

*Washington, DC* - Congressman Maurice Hinchey (D-NY) today lauded the decision filed yesterday by the U.S. Court of Appeals for the Fourth Circuit that overruled the interpretation by the Federal Energy Regulatory Commission (FERC) of federal regulations that would have potentially allowed the agency to overrule state objections and permit the construction of power lines, such as the one proposed by New York Regional Interconnect (NYRI). Hinchey has long opposed NYRI's proposal to construct massive new electric transmission lines, arguing that the project is not needed to meet New York's electricity needs and will adversely impact local communities and the environment along the proposed routes while taking private property through eminent domain for a private corporation.

In its ruling released February 18, the Fourth Circuit struck down the FERC's December 2006 interpretation of Section 216 of the Federal Power Act -- a provision put in place by the Energy Policy Act of 2005, which Hinchey opposed and voted against. The Fourth Circuit found that FERC's interpretation of the agency's authority under Section 216 was "expansive" and "contrary to the plain meaning of the statute." In a strong rebuke to FERC's decision, the Circuit ruled that, "The statute (Section 216) does not give FERC permitting authority when a state has affirmatively denied a permit application within the one-year deadline."

"The Fourth Circuit's ruling is a decisive and hopefully fatal blow to the power line proposal that NYRI is trying to force upon the residents of New York," Hinchey said. "By reversing FERC's misguided legal interpretation that it had the ability to override state decisions that deny power line permit applications, the court has restored some balance and common sense to this regulatory process. The courts made it clear that if the State of New York finds that NYRI is not needed and denies NYRI's application within the one-year statutory time frame, FERC has no right to overturn the state's denial. This ruling is a victory for the residents and ratepayers of New York, and I congratulate and thank all of the parties who successfully pursued and argued this case, including Communities Against Regional Interconnect, the New York Public Service Commission, and the New York Attorney General."

Hinchey has previously challenged FERC's authority to designate so-called "National Interest Electric Transmission Corridors" that potentially allow the agency to permit construction of electricity transmission facility under certain circumstances and could have been used to permit NYRI over New York State objections and denials. Hinchey has also worked with other members of Congress to revoke and amend sections of the Energy Policy Act of 2005 that included Section 216 and FERC's permitting authority for power lines in federal law.