

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

THE STATE OF NEW YORK,

v.

Docket No. 08-

**UNITED STATES DEPARTMENT
OF ENERGY, and
SAMUEL BODMAN, SECRETARY**

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 313 of the Federal Power Act, 16 U.S.C. § 825*l*, the State of New York hereby petitions this Court to review the March 6, 2008 final order of the United States Department of Energy denying rehearing to petitioner and others, entitled “National Electric Transmission Congestion Report; Order Denying Rehearing [Docket No. 2007-0E-01, Mid-Atlantic Area National Interest Electric Transmission Corridor, Docket No. 2007-OE-02, Southwest Area National Interest Electric Transmission Corridor] , 73 Fed. Reg 12,959; and further petitions this Court to review the October 5, 2007 order of the United States Department of Energy which designated two National Interest Electric Transmission Corridors

pursuant to Section 216 of the Energy Policy Act of 2005, 16 U.S.C. § 824p,
entitled “National Electric Transmission Congestion Report,” 72 Fed. Reg. 56,992.

Date: March 17, 2008

Respectfully submitted,

ANDREW M. CUOMO
Attorney for Petitioner
State of New York

By: _____

MAUREEN F. LEARY
Assistant Attorney General
New York State Office of the
Attorney General
Environmental Protection Bureau
The Capitol
Albany, New York 12224-0341
Tel: (518) 474-7154
Fax: (518) 473-2534
Maureen.Leary@ag.ny.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 2008, two copies of the foregoing petition for review were served with the Form C-A Pre-Argument Statement by Federal Express, for overnight delivery, postage pre-paid, on the following persons at the addresses noted below:

Honorable Samuel W. Bodman, Secretary
United States Department of Energy
1000 Independence Avenue, S.W.,
Washington, D.C. 20585.

Office of General Counsel
United States Department of Energy
1000 Independence Avenue, S.W.,
Washington, D.C. 20585. (Also served by electronic mail)

Honorable Michael B. Mukasey
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Office of the Solicitor
Federal Energy Regulatory Commission
888 First Avenue NE
Washington, DC 20426

I hereby certify that on the 17th day of March, 2008, two copies of the foregoing petition for review were served by regular mail with the Form C-A Pre-Argument Statement, postage pre-paid, on the following persons at the addresses noted below:

Willard R. Burns, Esquire
Pepper Hamilton LLP
50th Floor 500 Grant Street
Pittsburgh, PA 15219-2502

Edward H. Comer, Esquire
Edison Electric Institute
701 Pennsylvania Ave., NW
Washington, DC 20004-2696

Jeffrey J. Brown
Energy Economics & Project Development
3841 Clifton Manor Place
Haymarket, VA 20169

Margaret Comes, Esquire
Office of the Attorney General
Dept of Law & Public Safety
PO Box 45029
Newark, NJ 07101

Johanna Wald, Esquire
Anjali Jasiwal, Esquire
Natural Resources Defense Council
111 Sutter Street, 20th Floor
San Francisco, CA 94104

Nada Culver, Esquire
The Wilderness Society
1660 Wynkoop Street, Ste. 850
Denver, CO 80202

Nicole Rosmarino, Conservation Dir.
Forest Guardians
312 Montezuma Avenue
Santa FE, NM 87501

Tom Darin, Esquire
Western Resource Advocates
2260 Baseline Rd., Suite 200
Boulder, CO 80302

Brent Schoradt, DPD
California Wilderness Coalition
1212 Broadway Suite 1700
Oakland, CA 94612

Mitchell S. Diamond
World-Wide Energy Practice
20631 Unison Road
Round Hill, VA 20141

Sarah E. Eckel-Dalrymple
Citizens Campaign for the Environment
466 Westcott Street, 2nd Floor
Syracuse, NY 13210

Pike County Commissioners
Pike County Administration Building
506 Broad Street
Milford, PA 18337

Jacob Frank, Esquire
Alliance Law Group
7700 Leesburg Pike, Suite 410
Tysons Corner, VA 22043-2618

Jacob Frank, Esquire
Concerned Citizens of Prince William Cty VA
17040 Thousand Oaks Drive
Haymarket, VA 20169

Michael B. Gerrard, Esquire
Arnold & Porter
399 Park Avenue
New York, NY 10022-4690

Cale Jaffe, Esquire
Southern Environmental Law Center
201 W. Main Street, Suite 14
Charlottesville, VA 22902

Chris Miller, President
Piedmont Environmental Council
45 Horner Street
Warrenton, VA 20186

Maureen Riley Matson Esquire
900 East Main Street
Richmond, VA 23219

Sean Mullany, Esq.
New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

M. Brent Hare Esquire
Office of Attorney General
Maryland Energy Administration
1623 Forest Drive Suite 300
Annapolis, MD 21403

Scott Perry Esquire
Pennsylvania Department of Environmental Protection
Post Office Box 8464
Harrisburg, PA 17105-8464

Sean Sullivan Esquire
Williams Mullen
1666 K Street NW Suite 1200
Washington, DC 20006

Troy Bystrom
Upper Delaware Preservation Coalition &
Communities Against Regional Interconnect
254 Manhattan Ave.
New York, New York 10026

John Klucsik, Esq.
CARI
Gilberti Law Firm
555 East Genesee Street
Syracuse, New York 13202

Randy Sargent Nepl
Wildlife Conservation Counsel
National Wildlife Federation
1400 16th Street, NW, Suite 501
Washington, DC 20036

Megan Anderson
Western Environmental Law Center
P.O. Box 1507
108B Civic Plaza Drive
Taos, NM 87571

James P. Melia
John Levin
Robert Young
Assistant Counsel
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

J. Jared Snyder, Esq.
Lisa Wilkinson, Esq.
David Sampson, Esq.
Office of General Counsel
Department of Environmental Conservation
625 Broadway, Mail Code 1500
Albany, New York 12233

John S. Banta, Esq.
ADIRONDACK PARK AGENCY
P.O. Box 99
Raybrook, New York 12977

John W. Montgomery
Montgomery & Simpson LLP
2116 Dabney Road, Suite A-1
Richmond, VA 23230

Christopher Kempley, Chief Counsel
Janice Alward, Assistant Chief Counsel
Keith Layton, Assistant Counsel
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Tim Patterson
Attorney General's Office
State of California
110 West A Street, Suite 1100
San Diego, California 92101

Fran Hughes, Chief Deputy
Attorney General's Office
State of West Virginia
State Capitol, Room 26-E
Charleston, West Virginia 25305

MAUREEN F. LEARY
Assistant Attorney General