

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-1
TO THE FEDERAL ENERGY REGULATORY COMMISSION

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and by Sections 642 and 402(e) of the Department of Energy Organization Act (Pub. L. 95-91) (the “DOE Act”), there is hereby delegated and assigned to the Federal Energy Regulatory Commission (“FERC”) the authority to carry out the functions under the following statutory authorities:

1. Part I of the Federal Power Act (Pub. L. 280, 66th Cong., 2d Sess.), to the extent that such authority is not transferred to, and vested in, FERC by Section 402 (a)(1)(A) of the DOE Act, provided that this paragraph does not delegate functions under (i) Section 4(a) of the Federal Power Act as it relates to river basin appraisals and (ii) Section 24 of the Federal Power Act as it relates to the disposition of power site lands.
2. Section 203 of the Federal Power Act (relating to the disposition, merger or consolidation of facilities and the acquisition of securities);
3. Section 204 of the Federal Power Act (relating to the issuance of securities and the assumption of liabilities);
4. Section 206(b) of the Federal Power Act (relating to the investigation and determination of the cost of production or transmission of electric energy), as FERC determines appropriate to perform its vested or delegated functions;
5. Section 207 of the Federal Power Act (relating to adequate and sufficient interstate service);
6. Section 209 of the Federal Power Act (relating to use of boards composed of State representatives and cooperation with State commissions);
7. Section 304 of the Federal Power Act (relating to annual and periodic or special reports), as FERC determines appropriate to perform its vested or delegated functions;
8. Section 305 of the Federal Power Act (relating to officers or directors benefitting from the sale of issued securities and to interlocking directorates);
9. Section 311 of the Federal Power Act (relating to investigations regarding the generation, transmission, distribution, and sale of electric energy), as FERC determines appropriate to perform its vested or delegated functions;
10. Sections 1(b) and 1(c) of the Natural Gas Act (Pub. L. 688, 75th Cong., 2d Sess.) (relating to certain exemptions from the provisions of the Natural Gas Act);

11. Section 3 of the Natural Gas Act with respect to the decision of pending cases assigned to FERC by rule;
12. Section 5 (b) of the Natural Gas Act (relating to the investigation and determination of the cost of production or transportation of natural gas), as FERC determines appropriate to perform its vested or delegated functions;
13. Section 10 of the Natural Gas Act (relating to annual and periodic or special reports), as FERC determines appropriate to perform its vested or delegated functions;
14. Section 12 of the Natural Gas Act (relating to officers or directors benefitting from the sale of issued securities);
15. Section 19 of the Natural Gas Act (relating to rehearings on orders);
16. The Interstate Commerce Act (49 U.S.C. § 1, et seq.) and other statutes which formerly vested authority in the Interstate Commerce Commission or the chairman and members thereof, as such statutes relate to the transportation of oil by pipeline, to the extent that such statutes are not transferred to, and vested in, FERC by Section 402(b) of the DOE Act, provided that this paragraph does not include any of the authority under Section 11 of the Clayton Act (15 U.S.C. § 21);
17. To issue orders, and take such other action as may be necessary and appropriate, to direct the Energy Information Administration to gather energy information pursuant to the Federal Energy Administration Act of 1974 or the Energy Supply and Environmental Coordination Act of 1974 to the extent necessary or appropriate to the exercise of regulatory functions vested in or delegated to the Federal Energy Regulatory Commission; and
18. The authority to take such other action as the Secretary or his authorized delegates may, from time to time, authorize.

Except as provided in Paragraph 11, this Order does not include the authority to carry out the functions delegated herein to the extent such functions are vested in the Secretary pursuant to his authority to regulate the exports or imports of natural gas or electricity, under Section 402(f) of the DOE Act; provided that the Secretary may from time to time delegate to FERC such other authority under Section 3 of the Natural Gas Act as may be determined appropriate.

The authority delegated to FERC may be further delegated, in whole or in part, as may be appropriate.

FERC shall consult with the Administrator of the Energy Information Administration (“EIA”) with respect to the exercise of functions under paragraphs 4, 7, 9, 12, 13, and 17, as EIA considers appropriate.

All actions 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 October 1, 1977.

/s/
James R. Schlesinger
Secretary of Energy

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-1
AMENDMENT NO. 1
TO THE FEDERAL ENERGY REGULATORY COMMISSION

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and by Sections 642 and 402(e) of the Department of Energy Organization Act (Pub. L. 95-91) (the “DOE Act”), Paragraph 1 of Delegation Order No. O204-1 is hereby amended to read as follows:

1. Part I of the Federal Power Act (Pub. L. 280, 66th Cong., 2d Sess., as amended), to the extent that such authority is not transferred to, and vested in, FERC by Section 402(a)(1)(A) of the DOE Act, provided that this paragraph delegates (A) Section 4 of the Federal Power Act to the extent FERC determines the exercise of such authority is necessary for it to exercise any function transferred to, and vested in, FERC by this delegation, and (B) Section 24 of the Federal Power Act (relating to the granting of entry, location, or other disposition of lands of the United States reserved or classified as power sites), provided that, upon receipt of an application under Section 24, FERC shall provide a copy of such application to the Assistant Secretary for Resource Applications and allow such office a reasonable time to comment on the application; and, provided further, that, at a date six months from the date of this Order, FERC shall submit a report to the Secretary identifying the number and type of applications which have been filed with FERC under Section 24 in that time period.

This amendment to Delegation Order No. 0204-1 is effective December 23, 1977.

/s/
James R. Schlesinger
Secretary of Energy