

DEPARTMENT OF ENERGY
REDELEGATION ORDER NO. S3-DEL-SWPA1-2023
TO THE ADMINISTRATOR OF THE SOUTHWESTERN POWER ADMINISTRATION

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 Administrator of the Southwestern Power Administration 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 Administrator of the Southwestern Power Administration's assigned programs and organizational elements as the Administrator of the Southwestern Power Administration may deem to be necessary or appropriate.
 - A. In exercising this authority, or as redelegated pursuant thereto, the Administrator of the Southwestern Power Administration 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 establish, alter, consolidate, or discontinue second tier or below organizational elements may not be redelegated.
 - 1.2 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 Administrator of the Southwestern Power Administration.
 - 1.3 Perform all functions delegated to the Secretary of Energy by the Assistant Attorney General, Land and Natural Resources Division, on December 1, 1980, relating to approving 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 title evidence prepared in compliance with the Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016). Any further delegate(s) shall be governed by the applicable regulations and requirements of the Department of Justice.

- 1.4 Under sections 302(a), 641, 643, and 644 of the Department of Energy Organization Act (42 U.S.C. 7152, 7251, 7253, and 7254):
 - A. On a nonexclusive basis, confirm, approve, and place into effect on an interim basis power and transmission rates for the Southwestern Power Administration for such periods as the Administrator of the Southwestern Power Administration may provide. In addition, under the authority vested in me as Under Secretary (for Infrastructure) and pursuant to sections 202 and 642 of the Department of Energy Organization Act (42 U.S.C. 7132 and 7252), I delegate to the Administrator of the Southwestern Power Administration the authority vested in me with respect to the Southwestern Power Administration.
 - B. Develop and place into effect on a final basis rates for short-term sales of capacity, energy, or transmission service. Short-term sales are those sales that last no longer than one year.
- 1.5 With respect to purchase power and wheeling transactions for the Southwestern Power Administration, make the determination, on a case by case basis, that compliance with the three full business days advance notification requirements of section 311 of title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (P.L. 111-85) would pose a substantial risk to human life, health, or safety and make post-award notifications to the Committees on Appropriations of the Senate and House of Representatives not later than 5 full business days after such award is made or letter issued.
- 1.6 Determine, on a nonexclusive basis, that an expenditure of funds appropriated to the Southwestern Power Administration for emergency purposes is required to ensure continuity of service. The Administrator of the Southwestern Power Administration shall notify the Under Secretary (for Infrastructure) of the nature of the emergency promptly after making a determination. Within 30 days after the declaration of Emergency conditions, the Administrator shall report to the Under Secretary (for Infrastructure) the emergency expenses necessary to provide Southwestern Power Administration customers with continuity of service.

- 1.7 Including, but not limited to the provision of the Declaration of Taking Act of February 26, 1931, Chapter 302, section 1, 46 Stat. 1421, 40 U.S.C. 3114, on a nonexclusive basis, perform all functions vested in the Secretary of Energy 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 redelegated.

- 1.8 With respect to the Southwestern Power Administration, and pursuant to the authority under 42 U.S.C. § 7278, accept lands, buildings, equipment, and other contributions from public and private sources and prosecute projects in cooperation with other agencies, Federal, State, private or foreign provided that the acceptance of lands shall be subject to existing laws, regulations, and policies pertaining to the Government's acquisition of real property. This authority is expressly limited to the acceptance of lands, buildings, equipment, and other contributions directly associated with the transmission systems owned by the Southwestern Power Administration, and shall only be exercised after consultation with the General Counsel of the Power Administration.

The authority hereby delegated to the Administrator of the Southwestern Power Administration to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign may not be redelegated.

- 1.9 In reference to electric power regulations under the Federal Power Act (FPA), (16 U.S. C. 791a-825r), implement Paragraphs (d) and (e) of Section 215A of the FPA, specifically: designate, protect, and share critical electric infrastructure information pursuant to the Department of Energy's administrative procedures to implement the Department's critical electric infrastructure information designation authority under the FPA; and facilitate and expedite the acquisition of security clearances by key personnel subject to the requirements of section 215A.

2. RESCISSION. Redelegation Order No. S3-DEL-SWPA1-2022 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.
- 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 to supersede or otherwise interfere with the authorities delegated 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 amendment 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 Administrator of the Southwestern Power Administration may delegate this authority further, in whole or in part, subject to the reporting requirements contained in Section 1.6 of this Order.
- 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 Redelegation Order is effective April 10, 2023.



Kathleen Hogan
Acting Under Secretary
(for Infrastructure)