

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. S3-DEL-GD1-2023
TO THE DIRECTOR, GRID DEPLOYMENT OFFICE

1. REDELEGATION. Under the authority vested in me as Under Secretary (for Infrastructure) 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 Director, Grid Deployment Office authority to take the following actions:
 - 1.1 Under section 643 of the Department of Energy Organization Act (42 U.S.C. 7253), establish, alter, consolidate, or discontinue such second tier or below organizational units or components within the Director, Grid Deployment Office's assigned programs and organizational elements as the Director, Grid Deployment Office may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Director, Grid Deployment Office will be limited by approved budgets, staffing level allocations, and Senior Executive Service and other executive resource position allocations. Organizational changes shall not be announced or implemented until appropriate union coordination and other pre-release clearances have been obtained.
 - B. This authority does not include approval of additions, deletions, or transfers of mission and functions of or between Departmental Headquarters or Field Elements, which authority is reserved to the Secretary.
 - C. The authority to alter or consolidate second tier or below organizational elements may be redelegated, in whole or in part consistent with the terms of the Department of Energy Organization Act, to an official or officials one level below the Head of the Departmental Element.
 - D. The authority to establish or discontinue organizational elements at the second tier or below may not be redelegated.
 - 1.2 Formulate and establish enforcement policy; initiate and conduct investigations; conduct conferences, administrative hearings, and public hearings; prepare required reports; issue orders; and take such other action as may be necessary or appropriate to perform any of the functions in this Redelegation.
 - 1.3 Under section 646(a) of the DOE Organization Act (Public Law 95-91, 42 U.S.C. 7256(a)), enter and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments as deemed necessary or appropriate to carry out functions delegated to the Director, Grid Deployment Office.

- 1.4 Under the Inflation Reduction Act (IRA), Public Law 117-169:
 - A. Under Section 50151, administer the Transmission Facility Financing Program.
 - B. Under section 50152, administer the Grants to Facilitate the Siting of Interstate Electricity Transmission Lines Program.
 - C. Under Section 50153, administer the Interregional and Offshore Wind Electricity Transmission Planning, Modeling, and Analysis Program.
- 1.5 Implement section 13 of the Federal Energy Administration Act of 1974 (15 U.S.C. 772), to collect, assemble, evaluate, and analyze energy information and to exercise all information gathering authorities provided in this section.
- 1.6 Implement section 11 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (Public Law 93-319, 15 U.S.C. 796), to request, acquire and collect such energy information as the Director, Grid Deployment Office determines to be necessary to assist in the formulation of energy policy or to carry out the purposes of ESECA, and to exercise all energy information reporting authorities provided in this section.
- 1.7 In reference to fuel use under the Powerplant and Industrial Fuel Use Act (FUA), (Public Law 95-620, 42 U.S.C. 8301 et seq.) as amended:
 - A. Monitor compliance with the prohibition against the construction of new powerplants without the capability to use coal or another alternate fuel as a primary energy source, pursuant to section 201 of FUA; grant or deny exemptions from such prohibition, pursuant to sections 211 through 214 of FUA; issue prohibitions against the use of oil or natural gas to certifying existing electric powerplants under section 301 of FUA; grant or deny exemptions to certifying existing electric powerplants under sections 311 through 314 of FUA; and take such other actions as may be necessary or appropriate to perform any of the above functions pursuant to section 701 of FUA.
 - B. Issue notices of effectiveness, modification, or rescission to coal conversion orders issued pursuant to section 2 of the Energy Supply and Environmental Coordination Act of 1974 (Public Law 93-319, 15 U.S.C. 791 et seq.), as amended.
- 1.8 Participate in any proceeding before the Federal Energy Regulatory Commission, pursuant to the provisions of section 405 of the Department of Energy Organization Act (42 U.S.C. 7175), or in any proceeding before any Federal or State agency or commission, whenever such participation is related to the exercise of authority delegated to the Director, Grid Deployment Office. The exercise of this authority is subject to the concurrence of the General Counsel.

- 1.9 In reference to electric power regulations under the Federal Power Act (FPA), (16 U.S.C. 791a-825r):
- A. Regulate the export of electric energy to a foreign country, pursuant to the provisions of sections 202(e) and 202(f) of the FPA, and authorize the construction, operation, maintenance, or connection of facilities, at the borders of the United States, for the transmission of electric energy between the United States and a foreign country, pursuant to the provisions of Executive Order 10485, as amended by Executive Order 12038.
 - B. Implement section 206(d) of the FPA to investigate and determine, upon the Director, Grid Deployment Office's or a delegate's own motion or the request of any State commission, the cost of production or transmission of electric energy by means of facilities that are subject to the jurisdiction defined by section 201 of the FPA, as the Director, Grid Deployment Office or a delegate determines is necessary or appropriate to perform his or her functions.
 - C. Under Section 216(a) (16 U.S.C. 824p(a)), execute all activities necessary to carry out a study of electric transmission capacity constraints and congestion and designate national interest electric transmission corridors.
 - D. Exercise the authority under section 216(h) of the FPA for the coordination of Federal authorizations for transmission facilities.
 - E. Implement section 307 of the FPA to investigate any facts, conditions, or practices which the Director, Grid Deployment Office or a delegate may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of the FPA or any rule, regulation, or order thereunder; or to aid in the enforcement of the provisions of the FPA or in prescribing rules or regulations thereunder; or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which the FPA relates.
 - F. Implement section 311 of the FPA to conduct investigations regarding the generation, transmission, distribution, and sale of electric energy, however produced, throughout the United States and its possessions, including the generation, transmission, distribution, and sale of electric energy by any agency, authority, or instrumentality of the United States, or by any State or municipality or other political subdivision of a State, as the Director, Grid Deployment Office or a delegate determines is necessary or appropriate to perform these functions.

1.10 Under the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58):

- A. Pursuant to section 40101 (42 U.S.C. 18711), execute all activities necessary to carry out the Preventing Outages and Enhancing the Resilience of the Electric Grid program.
- B. Pursuant to section 40106 (42 U.S.C. 18713), execute all activities necessary to carry out the Transmission Facilitation Program.
- C. Pursuant to section 40125(d) (42 U.S.C. 18724(d)), execute all activities necessary to carry out the Modeling and Assessing Energy Infrastructure Risk Program.
- D. Pursuant to section 40323 (42 U.S.C.A. 18753), execute all activities necessary to carry out the Civilian Nuclear Credit Program.

1.11 Under the Energy Policy Act of 2005 (Public Law 109):

- A. Pursuant to section 242 (42 U.S.C. 15881), as amended by section 40331 of the IIJA, execute all activities necessary to make incentive payments to qualified owners or operators of hydroelectric facilities.
- B. Pursuant to section 243 (42 U.S.C. 15882), as amended by section 40332 of the IIJA, execute all activities necessary to carry out the Hydroelectric Efficiency Improvement Incentives program.
- C. Pursuant to section 247 (42 U.S.C. 15883), as added by section 40333 of the IIJA, execute all activities necessary to carry out the Maintaining and Enhancing Hydroelectricity Incentives program.
- D. Pursuant to section 936 (42 U.S.C. 16236), execute all activities necessary to carry out a grid integration research, development, and demonstration programs in coordination with the Office of Electricity.

1.12 Under the Energy Act of 2020 (Public Law 116-260, Div. Z):

- A. Pursuant to section 8006 (42 U.S.C. 16215), consult with entities specified in section 16215(b)(2) in carrying out the amendments made by Title VIII, as appropriate under Federal law.
- B. Pursuant to section 8011 (42 U.S.C. 17392), execute all activities necessary to carry out a micro-grid and integrated micro-grid systems program in coordination with the Office of Electricity.

1.13 Under the Energy Independence and Security Act of 2007 (Public Law 110-140):

- A. Pursuant to section 137 (42 U.S.C. 17014), execute all activities necessary to carry out research, development, and demonstration to advance

electric vehicle integration on the electric grid in coordination with the Office of Electricity.

- B. Pursuant to section 1304 (42 U.S.C. 17384), execute all activities necessary to carry out under a smart grid technology research, development, and demonstration program in coordination with the Office of Electricity.
- C. Pursuant to Section 1306 (42 U.S.C. 17386), as amended by section 40107 of the IIJA, execute all activities necessary to carry out the Smart Grid Investment Matching Grant Program and the Deployment of Technologies to Enhance Grid Flexibility program.

1.14 Under section 988 of the Energy Policy Act of 2005 (Public Law 109-58, codified at 42 U.S.C. 16352):

- A. Approve requests for reduction or elimination of the cost sharing requirement for a research and development activity of an applied nature in accordance with section 988(b)(3);
- B. Approve requests for reduction of the cost sharing requirement for the non-federal share of demonstration and commercial application activities in accordance with section 988(c)(2); and
- C. Exclude research and development of a basic or fundamental nature from the cost sharing requirements, as described in section 988(b)(2).

These authorities may not be redelegated and may be exercised only after providing notification to the Office of the Secretary. Furthermore, the approval authorities delegated in subparagraphs A and B can be exercised only in coordination with the Secretarial Policy Statement entitled, "Application of Cost Share Requirements under Section 988 of Energy Policy Act (EPACT) of 2005, Pub. L. 109-58." These authorities may be redelegated solely to Heads of Departmental Elements reporting directly to the Under Secretary for Infrastructure.

1.15 Exercise all authorities vested in the Secretary of Energy under the Stevenson-Wydler Technology Innovation Act of 1980 (Public Law 96-480), as amended by section 105(a) of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010 (Public Law 111-358) and section 401(b) of the American Innovation and Competitiveness Act (Public Law 114-329), as set forth in 15 U.S.C. 3719.

1.16 Under section 644 of the Department of Energy Organization Act (Public Law 95-91, 42 U.S.C. 7254), prescribe such procedural and administrative rules and regulations as the Under Secretary for Infrastructure and the Director, Grid Deployment Office deem necessary or appropriate.

2. RESCISSION. Redlegation Order No. S3-DEL-GD1-2022 is 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 or the Under Secretary (for Infrastructure) from exercising any of the authority delegated by this Order.

3.3 Nothing in this Order shall be construed as to supersede or otherwise interfere with the authorities provided to the Administrator for Nuclear Security by law or by delegation. Furthermore, nothing herein constitutes authority to exercise authority, direction, or control of an employee of the National Nuclear Security Administration or its contractors.

3.4 Any amendments to this Order shall be made 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 Director, Grid Deployment Office 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, 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 Redlegation Order is effective April 10, 2023.



Kathleen Hogan
Acting Under Secretary
(for Infrastructure)