

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 00-035.00
TO THE ADMINISTRATOR OF THE SOUTHWESTERN POWER ADMINISTRATION

1. DELEGATION. Under the authority vested in me as Secretary of Energy and pursuant to section 642 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7252), I delegate to the Administrator of the Southwestern Power Administration the authority to take the following actions:

1.1 Including, but not limited to the Declaration of Taking Act of February 26, 1931, Chapter 302, section 1, 46 Stat. 1421, 40 U.S.C. 258a, on a nonexclusive basis, all functions vested in me by law to initiate condemnation proceedings, to sign and submit directly to the Department of Justice declarations of taking related to such proceedings, to execute all correspondence and other documents in connection with such proceedings, and to take all other necessary and appropriate actions to acquire, in connection with the government's power of eminent domain, real or personal property or interests therein for transmission lines and related facilities for the Southwestern Power Administration. No single action, however, shall exceed the amount of \$500,000.

The authority hereby delegated to the Administrator of the Southwestern Power Administration to initiate condemnation proceedings and execute declarations of taking shall not be further delegated.

1.2 Pursuant to the authority delegated to me as the Secretary of Energy by the Assistant Attorney General, Land and Natural Resources Division, on December 1, 1980, the authority and responsibility to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of the Department of Energy in connection with acquisition of lands by the Southwestern Power Administration.

This delegation of authority is limited to: (a) the acquisition of land for which the title evidence consists of a certificate of title, title insurance policy, or an owner's duplicate Torrens certificate of title; and (b) the acquisition of lands valued at \$100,000 or less, for which the title evidence consists of abstracts of title or other types of evidence prepared in compliance with the Assistant Attorney General's October 2, 1970 regulations, promulgated in accordance with the provisions of Public Law 91-393, as amended.

The authority delegated to the Administrator may be redelegated, as may be appropriate. The delegate(s) shall be governed by the applicable regulations and requirements of the Department of Justice.

- 1.3 Determine, on a nonexclusive basis, that an expenditure of funds appropriated to Southwestern Power Administration for emergency purposes is required to ensure continuity of service.
 - 1.4 The Administrator of SWPA shall notify the Deputy Secretary of Energy of the nature of the emergency promptly after making a determination under paragraph 1.3. Within 30 days after the declaration of emergency conditions, the Administrator shall report the emergency repairs necessary to provide Southwestern Power Administration customers with continuity of service.
2. RESCISSION. Delegation Orders 0204-34, 0204-82, and 0204-120 are hereby rescinded.
 3. LIMITATION.
 - 3.1 In exercising the authority delegated in this Order, a delegate shall be governed by the rules and regulations of the Department of Energy and the policies and procedures prescribed by the Secretary or delegate(s).
 - 3.2 Nothing in this Order precludes the Secretary from exercising any of the authority delegated by this Order.
 - 3.3 Any amendments to this Order shall be in consultation with the Department of Energy General Counsel.
 4. AUTHORITY TO REDELEGATE.
 - 4.1 Except as expressly prohibited by law, regulation, or this Order, the Administrator of the Southwestern Power Administration may delegate this authority further, in whole or in part.
 - 4.2 Copies of redelegations and any subsequent redelegations shall be provided to the Office of Management and Operations Support, which manages the Secretarial Delegations of Authority system.
 5. DURATION AND EFFECTIVE DATE.
 - 5.1 All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of

this Order are ratified and remain in force as if taken under this Order, unless or until rescinded, amended or superseded.

5.2 This Order is effective December 6, 2001.



Spencer Abraham
Secretary of Energy