

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-127
ASSISTANT SECRETARY FOR FOSSIL ENERGY

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 Fossil Energy (“Assistant Secretary”), the authority to:

1. 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 the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. No. 95-620) (“FUA”), as amended; 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;
2. 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 (Pub. L. No. 93-319), as amended;
3. 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 (Pub. L. No. 74-333);
4. Investigate and determine, upon the Assistant Secretary'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 Federal Power Act, as the Assistant Secretary determines is necessary or appropriate to perform his functions, pursuant to the provisions of Section 206(b) of the Federal Power Act;
5. 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, as the Assistant Secretary determines is necessary or appropriate to perform his functions, pursuant to Section 311 of the Federal Power Act;

6. Regulate the export of electric energy to a foreign country, pursuant to the provisions of Sections 202(e) and 202(f) of the Federal Power Act: and authorize the construction, connection, operation and maintenance 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;
 7. Establish and review priorities for the curtailment of natural gas pursuant to the Natural Gas Act (Pub. L. No. 75-688), Sections 401, 402, and 403 of the Natural Gas Policy Act of 1978 (Pub. L. No. 95-621); and consult with the Assistant Secretary for International Affairs and Energy Emergencies concerning energy emergency-related curtailment policy guidance, as necessary or appropriate.
 8. Regulate natural gas imports and exports, pursuant to the Natural Gas Act, in accordance with Delegation Order No. 0204-111;
 9. 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;
 10. 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 and 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) Delegation Order Nos. 0204-111 and 0204-112 are amended by changing “Administrator of the Economic Regulatory Administration” to “Assistant Secretary for Fossil Energy” wherever it appears and by changing “Administrator” to “Assistant Secretary” wherever it appears.
- (e) 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.
- (f) 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. Fritzpatrick
Acting Secretary of Energy