
1123 based on the contract I had entered into on December 31, you
1124 can bet that in November I was at the Home Depot buying the
1125 computerized thermostat, buying the extra insulation. I
1126 mean, price was a very powerful motivator, and I think it
1127 is--particularly when it comes in a very short time span.

1128 And I would echo, because I think you asked me for this,
1129 your observations with respect to the situation in
1130 California. However well-intentioned, the edict of the
1131 legislative body or executive can't repeal the laws of supply
1132 and demand and the impact that price has on the rational
1133 consumer economic behavior toward conservation. It is a

1134 very, very powerful and persuading force.

1135 Mr. TAUZIN. My time is up, Mr. Hoover, but I would love
1136 to hear your response.

1137 Mr. HOOVER. Well, the one thing I would add to that is I
1138 think that price is a big motivator to make people want to
1139 conserve. But I also think that the increases that we saw in
1140 heating prices last year caused a lot of people to look at
1141 things that they hadn't looked at in a long, long time. The
1142 problem is you have to make sure that when the individuals
1143 get that price signal, whether it is an opening or monthly
1144 utility bill or whatever signal they see, that they have the
1145 opportunity to take advantage of conservation activities.

1146 So the infrastructure, so to speak, for conservation and
1147 efficiency has to be there. The products have to be in the
1148 marketplace. The programs, whether they are run by State
1149 government or the Federal government, need to be there so
1150 that people can do something.

1151 Because the problem is, a lot of times, there is that
1152 initial reaction to it. But if you don't take some
1153 substantive action to it, that opportunity is gone, so you
1154 just get a lot of--.

1155 Mr. TAUZIN. If I may add one more thing, and that is why
1156 I think there is a responsibility, particularly at this
1157 level, it is making sure consumers know at the right moment
1158 what is available and how economic those opportunities are in

1159 terms of cost savings for them in the short and the long run.

1160 Thank you very much, Mr. Chairman.

1161 Mr. BARTON. The Chair now recognizes the gentleman from

1162 Wisconsin, Mr. Barrett, for five minutes.

1163 Mr. BARRETT. Thank you very much, Mr. Chairman. I

1164 appreciate you holding this hearing.

1165 Good morning, gentlemen.

1166 At least until the recent spate of rolling blackouts in

1167 California, the history of blackouts in our country seems to

1168 have been one that showed a tight correlation between

1169 blackouts in the summer and high energy demands in the summer

1170 as well. I think we all probably would recognize that. Not

1171 surprisingly, that is a time when there is the greatest

1172 demand for air conditioning; and it is for that reason that I

1173 was simply blown away by this administration's decision to

1174 basically gut the rule that the Clinton administration put

1175 into effect to increase the energy efficiency standards for

1176 air conditioners. I was amazed even more so when I realized

1177 that Amana, the second or third largest producer of air

1178 conditioners, was in support of this.

1179 So it boggles my mind how, at the one time this

1180 administration comes to Congress, comes to the American

1181 people and says, we have an energy crisis in this country, an

1182 energy crisis, and we have to do more for production,

1183 production, production, the Vice President basically makes

1184 fun of conservation and energy efficiency, when right before
1185 us is a rule that would allow us to save energy, energy
1186 efficiency, by increasing the energy efficiency standards for
1187 air conditioners.

1188 I think the fact that this rule was basically set aside
1189 on Good Friday evening, when the major press didn't pay any
1190 attention to it, was a signal to anybody watching this issue
1191 that this was simply an attempt to gut this rule. Now, I
1192 understand that it is involved in litigation right now. But,
1193 for the life of me, can you tell me what was wrong with what
1194 the Clinton administration tried to do?

1195 Mr. GARMAN. Yes, sir. And thank you for that question.

1196 I think a couple of points--it is important to make,
1197 first of all, that the incoming administration reviewed and
1198 adopted without change efficiency standards promulgated
1199 during the last administration covering washing machines,
1200 water heaters and commercial heating and cooling systems.
1201 Only in the case of residential air conditioners and heat
1202 pumps did this administration propose any variation from the
1203 prior administration.

1204 Mr. BARRETT. This is the big enchilada, though. This is
1205 the one that people care about.

1206 Mr. GARMAN. Right. But the real heart of matter is that
1207 the Department of Energy analysis produced by the careerists,
1208 and it is the same analysis that was used by the prior

1209 administration, in the 13 SEER standard showed that it would
1210 represent an unreasonable burden on consumers, particularly
1211 low-income consumers. The analysis that DOE prepared
1212 indicated that 64 percent of the low-income consumers would
1213 be faced with paying increased life-cycle costs under the 13
1214 SEER standard for split air conditioners.

1215 Mr. BARRETT. But they would save money with their
1216 monthly bill if it was more energy efficient.

1217 Mr. GARMAN. No, sir. Sixty-four percent would incur
1218 increased life-cycle costs for low-income consumers.

1219 Now, in general, when you take all of the consumers, you
1220 know, some would save more than others. The median payback
1221 period for this particular 13 SEER standard on a split air
1222 conditioning system would be 14 years. Most of these systems
1223 last an estimated 18.4 years. That is, the standard use in
1224 the rulemaking and the law directs us to use other factors
1225 other than energy efficiency to promulgate these standards.

1226 Mr. BARRETT. But this was a standard that was already in
1227 effect when your administration took place. Isn't there a
1228 law that says you are not allowed to backtrack? Hasn't this
1229 administration violated Federal law by backtracking because
1230 it has reduced energy efficiency standards?

1231 Mr. GARMAN. No, sir. Because that--and we are getting
1232 perilously close to the issue of contention in the legal
1233 matters.

1234 Mr. BARRETT. That doesn't bother me. I would consider
1235 it an important issue.

1236 Mr. GARMAN. But--no, it is the contention of the
1237 Department of Energy that the standard was not final, was not
1238 in force and effect and would not be until, I believe, 2005.
1239 So this is not a back-pedaling.

1240 Mr. BARRETT. Why did Amana support it if this is such a
1241 bad rule?

1242 Mr. GARMAN. Pardon?

1243 Mr. BARRETT. Why did Amana support this if it was such a
1244 bad rule?

1245 Mr. GARMAN. Amana's parent company, Goodman
1246 Manufacturing, is kind of an interesting niche manufacturer.

1247 Mr. BARRETT. Irresponsible citizen?

1248 Mr. GARMAN. No. No. In fact, they are very smart
1249 businessmen. They are essentially building a commodity
1250 product, an air conditioner. They view it as a commodity
1251 product. They don't attempt to differentiate their air
1252 conditioner from others.

1253 Goodman Manufacturing I think markets their air
1254 conditioner under five or six brand names. They are one of
1255 the manufacturers that control, you know, 97 percent of the
1256 market. I believe that seven manufacturers control 97
1257 percent of the market. But Goodman was in a position, under
1258 our analysis, to actually come out much better in relation to

1259 the other manufacturers, and I think they are acting
1260 responsibly and economically, rationally, but according to
1261 our analysis, they are a manufacturer that benefits from--.

1262 Mr. BARRETT. So the other six manufacturers were opposed
1263 to it.

1264 Mr. GARMAN. Other manufacturers suffer pretty
1265 significant economic impacts. And again--.

1266 Mr. BARRETT. But they could raise prices even though it
1267 would hurt the poor. Under your analysis, why would it have
1268 a negative impact if they could raise prices?

1269 Mr. GARMAN. Our analysis indicates that, because of not
1270 only this rule but a number of other rules--.

1271 Mr. BARRETT. But this is the rule we are talking about.

1272 Mr. GARMAN. Yes. But the cumulative effect on
1273 manufacturers, it can affect seriously alter the landscape
1274 of the manufacturing-base of air conditioning and heat pumps
1275 in the country; and that is why the Department of Justice had
1276 expressed similar concerns with the 13 standard. The
1277 Department of Justice, as you know, under the law is required
1278 to review. It had done that with the 12 standards. But one
1279 of the things the DOE did not do in the prior administration
1280 when it jumped the 13 standard was to fully consult, it is my
1281 understanding, with the Department of Justice to fully
1282 understand the impacts, the anti-trust impacts and the way
1283 that the landscape of the market would be changed.

1284 Mr. BARRETT. I think my time has expired. Let me just
1285 say again I find it hard to believe that that administration
1286 can come to us with a straight face and say that they care
1287 about energy efficiency and say that there is an energy
1288 crisis in this country and not act more aggressively to
1289 increase the energy efficiency standards for the product that
1290 virtually every American recognized is the demand product
1291 during the time of the year when demand is greatest, causes
1292 the most blackouts, causes the biggest pressure on our
1293 electric system in this country. It just boggles my mind.

1294 And I would yield back my time.

1295 Mr. BAFTON. The Chair now recognizes the Vice Chair of
1296 the full committee, Mr. Burr, for 5 minutes.

1297 Mr. BURR. I thank the chairman.

1298 I found the last bit of information fascinating because I
1299 never knew that the Minnesota market for air conditioners was
1300 quite as high as it seems to be from the gentleman's
1301 statements. As a matter of fact, I found it interesting
1302 because, in my prior life--prior to serving in Congress--with
1303 a wholesale distributor, we represented the Amana company
1304 regionally; and North Carolina is a market where air
1305 conditioners, when it gets hot, do sell.

1306 It is amazing to watch consumers. Some do pay attention
1307 to the energy standards, and they make a buying decision
1308 based upon that. Some people can't afford a doubling of the

1309 price, which, in fact, some have testified the move to 13
1310 did. But at 12 we have a 20 percent increase, and it is
1311 affordable, especially seniors who are susceptible in hot
1312 times to a health hazard.

1313 I commend the administration for trying to find a balance
1314 of improvement but, also, the realities of the pricing
1315 constraints that many of the consumers are under.

1316 Let me thank both of you for coming.

1317 Mr. Hoover, I want to also thank you for being observant
1318 to what we did do yesterday on the point of order. I think
1319 sometimes we have a feeling that nobody pays any attention to
1320 what happens in Congress, but clearly you must pay a little
1321 bit of attention because that was a very quick process that
1322 we went through.

1323 Let me ask you, Mr. Secretary, has the Bush
1324 administration taken a position as it relates to the Clinton
1325 administration's rulemaking regarding clothes washers?

1326 Mr. GARMAN. Yes, sir. The administration is adopting
1327 the clothes washers' rule.

1328 Mr. BURR. Were you involved in that decision?

1329 Mr. GARMAN. No, sir.

1330 Mr. BURR. What does the standard mean?

1331 Mr. GARMAN. I am sorry?

1332 Mr. BURR. What does the standard that we are moving to
1333 mean?

1334 Mr. GARMAN. I do not have that because that is a past
1335 rulemaking. I don't have that at my fingertips, and I would
1336 be happy to supply that to you and for the record.

1337 Mr. BURR. I think it is important that in your position
1338 you should know that, and I know you have been there a very
1339 short period of time. My concern is this is not an attempt
1340 to eliminate from the marketplace top-loading washers, is it?

1341 Mr. GARMAN. No, sir. No, sir. And, in fact, there are
1342 now on the market some new top-loading models that do meet
1343 the new standard.

1344 Mr. BURR. We have certainly seen in this committee a
1345 tremendous amount of evidence about the water usage of the
1346 toilet regulations that we currently have. I don't think
1347 anybody envisioned the fact that it would take three or four
1348 flushes to evacuate a toilet, and that, in fact, with a new
1349 one point six gallon standard, after four flushes you have
1350 used more than the original toilet that we replaced. But I
1351 think a move towards conservation must also make a
1352 determination as to whether the standard that we set can be
1353 met and can be met successfully.

1354 Let me ask you, Mr. Hoover, we did move the Interior
1355 appropriations bill for fiscal year 2002 yesterday. It will
1356 now be considered in the Senate and ultimately in a
1357 conference committee to resolve the differences between the
1358 two bodies. What programs or funding initiatives would you

1359 suggest to those potential conferees that need to be
1360 preserved that would promote energy efficiency out of that
1361 particular appropriations bill?

1362 Mr. HOOVER. I mean, obviously, the ones that I mentioned
1363 in my testimony about the support of the State energy
1364 programs, which is what funds our efforts to do energy
1365 efficiency, we view as very important and also the
1366 weatherization assistance program which, you know, provides
1367 the type of activities and help to low-income consumers to
1368 make their housing stock much more energy efficient. It
1369 helps them not only in the wintertime with heating problems
1370 but also in the summertime with cooling situations. Those
1371 two in particular, so--okay.

1372 Then also an increase in the Federal Energy Management
1373 program, the FEM program, and also Energy Star, the \$2
1374 million increase for the Energy Star program which we view as
1375 a critical and very important one because it is one where
1376 States take advantage of the Federal government's activities
1377 to promote energy efficient appliances, and it plays into
1378 some of the State programs.

1379 In my own State we have a sales tax credit for the
1380 purchase of Energy Star appliances, and so we don't have to
1381 go through the certification process to determine what those
1382 products are, it is right there, and we just use that
1383 criteria to apply our sales tax credit.

1384 Mr. BURR. Well, I can't speak for the committee, but for
1385 me personally my hope is that in this conservation piece that
1386 we can extend the Energy Star program to include more areas.

1387 I want to thank the chairman for this opportunity and
1388 yield back the balance of my time.

1389 Mr. BARTON. The gentleman yields back his time.

1390 The Chair now recognizes the singer/songwriter from
1391 Massachusetts for 5 minutes.

1392 Mr. MARKEY. Thank the chairman very much. I appreciate
1393 that introduction.

1394 Mr. Garman, I authored this legislation back in 1987; and
1395 I have a certain proprietary interest in this air
1396 conditioning issue. So Mr. Dingell and I may be the last of
1397 the Mohicans to remember the 1980s, but we remember them
1398 vividly. And one of the reasons why we built in the
1399 no-rollback standard into this bill was that the Reagan
1400 administration had promulgated essentially a no-standard
1401 standard whereby they met the technically minimal
1402 requirements of a regulation by doing nothing. But they went
1403 through the whole rulemaking. So we had to make sure that in
1404 the future we would protect Congress against a willful
1405 administration violating the intent of our law.

1406 Now, you contend that this was not a final rule. This
1407 was a final rule, Mr. Garman. It is illegal for the Bush
1408 administration to roll back this rule. It had been published

1409 in the Federal Register. It had a delayed effective date for
1410 compliance, as many regulations do. But it was a final rule
1411 in effect as you took office.

1412 There was no basis whatsoever, Mr. Garman, for the Bush
1413 administration to take this rule off the books, except for
1414 the fact that the Bush administration has a drilling agenda,
1415 not an energy efficiency agenda, and the entire P... rgy
1416 plan is nothing more than a Trojan horse designed by the
1417 energy companies to take environmental and energy efficiency
1418 and health laws off the books which they have opposed over
1419 the years.

1420 Obviously, if the air conditioning standard reduced
1421 dramatically the need for new coal-fired or nuclear-fired or
1422 gas-fired electrical generating plants, then that is right in
1423 concert with the Bush vision. Now, at the same time, the
1424 Bush administration says that they are a technology-based
1425 administration, and they point, in fact, to the Department of
1426 Energy.

1427 Let me put up over here--here is their vision for war
1428 fighting, for abrogation of the Anti-Ballistic Missile
1429 treaty, that we will be able to deploy this war fighting
1430 scenario in outer space with technologies that have yet to be
1431 invented, yet to be deployed, yet to be proven effective.
1432 But we are willing to destroy an entire arms control regime
1433 which has created stability in the world for 30 years, and the

1434 Department of Energy and the weapons labs is given a
1435 responsibility for helping to develop that.

1436 Now, at the same time, the Department of Energy, in
1437 analyzing this Bush administration, in analyzing air
1438 conditioners, says this: Here is an air conditioner. Now we
1439 can't figure out how to make an air conditioner meet a
1440 standard which the second largest manufacturer in America is
1441 already meeting.

1442 Now, if you look at the complexity of the task that the
1443 Department of Energy has in both assignments, one, which
1444 almost every scientist at MIT and Cal Tech says is
1445 technologically impossible but the administration defies
1446 that, you have to have the will, they say, and compare that
1447 with the fact that the second largest manufacturer is already
1448 making the air conditioners that the Clinton administration
1449 has put on the books as a standard for every industry
1450 participating to meet 5 years from now, giving them plenty of
1451 time to phase in a technology that is already out on the
1452 market, it would seem to me that the careerists that you
1453 point to in the Bush administration should be put in new jobs
1454 because the consequence of not complying with that air
1455 conditioning standard is to insure that we are going to
1456 become more dependent upon energy sources that are
1457 inconsistent with the environmental and health and national
1458 security interests of the United States.

1459 Now, I have a list of 132 air conditioners made by 25
1460 companies that meet or exceed the standard promulgated by the
1461 Clinton administration and illegally taken off of the books
1462 by the Bush administration, and I would ask unanimous consent
1463 that this be put in the record.

1464 Mr. BARTON. Without objection.

1465 [The information follows:]

1466 ***** COMMITTEE INSERT *****

28807

1467 Mr. MARKEY. Now, let's look at this issue.
1468 Mr. BARTON. Will the gentleman yield?
1469 Mr. MARKEY. I will be glad to yield.
1470 Mr. BRYANT. I just want to inform the chairman that it
1471 is a 5-minute rule, and Mr. Markey is one of our more
1472 eloquent speakers, but he has had his 5 minutes. So if he
1473 has a question, let's ask the question, rule; and if he wants
1474 to continue to make a statement, he can continue to do that
1475 at a later point in the hearing.

1476 Mr. DINGELL. Mr. Chairman, I am enjoying this so much
1477 that I am compelled to make a unanimous consent request. I
1478 ask unanimous consent that I be permitted to insert my
1479 opening statement in the record and be recognized at this
1480 time to yield 5 minutes of my time to Mr. Markey.

1481 Mr. BARTON. Well, reclaiming the Chair, even from this
1482 part of the podium, we will certainly accept the unanimous
1483 consent request to put the gentleman's opening statement in
1484 the record, which was already made before the gentleman
1485 arrived.

1486 [The statement of Mr. Dingell follows:]

1487 ***** COMMITTEE INSERT *****

1488 Mr. BARTON. In terms of the second unanimous consent
1489 request, you are asking that Mr. Markey be given an
1490 additional 5 minutes right now?

1491 Mr. DINGELL. I am asking that you give him my 5 minutes.

1492 Mr. BARTON. Well, your 5 minutes will be given after Mr.
1493 Walden's 5 minutes. If you want to yield at that time--.

1494 Mr. DINGELL. I was hoping I could yield it at this time.
1495 As I have indicated, I have been enjoying Mr. Markey's
1496 comments.

1497 Mr. BRYANT. Well, I will object to the second part of
1498 the unanimous consent request, and we will do regular order
1499 in terms of when questions are to be asked.

1500 Mr. BARTON. Objection is so noted. We have allowed
1501 others to go over some; and Mr. Markey, if you have a
1502 question you want to pose at this point, it appears that you
1503 will have another 5 minutes there after I ask my questions.

1504 Mr. MARKEY. I thank the chairman for yielding to me at
1505 this time for a quick question.

1506 Well, here is the question I have. Up until my
1507 questioning, the Chair had been operating under a no-standard
1508 standard--.

1509 Mr. BARTON. No, in terms of the time, that is not true.
1510 Mr. Markey, we have actually been keeping track. We have
1511 been going over about a minute and a half. At 48 seconds
1512 over, I flip my mike on just to give you a signal that we

1513 | were approaching that time limitation.

1514 | Mr. BRYANT. When I was in the Chair--when I asked my
1515 | questions, I asked questions for 5 minutes and 20 seconds.

1516 | Mr. BARTON. We have now used up another minute and a
1517 | half on this debate, so if you have--.

1518 | Mr. TAUZIN. We are not being very efficient here.

1519 | Mr. MARKEY. So how do you want to proceed, Mr. Chairman?

1520 | Mr. BARTON. Well, as I said, if you have a quick
1521 | question you want to ask, it appears Mr. Dingell will be
1522 | yielding you 5 minutes after I get my first round of
1523 | questions in, since I haven't had that opportunity yet. So
1524 | if you have a quick question, we can do it. I will take my
1525 | five, and then it appears Mr. Dingell will yield to you his
1526 | five.

1527 | Mr. MARKEY. Okay. I thank you, Mr. Chairman.

1528 | The EPA Energy Star website, Mr. Garman, this morning
1529 | lists the 132 model lines made by 25 different manufacturers
1530 | that already meet or exceeded the SEER 13 standard. Why
1531 | can't the other industry participants meet that standard?

1532 | What is the difficulty, knowing that low-income users, 60
1533 | percent of whom rent, are in situations where they
1534 | effectively pay the electricity bill every day that they are
1535 | in these apartments, where the estimates are that the rent
1536 | would only increase by \$2 a month if a more efficient SEER 13
1537 | standard was installed in each one of those homes?

1538 Why isn't a low-income user better off in the long term
1539 if the landlord is forced--not forced but because the air
1540 conditioning industry is forced to only have more efficient
1541 air conditioners out in the marketplace?

1542 Please explain again the deep concern that this
1543 administration seems to have for low-income people in this
1544 one area if every economic analysis demonstrates that the
1545 consumer is better off by having low electricity bills in the
1546 long term.

1547 Mr. GARMAN. You have raised a number of issues, and I
1548 will try to constrain my comments to the most recent one.
1549 But the--.

1550 Let me, first of all, point out that the matter on the
1551 legality is an issue before the United States Court of
1552 Appeals for the Second Circuit, and we will not resolve that
1553 issue here today. So if I can put that issue of whether or
1554 not a 12 SEER is legal under the provisions of EPCA, we just
1555 need to put that aside.

1556 I want to make it very clear, we are not arguing and it
1557 has not been argued, to my knowledge, that it is not
1558 technically possible to make an air conditioner that has a
1559 SEER 13 standard or a 15 standard or actually even a 18
1560 standard. It is technically possible. Resizing the
1561 compressor, increasing the size of the cooling array, and
1562 other steps can be taken. It is not a technological issue.

1563 It is an economic issue.

1564 It is economically unwise to, you know, in terms of its
1565 impact on consumers and the industry, to move to this
1566 standard this quickly. This is not to say the consumers in
1567 areas of the country where they can achieve a quick payback
1568 are not free to buy these air conditioners. They are. They
1569 are available on the market, and they can buy them. And if
1570 you live in Phoenix or Miami you should by them.

1571 But if you live in Minnesota or Wisconsin and you are a
1572 low-income person who wants to live in his own home and you
1573 want to buy an air conditioner that is going to have a
1574 reasonable payback period, keep in mind we are promulgating a
1575 minimum national standard that has to apply in all regions of
1576 the country. If you want an Energy Star air conditioner that
1577 has a higher SEER standard, that is certainly available.

1578 The question and the tests that are put in the law that
1579 we are supposed to use in promulgating these standards don't
1580 rest on the single issue of energy efficiency alone. We are
1581 told to evaluate the economic impact of the standard on the
1582 manufacturers and the consumers. We are told to evaluate the
1583 savings and operating costs throughout the life of the
1584 product. We are told to evaluate the total projected amount
1585 of energy that can be saved. In total, seven items in the
1586 law that we are required to evaluate in setting these
1587 standards. It is a balancing act. What the administration

1588 | is pointing toward is a standard of 12, an energy efficiency
1589 | standard that will raise energy efficiency over the current
1590 | standard by 20 percent.

1591 | Mr. BARTON. Okay. Thank you. We need to move on. We
1592 | are 8 minutes and 56 seconds on that one. --

1593 | So, Mr. Garman, I now yield myself 5 minutes for purposes
1594 | of questioning.

1595 | I would like to follow up on this issue of the SEER
1596 | standards and the other recommendations that the Bush
1597 | administration did adopt. Can you go back through those, the
1598 | ones that you did adopt and the energy savings levels for
1599 | each of those appliances? Because, for some of us, air
1600 | conditioning is not the biggest user of power, especially if
1601 | you are in the rather cool Northwest. It is heating. It is
1602 | water heating. And I wonder if you could go back through the
1603 | ones that you did adopt.

1604 | Mr. GARMAN. Yes, sir. Adopted were standards covering
1605 | ~~water machines,~~ washing machines, water heaters, commercial
1606 | heating and cooling systems.

1607 | I would also want to point out that in the national
1608 | energy policy we were expressly directed to look to new areas
1609 | that--.

1610 | Mr. BARTON. What are those new areas?

1611 | Mr. GARMAN. Well, they didn't specify it. But we are
1612 | looking at everything ranging from, of course, it has been

1613 mentioned earlier, distribution transformers, residential
1614 furnaces and boilers, small electric motors, gas cooking
1615 products, residential or larger commercial central air
1616 conditioners and heat pumps, oil and gas-fired commercial
1617 package boilers, tankless gas-fired instantaneous water
1618 heaters, a whole range of things that we are looking at for
1619 possible new standards.

1620 Mr. BARTON. So is the SEER standards on air conditioning
1621 from 13 recommended by Secretary Richardson? Was that figure
1622 the figure recommended by the professional staff of the
1623 Department of Energy?

1624 Mr. GARMAN. My understanding is that the--and again,
1625 this is anecdotal and I wasn't there. But it has--I have
1626 been told that the general staff recommendation presented to
1627 Secretary Richardson based on the technical support document,
1628 the same numbers developed by the same staff put before
1629 Secretary Abraham was to adopt the 12 SEER standard.

1630 Mr. BARTON. So you are saying the 12 SEER standard is
1631 the one that the staff recommended based on your knowledge,
1632 not the 13.

1633 Mr. GARMAN. Yes, sir.

1634 Mr. BARTON. And what savings would people see on a 12
1635 standard versus a 13?

1636 Mr. GARMAN. It depends on the region of the country,
1637 where they lived, how--.