

DEPARTMENT OF ENERGY
DELEGATION ORDER No. 0204-111
TO THE ADMINISTRATOR OF THE
ECONOMIC REGULATORY ADMINISTRATION¹

Pursuant to the authority vested in me as the Secretary of Energy (“Secretary”) by the Natural Gas Act (Act of June 21, 1938, ch. 556, 52 Stat. 821 (15 U.S.C. §717)) (“NGA”) and Sections 301(b), 402(f), and 642 of the Department of Energy Organization Act (Pub. L. No. 95-91, 91 Stat. 565 (42 U.S.C. §7101 et seq.)), there is hereby delegated to the Administrator of the Economic Regulatory Administration (“Administrator”) the authority under Section 3 of the NGA to regulate the imports and exports of natural gas.

- (a) The Administrator shall regulate imports (including place of entry) based on a consideration of such matters as the Administrator finds in the circumstances of a particular case to be appropriate, which may include, but are not limited to, the following matters:
 - 1. competitiveness of the import;
 - 2. need for the natural gas;
 - 3. security of supply.
- (b) The Administrator shall regulate exports (including place of exit) based on a consideration of the domestic need for the gas to be exported and such other matters as the Administrator finds in the circumstances of a particular case to be appropriate.
- (c) In exercising the authority delegated by this Order, the Administrator may attach such terms and conditions as the Administrator shall determine to be appropriate.
- (d) The authority delegated by this Order does not include the authority to approve the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry for imports or exit for exports, except the Administrator is authorized to disapprove the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry for imports or exit for exports, on the basis of matters considered pursuant to paragraphs (a) and (b) of this Order.
- (e) (1) With respect to ERA Docket No. 77-001-LNG, in addition to the functions enumerated in paragraphs (a), (b) and (c) above (and notwithstanding paragraph (d) above), the Administrator is authorized to perform all functions related to the regulation of the importation and distribution of natural gas through, and construction and operation of, facilities at Oxnard, California.

¹Now Assistant Secretary for Fossil Energy as amended by 0204-127

- (2) This delegation does not amend or supersede 10 C.F.R. §1000.1(d) (42 F.R. 55534, October 17, 1977) or DOE Delegation Order No. 0204-1.
- (f) The authority delegated to the Administrator may be further delegated (except to the Federal Energy Regulatory Commission) in whole or in part, as may be appropriate.
- (g) Paragraph 6 of Delegation Order No. 0204-4, is amended to read as follows:
- “6. The functions delegated to the Administrator of ERA by Delegation Order No. 0204-111.”
- (h) This Order supersedes Delegation Order No. 0204-54.
- (i) In exercising the authority delegated by this Order, or redelegated pursuant thereto, the delegates shall be governed by the rules, regulations and procedures of the Department of Energy and the policies prescribed by the Secretary or the Secretary's delegate.
- (j) 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.
- (k) Nothing in this delegation shall preclude the Secretary from exercising any of the authority so delegated whenever in the Secretary's judgment the exercise of such authority is necessary or appropriate to administer the functions vested in the Secretary.

This Order is effective February 22, 1984, the date of publication in the Federal Register.

_____/s/_____
Donald Paul Hodel
Secretary of Energy