

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-170
TO THE FEDERAL ENERGY REGULATORY COMMISSION

Pursuant to the authority vested in me as the Secretary of Energy (Secretary) by sections 642 and 402(e) of the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7252, 7172(e)), there is hereby delegated and assigned to the Federal Energy Regulatory Commission (Commission) the authority to carry out such functions as are necessary to implement and enforce the Secretary's policy requiring holders of Presidential permits authorizing the construction, operation, maintenance, or connection of facilities for the transmission of electric energy between the United States and foreign countries to provide non-discriminatory open access transmission services.

In exercising the authority delegated by this Order the Commission is specifically authorized to utilize the authority of the Secretary under Executive Order (EO) 10485, dated September 3, 1953, as amended by EO 12038, dated February 3, 1978, and section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and such other sections of the FPA vested in the Secretary as may be relevant, to regulate access to, and the rates, terms, and conditions for, transmission services over permitted international electric transmission facilities to the extent the Commission finds it necessary and appropriate to the public interest. This authority is delegated to the Commission for the sole purpose of authorizing the Commission to take actions necessary to implement and enforce non-discriminatory open access transmission service over the United States portion of those international electric transmission lines required by the Secretary to provide such service. Nothing in this delegation shall allow the Commission to revoke, amend, or otherwise modify Presidential permits or electricity export authorizations issued by the Secretary. The authority delegated to the Commission may be further delegated within the Commission, in whole or in part, as may be appropriate.

All actions taken pursuant to 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 hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless and until rescinded, amended, or superseded.

Nothing in this Order shall preclude the Secretary from exercising or further delegating any of the authority hereby delegated, whenever, in the Secretary's judgment, the exercise or further delegation of such authority is necessary or appropriate to administer the functions vested in the Secretary.

This Order hereby rescinds and supersedes the previous Secretarial delegation and assignment to the Commission in Delegation Order No. 0204-163, dated November 1, 1996.

This Order is effective on **[date of publication in the Federal Register]**. (7/27/99)

/s/

Bill Richardson
Secretary of Energy