

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-128
TO THE ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS
AND ENERGY EMERGENCIES

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and by the Department of Energy Organization Act (Pub. L. No. 95-91) (the “DOE Act”) --

- (a) There is hereby delegated to the Assistant Secretary for International Affairs and Energy Emergencies (“Assistant Secretary”), the authority to:
1. After consultation with the Assistant Secretary for Fossil Energy, order the temporary connections of facilities, during times of war or other emergency, for the generation or transmission of electric energy and such generation, delivery, interchange, or transmission of electric energy as in his judgment will best meet the emergency and serve the public interest, pursuant to sections 202(c) and 202(d) of the Federal Power Act (Pub. L. No. 74-333); and to order permanent connections of such facilities for emergency use only pursuant to section 202(d) of the Federal Power Act.
 2. After consultation with the Assistant Secretary for Fossil Energy, establish, modify and encourage regional districts in the country for the voluntary interconnection and coordination of facilities for the generation, transmission, and sale of electric energy, and promote and encourage such interconnection and coordination within each such district and between such districts, pursuant to the provisions of section 202(a) of the Federal Power Act, whenever such actions are necessary or appropriate to support the exercise of emergency authorities vested in the Assistant Secretary.
 3. 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 of any State or municipality or other political subdivision of a State, pursuant to section 311 of the Federal Power Act, as the Assistant Secretary determines is necessary or appropriate to perform his emergency functions.
 4. Carry out the functions under sections 302 through 304(c) of the Natural Gas Policy Act of 1978 (Pub. L. No. 95-621) and section 607 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. No. 95-617), after consultation with the Assistant Secretary for Fossil Energy and with the heads of other Executive departments and agencies.

5. Consult with the Assistant Secretary for Fossil Energy to provide energy emergency-related curtailment policy guidance, as necessary or appropriate, whenever the Assistant Secretary for Fossil Energy exercises the authority delegated to him by DOE Delegation Order 0204-127 to establish and review priorities for the curtailment of natural gas pursuant to the Natural Gas Act (Pub. L. No. 75-688) and Sections 401, 402, and 403(a) of the Natural Gas Policy Act of 1978 (Pub. L. No. 95-621) and section 402(a)(1) (e) of the DOE Act; and request that the Assistant Secretary for Fossil Energy initiate proceedings to amend curtailment priorities as necessary or appropriate to facilitate emergency natural gas operational activities, as delegated to the Assistant Secretary for International Affairs and Energy Emergencies.
 6. Participate in any proceeding before the Federal Energy Regulatory Commission, pursuant to the provisions of section 405 of the DOE Act, 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 Assistant Secretary.
 7. Adopt rules, 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 above functions.
- (b) This authority may be further delegated, in whole or in part, with the exception of the authority to propose or adopt rules.
 - (c) In exercising the authority delegated by this Order or as redelegated pursuant thereto, the Assistant Secretary or his delegate(s) shall be governed by the rules, regulations and procedures of DOE and the policies prescribed by the Secretary or his delegate(s).
 - (d) Nothing in this Order shall preclude the Secretary from exercising or further delegating any of the authorities hereby delegated, whenever, in his judgment, the exercise of such authority is necessary or appropriate to administer the functions vested in him.
 - (e) 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 hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

This Order is effective February 7, 1989.

_____/s/
Donna R. Fitzpatrick
Acting Secretary of Energy