

PRESIDENTIAL PERMIT PP-74
AUTHORIZING
THE POWER AUTHORITY OF THE STATE OF NEW YORK
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN
ELECTRIC TRANSMISSION FACILITIES ACROSS
THE INTERNATIONAL BORDER BETWEEN
THE UNITED STATES AND CANADA

BACKGROUND

On December 16, 1980, the Power Authority of the State of New York (PASNY) filed an application with the Economic Regulatory Administration of the Department of Energy (DOE) for a Presidential Permit pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038. PASNY requested authority to construct, connect, operate and maintain at the United States/Canadian international border, two 345-kilovolt transmission lines crossing the Niagara River, near Niagara Falls, which will be used for the importation of electric energy from Canada into the United States. These transmission lines are further described in Article 2.

The Secretary of State by letter dated July 21, 1981, and the Secretary of Defense by letter dated July 20, 1981, have favorably recommended that the Permit be granted as hereinafter provided.

Upon consideration of this matter, the DOE finds that the issuance of the Permit as hereinafter provided is appropriate and consistent with the public interest.

AUTHORIZATION

Pursuant to the provisions of Executive Order No. 10485, as amended, and the Rules and Regulations thereunder (10 C.F.R. Section 205.320 et seq.), permission is hereby granted to PASNY to construct, connect, operate and maintain at the United States/Canadian international border two 345 kilovolt transmission lines as further described in Article 2 below upon the conditions hereinafter set forth.

Article 1. The facilities herein described shall be subject to all conditions, provisions and requirements of this Permit. This Permit may be modified or revoked by the President of the United States without notice, or by the Department of Energy after public notice, and may be amended by the DOE upon proper application thereto.

Article 2. The facilities covered by and subject to this Permit shall include, in addition to the following facilities, all supporting structures within the rights-of-way occupied by such facilities:

Two three-phase, 345,000 volt overhead transmission lines with two 932.7 Kcmil conductors per phase and operated at 60 hertz crossing the border of the United States of America and the Dominion of Canada. The facilities authorized by this Permit are more specifically shown and described in the application and accompanying Information Report filed by PASNY, Niagara

Power Project Transmission and Substation Improvements, and in the negative determination of environmental impacts issued by the Department of Energy on April 8, 1981.

Article 3. The facilities will be operated at all times to meet the Northeast Power Coordinating Council and New York Power Pool (NYPP) system operations criteria. PASNY shall submit to DOE a technical report describing the reliability and stability impacts of the proposed facilities on the regional bulk electric power supply system. This report shall consider all available regional reliability council and NYPP analyses pertinent to the proposed operation of the facilities authorized by this Permit. If operating limitations are necessary, these shall be identified in the technical report; and PASNY shall take steps to ensure operation of the facilities within such limitations.

Article 4. No substantial change shall be made in the facilities covered by the license or in the authorized operation thereof unless and until such change shall have been approved by the DOE.

Article 5. PASNY shall at all times maintain the facilities, or any part thereof, in a satisfactory condition such that all requirements of the National Electric Safety Code, 1981 edition, are fully met.

Article 6. The operation and maintenance of the aforesaid facilities shall be subject to the inspection and approval of a properly designated representative of the DOE, who shall be an authorized representative of the United States for such purposes. PASNY shall allow officers or employees of the United States with written authorization free and unrestricted access into, through, and across any lands occupied by said facilities, in the performance of their official duties.

Article 7. PASNY shall respond to and evaluate any complaints, from nearby residents, of radio or television interference identifiably caused by operation of these transmission lines. In the case of such complaints, PASNY shall take appropriate action as necessary to mitigate the situation. Complaints from individuals residing within one-half mile of the center line of the facility are the only ones which shall require mandatory resolution. Written records shall be maintained by PASNY of all complaints received and of the corrective actions taken.

Article 8. PASNY shall be liable for all damages occasioned to the property of others by the construction, connection, operation and maintenance of the facilities owned by it and covered by this Permit, and in no event shall the United States be liable therefor.

Article 9. PASNY shall arrange for the installation and maintenance of metering equipment so as to permanently record the hourly flow of all electric energy transmitted between the United States and Canada over the facility authorized herein; shall make, keep and preserve full and complete records with respect to the movement of such energy; and shall furnish a report to the DOE annually on or before February 15, with respect to such transmission of energy, showing, with respect to the afore-described lines, the gross amount of kilowatt-hours received or delivered, the maximum hourly rate of transmission in kilowatts, and the consideration paid or received therefore during each month of the preceding calendar year.

Article 10. Neither this Permit nor the facilities covered by this Permit, or any part thereof, shall be transferable or assignable, except in the event of the involuntary transfer of the facilities by operation of law. In the event of such an involuntary transfer, the Permit shall continue in effect for sixty days and then shall terminate unless an application for a new Permit has been received. Upon receipt of such application, the existing Permit shall continue in effect until a decision is issued on the pending application. During this period, the facilities authorized by this Permit shall remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation or surrender of this Permit, the 345 kV overhead transmission lines herein authorized, which are owned, connected, operated and maintained by PASNY shall be removed within such time as the DOE may specify and at the expense of PASNY. Upon failure of PASNY to remove such facilities or any portion thereof, the DOE may direct that such actions be taken and the facilities removed or restoration made at the expense of PASNY, and PASNY shall have no claim for damages by reason of such possession, removal, or repair.

Article 12. Possible exports of electric energy to Canada by PASNY as a result of the interconnection shall not result in increased oil consumption by PASNY over what would be a normal and reasonable oil usage as determined by the DOE, based on previous usage. Permittee shall furnish a report to the DOE, annually on or before February 15th, showing the amount and type of oil consumed and identifying usage of that oil for each month of the preceding year by type of unit. The report also shall show the percentage of change of these figures from the year preceding the reported year. Permittee shall explain in detail any increase in oil usage.

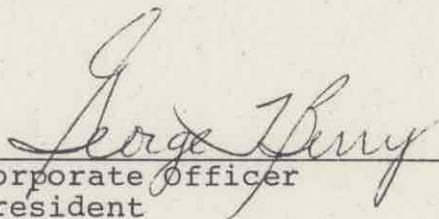
Article 13. This Permit shall be valid upon receipt
by the DOE of the Testimony of Acceptance properly executed.

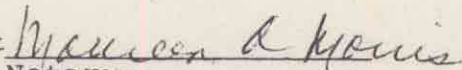
In Witness Whereof, I Barton R. Housf, Acting
Administrator of the Economic Regulatory Administration, have
hereunto signed my name, this 4th day of September, 1981,
in the City of Washington, District of Columbia.

Barton R. Housf
Acting Administrator
Economic Regulatory Administration

IN TESTIMONY OF ACCEPTANCE of all the provisions and conditions of this Permit, the Power Authority of the State of New York, this 15th day of September, 1981, has caused its name to be signed and its corporate seal to be affixed hereto and attested by Maureen A. Morris, its Notary, pursuant to a resolution of its Board of Trustees duly adopted on this 24th day of November, 1980. A certified copy of the resolution is attached hereto.

Power Authority of the State of New York


Corporate Officer
President

Attest 
Notary

MAUREEN A. MORRIS
Notary Public, State of New York
No. 4528251
Qualified in Kings County
Commission Expires March 30, 1982

RESOLVED, That the President be,
and hereby is, authorized to proceed
with the necessary engineering, design,
state and/or federal license and
necessary permit applications, procure-
ment and construction to establish two
345 kV circuits between the Beck and
Niagara substations, as recommended
in the foregoing report of the President.

I hereby certify that the above is a true copy
of the Resolution adopted by the Trustees of the
Power Authority of the State of New York on
November 24, 1980.


Secretary

dated: September 15, 1981