

[RESCINDED]

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-25
TO THE ADMINISTRATOR OF THE
ECONOMIC REGULATORY ADMINISTRATION

Pursuant to the authority vested in me as the Secretary of Energy (“Secretary”) by the Department of Energy Organization Act (“DOE Act”) –

- (A) There is hereby delegated to the Administrator of the Economic Regulatory Administration (“Administrator”) the authority under Section 3 of the Natural Gas Act and Executive Order 10485, as transferred to the Secretary by Sections 301 and 402(f) of the DOE Act, to determine (except with respect to ERA Docket No. 77-001-LNG) whether importation of exportation of natural gas is not inconsistent with the public interest, insofar as such determination is based on the following considerations:
- (1) In the case of imported natural gas, the security of supply and effect on U.S. balance of payments;
 - (2) The price proposed to be charged at the point of importation or exportation;
 - (3) Consistency with duly promulgated and published regulations or statements of policy of the Department of Energy specifically applicable to imports or exports of natural gas;
 - (4) National need for the natural gas to be imported or exported; and
 - (5) Such other matters within the scope of Section 3 of the Natural Gas Act as the Administrator shall find in the circumstances of a particular case to be appropriate for his determination, including but not limited to:
 - (a) Regional needs for the natural gas to be imported or exported;
 - (b) In the case of imported natural gas, the eligibility of purchasers and participants and their respective shares.
- (B) In exercising the functions delegated in paragraph (A)(1) through (5) above, the Administrator may attach such terms and conditions as he shall determine to be necessary to make the import or export not inconsistent with the public interest, which terms and conditions the FERC shall include in any order it may issue which authorizes the import or export pursuant to Delegation Order No. 0204-26.
- (C) Notwithstanding paragraph (A)(5) above, the Administrator shall not exercise any authority under Section 3 of the Natural Gas Act to approve or disapprove an import or export based upon the construction and operation of facilities, the site at which they shall be located, or the place of entry for imported natural gas, except that the Administrator shall have the authority to disapprove the construction and operation of facilities, the site at which they

shall be located, or the place of entry for imported natural gas on the basis of the considerations contained in paragraphs (A)(1) and (A)(3) above.

- (D)(1) With respect to ERA Docket No. 77-001-LNG, the Administrator is hereby delegated all functions under Section 3 of the Natural Gas Act, as amended, and Executive Order 10485.
- (2) Nothing in this delegation shall be construed to amend or supersede 10 C.F.R. §1000.1(d) (42 F.R. 55534, October 17, 1977) or DOE Delegation Orders No. 0204-1, No. 0204-8, and No. 0204-14.
- (E) The authority delegated to the Administrator may be further delegated (except to the FERC) in whole or in part, as may be appropriate.
- (F) Paragraph 6 of the Delegation Order No. 0204-4, is amended to read as follows:
- “6. The functions delegated to the Administrator of ERA by Delegation Order No. 0204-25.”
- (G) All actions pursuant to any authority delegated prior to the Order, and all actions encompassed within the scope of the authority delegated by this Order but 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.
- (H) Nothing in this delegation by the Secretary shall preclude the Secretary from exercising any of the authority so delegated whenever in his judgement his exercise of such authority is necessary or appropriate to administer the functions vested in him.

This Order is effective upon publication in the Federal Register. (10/17/78)

/s/
James R. Schlesinger
Secretary of Energy