



Diane J. Peterson papers

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Diane J. Peterson
4051 Gisella Boulevard
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Dec. 10, 2007

Mr. Peter Grills
O'Neill, Grills, & O'Neill
#1750 First National Bank Building
332 Minnesota Street
St. Paul, Mn. 55101

Dear Mr. Grills:

Enclosed are copies of documents I obtained from the U. S. Dept. of Energy pertaining to the 500 kv line to Manitoba. I sincerely hope you may use them in your efforts to obtain justice on the Manitoba Hydro issue.

My reading of the documents leads me to focus on three things:

1. The liability of Xcel for damages to the property of others, such as PCN, from the operation of the 500 kv line, as found on page 4-5, Article 8 of the 1979 permit.

2. The great care for environmental protection of Minnesota's natural resources regarding construction of this line, as shown on page 7-8 of the 1979 permit, and in the items

in Article 13. This is a good basic list to show how concerned Minnesotans are for minimizing impacts on Minnesota's land and species. We have precedents attesting to our current sensitivity and sympathy concerning environmental degradation.

3. The May 8, 1985, document found no "significant effects on the quality of the human environment" concerning the 500 kv line, page 2. Evidence of adverse effects has since come to the attention of some U. S. citizens.

These documents were supplied to me free of charge by Tony Como (202-586-5935) in the Fossil Fuels division of DOE. Deb Paulsen at Xcel promised them to me but has never delivered on that promise.

She even tried shunting me off on Jim Alders at Xcel, but he never called me;

Ms. Paulsen tried to tell me that he had.

I pray for your success in bringing justice to bear upon inhumane business corporations.

Sincerely,
Diane J. Peterson

PERMIT
AUTHORIZING
NORTHERN STATES POWER COMPANY
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN
ELECTRIC TRANSMISSION FACILITIES
AT THE INTERNATIONAL BORDER BETWEEN
THE UNITED STATES AND CANADA
ERA DOCKET NO. PP-63
(FPC DOCKET NO. E-9589)

3/6/79

PP-63

Folder #2

On April 18, 1977, Northern States Power Company (Permittee) filed an application with the Federal Power Commission (FPC) pursuant to Executive Order No. 10485, as later amended by Executive Order No. 12038, for authority to construct, connect, operate and maintain electric transmission facilities described in Article 2 below at the international border between the United States and Canada. The application was transferred to the Department of Energy (DOE) upon its formation on October 1, 1977, pursuant to Section 301 of the Department of Energy Organization Act (P.L. 95-91) and, by virtue of DOE Delegation Order No. 0204-4, responsibility for consideration of the application was assigned to the Administrator of the Economic Regulatory Administration (ERA).

The Secretary of State by letter dated February 12, 1979 and the Secretary of Defense by letter dated February 26, 1979 favorably recommended that the Permit be granted as hereinafter provided.

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

Pursuant to the provisions of Executive Order No. 10485, as amended, and the Rules and Regulations thereunder (18 C.F.R. 1 et. seq.) permission is hereby granted to Northern States Power Company to construct, connect, operate and maintain the electric transmission facilities described in Article 2 below at the international border between the United States and Canada 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 or by the Administrator of ERA after public notice and may be amended by ERA on proper application thereto.

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

One three-phase, 60 hertz, 500,000 volt overhead transmission line located at a point on the international border between the United States and Canada approximately seven and a half miles west of Warroad in Roseau County, Minnesota, interconnecting with a similar transmission line owned by the Manitoba Hydro-Electric Board and located in the province of Manitoba.

The facilities authorized by this Permit are more specifically shown and described in the application and accompanying exhibits and items by reference filed by Permittee and in the environmental impact statement (DOE/EIS-0032) issued by DOE in this matter. No substantial change shall be made in these facilities or the operation thereof authorized unless and until such change(s) shall have been approved by ERA.

Article 3. Permittee shall at all times maintain the facilities, or any part thereof, in a satisfactory condition for the efficient and safe operation of said facilities in the transmission of electric energy.

Article 4. Insofar as the facilities authorized herein, or which may be subsequently included herein by amendment, are utilized for the transmission of electric energy from the United States to Canada, they may be utilized for such transmission only in the amount, at the rate, and in the manner authorized by ERA under Section 202(e) of the Federal Power Act.

Article 5. The construction, connection, operation and maintenance of the aforesaid facilities shall be subject to the inspection and approval of a properly designated representative of ERA, who shall be an authorized representative of the United States for such purposes. Permittee 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 6. In the construction, connection, operation and maintenance of the facilities authorized herein, Permittee shall place and maintain suitable structures to reduce to a reasonable degree the possibility of contact or inductive interference between such facilities and any other facilities not owned by Permittee. Grounding of all tower structures shall be in accordance with the American National Standard, National Electric Safety Code, C2, 1977 edition.

Article 7. Permittee will respond to and evaluate any complaints from nearby residents of radio or television interference possibly caused by operation of the transmission line. In the case of such complaints, the Permittee will 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 that shall require mandatory resolution. Written records will be maintained by the Permittee of all complaints received and the corrective actions taken.

Article 8. Permittee 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. Permittee shall arrange for the installation and maintenance of adequate metering equipment to measure the hourly flow of all electric energy transmitted between the United States and Canada over the afore-described line 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 ERA, annually on or before February 15, with respect to such transmission of energy, showing, with respect to the afore-described line, the gross amount of kilowatt-hours received or delivered, the maximum hourly rate of transmission in kilowatts, and the consideration paid or received therefor during each month of the preceding calendar year. Permittee shall file with the ERA, in such detail as ERA shall require, any additional statement or reports with respect to the facilities authorized herein and owned by the Permittee, or electric energy transmitted thereover by the Permittee; such information will become part of the public record, unless otherwise excepted.

Article 10. Neither this Permit nor the facilities, or any part thereof, covered by this Permit, shall be transferable or assignable, but in the event of the involuntary transfer of the facilities by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) the Permit shall continue in effect temporarily thereafter pending the making of an application for a new Permit and decision thereon, provided notice is given in writing to ERA within 30 days, after transfer, accompanied by a statement that the facilities authorized by this Permit remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation or surrender of this Permit, the facilities herein authorized, which are owned, connected, operated and maintained by Permittee, shall be removed within such time as ERA may specify and at the expense of Permittee. Structural foundations and guy anchors shall be removed to a minimum depth of 18 inches below ground level. The right-of-way and access roads will be allowed to revegetate by natural successional processes, except that Permittee will grade and seed any areas where necessary, as determined by the State of Minnesota. Upon failure of Permittee to remove such facilities or any portion thereof or complete such restoration, ERA may direct that such actions be taken and the facilities

removed or restoration made at the expense of Permittee, and Permittee shall have no claim for damages by reason of such possession, removal, or repair.

Article 12. To the maximum extent practicable, Permittee shall comply with the following conditions during construction of the transmission line. In the event that Permittee is unable to comply substantially with one or more of these conditions, Permittee shall file with ERA a statement of reasons justifying such failure and requesting waiver of such condition at least 15 (fifteen) days before commencing any action in violation thereof.

a) Erosion - The Permittee shall minimize soil disturbance, erosion and other environmental impacts by clearing that portion of the proposed transmission line route in the open bog areas, i.e., in areas composed of sedges, cottongrass and low growing shrubs such as bog rosemary and leatherleaf, during periods when the surface is frozen enough to support mechanized right-of-way clearing equipment.

b) Wetlands Construction - In the event that non-winter stream crossings and access road construction must be undertaken in wetlands, as defined by Executive Order No. 11990, Protection of Wetlands, the action will be undertaken in accordance with "Construction Procedures in Wetlands; Forbes-International Border 500 KV Transmission Project" (ER Supp., Resp. to Q. 21).

c) Rivers and Streams - To minimize impacts of construction on the rivers and streams crossed by the transmission line, the Permittee will construct (1) during the winter season or, where winter crossings are not possible, (2) during non-fish spawning months. The Permittee will seed or plant stream or river banks to retard erosion and run-off and to reduce visual impacts. At the Big Fork and La Vallee River crossings and at other areas specified by the State of Minnesota, Permittee shall leave or establish a buffer zone of vegetation sufficient to obscure the view of the supporting towers from the rivers. Maximum spanning shall be used to minimize visual impact.

d) Transmission Structures - Transmission structures utilized in floodplains shall be guyed aluminum structures with screw anchors, as described in the final environmental impact statement.

e) Construction Standards - The transmission line, as described in Article 2 above, shall be built in accordance with the terms and conditions of the American National Standard, National Electrical Safety Code, C2, 1977 edition.

f) Temporary Work Camps - Permittee shall limit the number and size of temporary work camp sites as practicable and, upon abandonment, shall restore work camp sites as near as possible to their original physical condition upon abandonment.

g) Archeological and Historical Preservation - 1.

Prior to land disturbance connected with the construction of the transmission line as described in Article 2, the Permittee will identify effects on archeological and historic resources due to: (1) construction of tower facilities; (2) clearing for access roads; (3) clearing the right-of-way; and, (4) secondary impacts as the result of increased access due to (2) and (3). Permittee, in consultation with the Minnesota State Historic Preservation Officer (SHPO), will apply criteria, contained in 36 CFR Part 800 to determine whether identified properties may be eligible for inclusion in the National Register of Historic Places and shall comply with the procedures set forth at 36 CFR Part 800 in order to mitigate adverse impacts on the properties. The identification process will comply with the "Guidelines for the Location and Identification of Historic Properties containing Scientific, Prehistoric, Historical, or Archeological Data," contained as Appendix B in proposed procedures 36 CFR Part 66, January 28, 1977.

2. Permittee, in consultation with the Minnesota SHPO, will develop a plan for mitigating adverse effects the construction of the transmission line may have on properties identified as meeting the criteria for the National Register of Historic Places eligibility.

a. The mitigation plan will meet the following requirements:

(1) Data recovery will be conducted under the supervision of an archeologist who meets the qualifications under Subpart b below.

(2) Data recovery will be conducted in accordance with the standards set forth in Subpart c below.

(3) A date will be set for the submission of a final report to the ERA and the Minnesota SHPO.

(4) Plans will be made for curation and storage of the material recovered after it has been analyzed in accordance with accepted professional standards.

(5) Documentation of the condition and significance of the property after data recovery will be provided by the Permittee to ERA, the Minnesota SHPO and the National Register for appropriate action, including nomination, boundary change, or removal from eligibility or National Register status in accordance with the National Register's procedures (36 CFR § 60.16).

b. The supervising archeologist will meet the following requirements:

(1) Minimum professional qualifications for a Supervisory Archeologist are graduate degrees in archeology, anthropology, or a closely related field, or equivalent training accepted for accreditation purposes by the Society of Professional Archeologists and the following:

(a) At least sixteen months of professional experience or specialized training in archeology field, laboratory or library research, including at least four months of experience in general North American archeology and at least six months of field experience in a supervisory role.

(b) A demonstrated ability to carry research to completion, usually evidenced by timely completion of a thesis, research reports, or similar documents.

For work involving prehistoric archeology, a Supervisory Archeologist should have at least one year's experience in research concerning archeological resources of the prehistoric period.

For work involving historic archeology, a Supervisory Archeologist should have at least one year's experience in research concerning archeological resources of the historic period.

c. Data recovery will be conducted in accordance with

the following standards.

(1) Data recovery should be conducted in accordance with a recovery plan that includes a professionally acceptable research design.

(a) The plan should reflect a familiarity with previous relevant research and be prepared or approved by the Supervisory Archeologist.

(b) The plan should include a definite set of research questions, taking into account relevant previous research, to be answered in analysis of the data to be recovered.

(c) The plan should provide for recovery of a usable sample of data on those significant research topics that can reasonably be addressed.

(d) The plan should specify and justify the methods and techniques to be used for recovery of the data contained in the property.

(2) The plan should provide for adequate personnel, facilities, and equipment.

(3) The plan should insure that full, accurate, and

intelligible records are made and maintained of all field observation and operations.

(4) The plan should include adequate provisions for modification of the plan to cope with unforeseen discoveries or other unexpected circumstances.

(5) The plan should provide for distributing program results to at least the following: the Minnesota SHPO, the State archivist, the State archeologist, the Department Consulting Archeologist of the Department of the Interior, the Chairman, Department of Anthropology, Smithsonian Institution, the President's Advisory Council on Historic Preservations, and ERA.

3. The Minnesota SHPO will be given the opportunity to review and determine the adequacy of the survey and mitigation plan prior to initiation of project development.

4. If agreement cannot be reached between Permittee and the Minnesota SHPO on all elements of the survey and mitigation plan, the comments of the President's Advisory Council on Historic Preservation will be requested by the Department of Energy, pursuant to 36 CFR §800.4(e) of the Council's Procedures.

5. Within 90 days of completion of the transmission line, Permittee will nominate identified archeological sites or districts for listing in the National Register of Historic Places, in accordance with the procedures established by the State of Minnesota.

Article 13. To maximum extent practicable, the Permittee shall comply with the following conditions during operation of the transmission line as described in Article 2. In the event that the Permittee is unable to comply substantially with one or more of these conditions, the Permittee shall file with ERA a statement of reasons justifying such failure and request a waiver of such condition at least 15 (fifteen) days before commencing any actions in violation thereof.

a. Herbicides - Selective or basal application shall be used wherever possible. When spraying herbicides along the right of way, the Permittee will establish buffer zones of 300-400 feet around all water areas for aerial application. Spraying within 100 meters of any body of water will be limited to hand application only. Permittee will not spray any herbicides in open bog areas. No spraying will occur near any area defined by the Minnesota Department of Natural Resources as environmentally sensitive. Permittee will mark all wildlife habitats to be avoided in areas where broadcast spraying is unavoidable. Permittee will not spray during nesting seasons of waterfowl or in any areas of wetland

having substantial open water during periods of nesting and/or migration.

b. Operational Monitoring - Permittee shall conduct a study to determine the impact of the construction and operation of the above-described transmission line on peatlands in the Lake Agassiz basin. This study shall continue for a minimum of 3 consecutive years and up to 5 years if deemed necessary by the U.S. Fish and Wildlife Service (USFWS) and DOE. The cost of the study will be borne by the Permittee; USFWS and the Minnesota Department of Natural Resources (MDNR) will provide technical advice. The contractor(s) chosen to carry out this study and the exact study procedures shall be acceptable to USFWS, DOE and the Permittee. Semi-annual detailed progress reports will be submitted to DOE, USFWS, the Environmental Protection Agency, and MDNR by the Permittee.

1. Peatland Organic Soil - Permittee shall make several measures of peat soil disturbances on frozen peatlands. If unforeseen construction delays necessitate construction activities when the bog surface is not frozen, several measures of peat soil disturbance shall be made including a comparison of construction impacts on frozen versus thawed peatlands.

Soil disturbance will be measured by:

- a. degree of soil compaction
- b. degree of erosion
- c. depth of ruts, area of construction vehicle right-of-way, etc.

Sample locations will be chosen along the transmission line route where measurements of soil compaction, erosion, and surface disturbance will be measured during the course of the study.

Erosion and surface disturbance can be monitored by a combination of field measurement and aerial photography interpretation.

2. Local Surface Water Movement. Permittee shall monitor local surface water movement patterns by field inspection and interpretation of aerial photographs to detect changes resulting from construction activities.

3. Vegetation. Permittee will examine vegetation on both a macroscale and a microscale.

Aerial photograph interpretation supported by selective field checks will form the basis of the macroscale evaluation.

Color infrared photographs will be taken along the transmission line right-of-way at several different scales.

Permittee will photograph portions of the right-of-way two times each year, once as the vegetation is coming out of quiescence and once when the vegetation is at its peak. The two photographings each year will depict the full phenological range of vegetation.

4. Bird Populations. Six vegetation types have been identified for study: open bog, open fen, shrub bog (swamp thicket), black spruce, tamarack, and riparian.

In each vegetation type, study areas will be established both in the control situation and along the transmission line right-of-way. Activities such as breeding bird censuses, observations of nesting activity, mist netting, and other appropriate activities will be carried out in relation to the study areas.

Permittee will establish vegetation plots along the study areas and detailed parameters will be measured (micro-scale). Bird use of vegetation types will be related to Vegetation structure and compared between disturbed and undisturbed sites.

5. Small Mammals. Small mammals will be trapped in the disturbed (transmission line right-of-way) and undisturbed (control) vegetation types identified above.

Permittee will set traps in an appropriate pattern in each vegetation type. Trapping will occur in spring and fall each year.

Trapped specimens will be identified and appropriate measurement taken. In addition, vegetation will be characterized at each trap station.

Article 14. Permittee's exports of electric energy to Canada as a result of the interconnection shall not result in increased oil consumption over what would be a normal and reasonable oil usage as determined by ERA. Permittee shall furnish a report to ERA, 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: diesel, combustion turbine or steam. The report will also show the percentage change of these figures from the year preceeding the reported year. Permittee shall explain any increase in oil usage.

In Witness Whereof, I David J. Bardin, Administrator, Economic Regulatory Administration, have hereunto signed my name, this _____, 1979, in the City of Washington, District of Columbia.

David J. Bardin
Administrator,
Economic Regulatory Administration

8/13/79
PP63
J. J. J.

DEPARTMENT OF ENERGY
ECONOMIC REGULATORY ADMINISTRATION

Northern States Power Company) ERA Docket No. IE-78-6
FPC Docket No. E-9589

Order Authorizing Transmission of
Electric Energy to Canada

(Issued August 13, 1979)

Northern States Power Company (NSP) filed an application with the Federal Power Commission in Docket No. E-9589 on April 18, 1977 for authorization, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Canada. In addition, by separate application also filed on April 18, 1977, NSP sought permission, pursuant to Executive Order No. 10485, as later amended by Executive Order No. 12038, to construct, connect, operate and maintain at the international border between the United States and Canada certain facilities hereinafter described for the transmission of electric energy between the United States and Canada. Both applications were transferred to the Department of Energy (DOE) upon its formation on October 1, 1977, pursuant to section 301 of the Department of Energy Organization Act (P.L. 95-91) and, by virtue of DOE Delegation Order No. 0204-4, responsibility for consideration of the applications was assigned to the Administrator of the Economic Regulatory Administration (ERA). On March 6, 1979 the Administrator of ERA signed the Presidential Permit, authorizing NSP to construct, connect, operate and maintain the international interconnection. Authority to consider applications filed pursuant to section 202(e) of the Federal Power Act has been further delegated by the Administrator of ERA to the Assistant Administrator for Utility Systems.

The electric energy proposed to be transmitted to Canada by NSP will be sold to the Manitoba Hydro-Electric Board (Manitoba Hydro) in accordance with the terms and at the rates set forth in the Coordinating Agreement and the Transactions Agreement, both dated July 21, 1976, copies of which were filed as exhibits to the application.

The electric energy proposed to be exported by NSP will be delivered to Manitoba Hydro by means of a 500 kV electric

transmission line owned by NSP and located at the United States-Canadian border approximately seven and a half miles west of Warroad in Roseau County, Minnesota, interconnecting with a similar transmission line owned by Manitoba Hydro. The transmission line is covered by and subject to the Permit signed by the Administrator of ERA and referred to above.

According to the application, Manitoba Hydro will utilize the electric energy purchased and received from NSP to improve the reliability and security of its electric supply.

Notice of the application has been given by publication in the Federal Register on May 2, 1977 (42 F.R. 22198) stating that any person desiring to be heard or to make any protest with reference to the application should on or before May 6, 1977 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No petition or protest or request to be heard in opposition to the granting of the application was received by the FPC or ERA.

ERA Finds:

(1) The proposed transmission of electric energy from the United States to Canada as limited herein and as herein-after authorized will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of ERA, since NSP will be exporting surplus energy. Furthermore NSP proposes to import electric energy from Manitoba Hydro, a predominantly hydroelectric system, which is served from a watershed independent of those within the United States. These hydro-electrically derived imports will improve the reliability and security of electric supply in the NSP service area since they are not subject to the same contingencies as either fossil or nuclear fueled generation or other hydro-electric generation presently providing electric power to the service area.

(2) The period of public notice given in this matter is reasonable.

ERA Orders:

(A) NSP is hereby authorized to transmit electric energy from the United States to Canada in accordance with the terms and conditions set forth in the application and the Transactions and Coordinating Agreements dated July 21, 1976, and subject to the provisions of this order.

(B) The electric energy which NSP is hereby authorized to transmit from the United States to Canada shall be transmitted over facilities specified in the aforementioned Permit of NSP signed by the Administrator of ERA on March 6, 1979 in ERA Docket No. PP-63.

(C) The authorization herein granted may be modified from time to time or terminated by further order of ERA, but in no event shall such authorization extend beyond the date of termination or expiration of the Permit signed by the Administrator of ERA, referred to in paragraph (B) above.

(D) NSP shall conduct all operations pursuant to the authorization herein granted in accordance with the provisions of the Federal Power Act and pertinent rules, regulations or orders adopted or issued by ERA.

(E) NSP shall provide for the installation and maintenance of adequate metering equipment to measure the flow of all electric energy transmitted over its interconnections with Manitoba Hydro; shall make, keep and preserve full and complete records with respect to the movement of such energy.

(F) This authorization to transmit electric energy from the United States to Canada shall not be transferable or assignable, but in the event of the involuntary transfer of the facilities used for such transmission by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) said authorization shall continue in effect temporarily thereafter, pending the making of an application for permanent authorization and decision thereon, provided notice is given in writing within thirty days to ERA accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer.

(G) Exports Authorized

1. Emergency Energy Sale

(A) The power to be exported under this section as described in Article V of the Transactions Agreement dated July 21, 1976, between Manitoba Hydro and NSP shall be only surplus energy as defined in Article I, section 1.06 of the same Agreement.

(B) In the event of adverse water conditions in Manitoba Hydro's watershed, NSP may deliver to Manitoba Hydro upon request a maximum of 1,500,000 megawatt-hours of energy in any contract year during the contract period subject to the following conditions:

(1) The delivery of the surplus energy referred to in Condition A shall be scheduled by mutual agreement.

(2) The price to be charged by NSP for energy exported hereunder shall be no less than the price set forth in Article V of the Transactions Agreement referred to in Condition A.

(3) If any regulation by the National Energy Board of Canada in matters covered by the Transactions Agreement reduces Manitoba Hydro's ability to deliver the quantity of surplus hydro electric energy to NSP as provided in Article II of the Transaction Agreement, then NSP's annual commitment to deliver surplus energy under Article V of the same agreement shall be reduced proportionately.

(4) The quantity of surplus energy sold by NSP may be limited at a future date for any of the following reasons:

(a) Regulation or order by ERA or any other United States regulatory body or governmental agency of appropriate jurisdiction which reduce NSP's ability to deliver such energy;

(b) Change in the NSP's load pattern or acceleration of the NSP load growth;

(c) Matters beyond the control of NSP including an act of God.

(5) No maximum hourly export rate is established.

(C) NSP shall interrupt or curtail the delivery of energy hereunder whenever and to whatever extent such energy is necessary to supply firm load to a requesting United States utility unable to obtain adequate supply elsewhere.

(D) NSP shall not, without the prior approval of ERA, amend, enter into any agreement in substitution for or in addition to, or terminate, the Transactions Agreement referred to in Condition A.

(E) NSP shall file with ERA annually on or before February 15th a report in such form and detail as ERA may specify, setting forth for each such month of the preceding year

(1) the quantity of energy exported hereunder,
and

(2) the price and resulting revenue.

2. Seasonal Diversity Capacity

(A) The power to be exported under this license shall be only "Seasonal Diversity Capacity" and its associated energy as described in Article IV of the Transactions Agreement dated July 21, 1976, between NSP and Manitoba Hydro.

(B) The classes of inter-utility export transfer authorized hereunder are sale and exchange transfers of firm power.

(C) The quantity of capacity that may be exported hereunder shall not exceed 300 megawatts in any one hour period.

(D) The quantity of energy that may be exported hereunder shall not exceed 263,000 megawatt-hours in any calendar year.

(E) In each year comprised in the term of this license, exports of capacity and energy under this provision shall be made only during the six-month period commencing on November 1st and ending on April 30th.

(F) Exports of "Seasonal Diversity Capacity" hereunder shall only be made on the condition that the energy so exported shall be returned to NSP in amounts equal to that exported. Where the quantity of capacity and energy returnable under these provisions exceeds NSP's requirements, NSP shall offer that portion of the available capacity and energy which is in excess of its requirements, at a reasonable cost, to economically accessible United States markets, and shall take all reasonable steps consistent with the security of its power system to ensure delivery of that portion of the excess capacity and energy to those United States electrical utilities which have accepted it.

(G) The price to be charged by NSP for energy exported hereunder shall be no less than the price set forth in Article IV of the Transactions Agreement referred to in Condition A.

(H) NSP shall not, without the prior approval of ERA, amend, enter into any agreement in substitution for, or in addition to, or terminate, the Transactions Agreement referred to in Condition A.

(I) NSP shall file with ERA annually on or before February 15th a report in such form and detail as ERA may specify, setting forth for each such month of the preceding year

(1) the quantities of capacity and energy exported hereunder,

(2) the price and resulting revenue,

(3) the quantities of capacity and energy imported as part of the seasonal diversity transactions, and

(4) the price and resulting total cost of such imports.

3. Loop Flows

(A) The class of inter-utility export transfer authorized hereunder is unscheduled loop flows, an electric phenomenon which occurs as a result of the continuous flow of electric energy in the interconnected NSP-Manitoba Hydro system.

(B) The quantity of energy that may be exported hereunder shall not exceed 800,000 megawatt-hours in any consecutive 12-month period.

(C) All exports hereunder shall be offset in quantity by equal and simultaneous imports.

(D) NSP shall file with ERA annually on or before February 15th a report in such form and detail as ERA may specify, setting forth for each month of the preceding year

(1) the quantity of energy exported, classified by type of transfer, and

(2) the corresponding quantity of energy imported under each classification.

4. Storage Transfers

(A) The class of inter-utility export transfer authorized hereunder is a storage transfer of firm energy as described in Article VI of the Transactions Agreement dated July 21, 1976 between Manitoba Hydro and NSP.

(B) The quantity of energy that may be exported hereunder shall not exceed 1,250,000 megawatt-hours in any calendar year.

(C) Each storage transfer made hereunder shall consist of an import and an export of equal quantities of energy.

(D) NSP shall file with ERA annually on or before February 15th a report in such form and detail as ERA may specify, setting forth for each month of the preceding year

(1) the quantity of energy exported hereunder

(2) the equivalent quantity of energy imported,
and

(3) the price charged for this service and the resulting revenue.

5. Short Term Firm Power

(A) The classes of inter-utility export transfer authorized hereunder are sale and exchange transfers of short-term firm ("assured delivery") capacity and energy, as provided for in Article V of the Coordinating Agreement dated July 21, 1976, between Manitoba Hydro and NSP.

(B) The total quantity of capacity that may be exported hereunder shall not at any time exceed 400 megawatts in any single hour.

(C) The quantity of energy that may be exported in any period within the term of this authorization commencing on May 1st of one year and ending on May 31st of the same year shall not exceed 5,000,000 megawatt-hours.

(D) The price to be charged by NSP for power to be exported hereunder as a sale transfer shall include a demand charge per megawatt of capacity committed and that price shall be no less than the price set forth for the applicable classification of power in

(1) the Coordinating Agreement dated January 16, 1969, between NSP, the Minnkota Power Cooperative Inc., Manitoba Hydro and Otter Tail Power Company, and

(2) the Coordinating Agreement dated July 21, 1976, between NSP and Manitoba Hydro.

(E) NSP shall not, without the prior approval of ERA, amend, enter into any agreement in substitution for or in addition to, or terminate, the agreement referred to in Condition D.

(F) NSP shall not commit for export hereunder any block of capacity or energy for a period that exceeds six months.

(G) NSP, before committing any block of capacity or energy for export hereunder, shall first offer such capacity or energy to all economically accessible interconnected United States electrical utilities by use of the Mid-America Power Pool communications network on terms not less favourable to a purchaser, after appropriate adjustments for any differences in cost for delivery, than those on which the export would be made.

(H) NSP shall file with ERA annually on or before February 15th a report in such form and detail as ERA may specify, setting forth for each month of the preceding year,

(1) the quantities of capacity and energy exported hereunder,

- (2) the price and resulting revenue,
- (3) the quantities of energy imported as a return of energy exported hereunder, and
- (4) the price and resulting cost of such imports.

6. Interruptible Energy

(A) The classes of inter-utility export transfer authorized hereunder are sale, exchange and adjustment transfers of interruptible energy, as provided for in Article V of the Coordinating Agreement, dated July 21, 1976, between Manitoba Hydro and NSP.

(B) The quantity of interruptible energy that may be exported hereunder, when combined with the amounts exported annually pursuant to subsections (1) through (5) inclusive of section (G), shall not exceed 6,200,000 megawatt-hours, the maximum energy transfer capacity of the 500 kV international transmission line, referred to above.

(C) NSP shall not export energy hereunder unless it is surplus to the firm energy requirements of economically accessible United States markets at the time it is exported.

(D) NSP shall interrupt or curtail the delivery of energy hereunder whenever and to whatever extent such energy is required to supply,

(1) any firm load within the United States, or

(2) any United States electrical utility willing to buy part or all of the energy at the same price as that of the export, adjusted for any differences in the cost of delivery.

(E) The price to be charged by NSP for energy exported hereunder as a sale transfer shall be no less than the price set forth for the applicable classification of energy in

(1) The Coordinating Agreement dated January 16, 1969, between NSP, the Minnkota Power Cooperative Inc., Manitoba Hydro and Otter Tail Power Company, and

(2) the Coordinating Agreement dated July 21, 1976, between Manitoba Hydro and Northern States Power Company.

(F) NSP shall not, without the prior approval of ERA, amend, enter into any agreement in substitution for or in addition to, or terminate, any of the agreements referred to in Condition D.

(G) NSP shall file with the ERA annually on or before February 15th a report in such form and detail as the ERA may specify, setting forth for each such month of the preceding year


(1) the quantity of energy exported hereunder, classified as to types of transfer,

(2) the price and resulting revenue for energy of each type,

(3) all energy imports over the international power lines used to export power hereunder, and

(4) the current month-end balance in each energy exchange account maintained by NSP with a utility in Canada.

Issued in Washington, D.C. August 13, 1979.


 Jerry L. Pfeffer
 Assistant Administrator
 for Utility Systems
 Economic Regulatory Administration

ORDER AMENDING PRESIDENTIAL PERMIT PP-63
AUTHORIZING NORTHERN STATES POWER COMPANY
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN
ELECTRIC TRANSMISSION FACILITIES AT
THE INTERNATIONAL BORDER BETWEEN THE
UNITED STATES AND CANADA

[Economic Regulatory Administration - Docket PP-63]

BACKGROUND

On January 31, 1985, Northern States Power Company (NSP) filed an application with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an amendment to the Presidential permit issued in Docket PP-63 pursuant to Executive Order 10485, as amended by Executive Order 12038. The Presidential permit in Docket PP-63 was issued by the Administrator, ERA, on March 6, 1979. The permit authorized NSP to construct, connect, operate and maintain a 500,000 volt electric transmission line at the international border between the United States and Canada. These facilities are described in Article 2 of the Presidential permit issued in Docket PP-63 and in the original application filed with the Federal Power Commission on April 18, 1977.

NSP presently operates the subject transmission facilities under the terms and conditions of the Transactions and Coordinating Agreement signed by NSP and Manitoba Hydro on July 21, 1976. This agreement calls for a 300 megawatt (MW) seasonal diversity exchange between NSP and Manitoba Hydro, and the purchase by NSP of 200 MW of summer peaking capacity. This agreement expires on April 30, 1993.

On July 14, 1984, NSP signed a new Power Agreement with the Manitoba Hydro-Electric Board (MHEB) and the Manitoba Energy Authority (MEA). This agreement eliminates the 300 MW seasonal diversity exchange arrangement and changes the 200 MW summer peaking capacity purchase by NSP to a 500 MW firm power purchase on a year-round basis. The new Power Agreement will be in effect for twelve years starting on May 1, 1993.

NSP has requested that the Presidential permit issued in Docket PP-63 be amended to allow the operation of the 500,000 volt transmission line under the terms and conditions of the new Power Agreement.

FINDINGS

On March 13, 1985, DOE determined that the granting of the proposed amendment will not result in significant effects on the quality of the human environment and, hence, neither an environmental impact statement nor an environmental assessment is required to satisfy the requirements of the National Environmental Policy Act of 1969.

After a review of factors relating to electric system reliability ERA staff recommended, on May 8, 1985, a finding that the granting of the proposed amendment would not impair reliability of the U. S. electric bulk power supply system. The Administrator concurs with this recommendation, and so finds. The recommendation has been made a part of the permanent docket file.

The Department of State, by letter dated April 24, 1985, and the Department of Defense, by letter dated April 25, 1985, have concurred in the issuance of the amendment to the permit.

Upon consideration of all the facts in the matter, the Administrator finds that the issuance of the amendment of the Presidential permit in Docket PP-63, as hereinafter provided, is appropriate and consistent with the public interest.


ORDER

Pursuant to Executive Order No. 10485, as amended, Article 14 of the Presidential permit issued by ERA in Docket PP-63 on March 6, 1979, is hereby amended to read as follows:

Article 14. The facilities described in Article 2 will be designed and operated in accordance with the applicable criteria established by the Mid-Continent Area Power Pool, and consistent with those of the North American Electric Reliability Council. Furthermore, the subject facilities shall be operated under the terms and conditions set forth in the Transactions and Coordinating Agreement between NSP and Manitoba Hydro dated July 21, 1976, until April 30, 1993. From May 1, 1993, NSP is authorized to operate the subject facilities under the terms and conditions set forth in the Power

Agreement between NSP and the Manitoba Hydro Electric Board
and the Manitoba Energy Authority dated July 14, 1984.

Issued in Washington, D.C., May 8, 1985.



RAYBURN HANZLIK
Administrator
Economic Regulatory Administration

PP-63

(PP-63-2
Amend.)

4-14-92

DEPARTMENT OF ENERGY
Fossil Energy
[Docket No. PP-63-2]

ORDER
AMENDING PRESIDENTIAL PERMIT PP-63
ISSUED TO

NORTHERN STATES POWER COMPANY

BACKGROUND

On June 10, 1991, Northern States Power Company (NSP) applied to the Department of Energy (DOE) to amend the Presidential permit in Docket No. PP-63 issued on March 6, 1979. The facilities previously authorized by Presidential Permit PP-63 consist of one 500,000 volt (500-kV) overhead transmission line which crosses the U.S.-Canadian international border approximately seven and one half miles west of Warroad in Roseau County, Minnesota, and extends approximately 200 miles south of the Canadian border to an existing substation in the vicinity of Forbes, Minnesota.

In its application, NSP proposes to increase the electricity transfer capability between Canada and the U.S. by constructing a new 80-acre substation midway along the existing 500-kV line in Roseau County, Minnesota, and by upgrading the existing Forbes, Chisago, Kohlman Lake, and Red Rock substations.

The proposed Roseau County Substation would contain two 41.5 ohm series capacitor banks. In addition, static VAR compensators and a 500-kV ring bus would be installed at the existing Forbes Substation. Approximately 5 acres would be added to the 30-acre

Forbes site to house the additional equipment. Also, a second 500/345-kV transformer would be installed at the Chisago County Substation as part of this project.

In 1989 agreements were reached, providing for long-term (20-year) diversity exchange arrangements among NSP, United Power Association (UPA), and the Manitoba Hydro-Electric Board (MHEB). The agreements are designed to take advantage of the seasonal load diversity existing between the summer-peaking U.S. systems and the winter-peaking MHEB system. Under these arrangements NSP and UPA will each exchange 150 megawatts (MW) seasonally with the MHEB during the 1995-2014 time period. To facilitate the exchanges, it was agreed to increase the existing Manitoba-to-U.S. transfer capability by 300-400 MW. Although construction of a new 230-kV or 345-kV line between the MHEB and the U.S. initially was anticipated, it was decided, after technical studies were completed, that the increase in transfer capability could be accomplished by enhancements to the existing system.

The proposed alterations will enable both utilities to meet projected demand for electric power. Eventually, NSP and the MHEB plan not only to export 400 MW to the United States during the summer months, but also to export 400 MW to Canada during the winter months to meet the MHEB's peak electrical demand.

Notice of the application from NSP for amendment of the Presidential permit was placed in the Federal Register on July 22, 1991, (56 FR 33423) stating that any person desiring to be heard or to make any protest with reference to the application should file with the DOE a petition to intervene or protest in accordance with the Rules of Practice and Procedure (18 CFR 1.8 and 1.0) on or before August 21, 1991. No comments, protests, or petitions to intervene were received.

The DOE has prepared an environmental assessment (EA) (DOE/EA-0587) which assesses the potential environmental impacts associated with granting or denying the amendment to the existing Presidential permit that would allow NSP to undertake activities associated with upgrading its 500-kV line. Based on the information contained in the EA, the DOE has determined that the proposed action clearly would not constitute a major Federal action which could significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. The DOE has prepared a Finding of No Significant Impact dated April 14, 1992, which documents the rationale supporting this finding.

FINDINGS

Based on the information contained in the EA prepared by the DOE, it was determined that the granting of the proposed amendment

would not result in significant effects on the quality of the human environment and, hence, a Finding of No Significant Impact was issued on April 14, 1992. This action satisfies the requirements of the National Environmental Policy Act of 1969.

After a review of factors relating to electric system reliability, the Office of Fuels Programs' (OFP) staff recommended on February 27, 1992, that the proposed project as described above would not adversely impact on the reliability of the U.S. electric power supply system as long as the rate of energy transmission from MHEB to NSP does not exceed 1850 MW. This limit was demonstrated in the applicant's submission and was approved by the Mid-Continent Area Power Pool's Design Review Committee at its November 12, 1991 meeting. The OFP staff also recommended that the granting of the amendment should be conditioned on a continuation of the present operating practices.

The Secretary of State by letter dated March 30, 1992, and the Secretary of Defense by letter dated April 2, 1992, favorably recommended that the request for amendment be granted as hereinafter provided.

ORDER

A. Pursuant to Executive Order No. 10485, as amended, Article 2, of the Presidential permit issued by the DOE in Docket PP-63 on

March 6, 1979, is hereby amended by the addition of the following paragraphs:

1. The new Roseau County Substation to be constructed on an 80-acre site at approximately the midpoint of the existing 500-kV transmission line and which would occupy an area of approximately 800 feet by 800 feet directly under the 500-kV line;

2. Series capacitors at the new Roseau County substation and at the existing Chisago County Substation, the southern terminus of the 500-kV line;

3. Static VAR compensators and a 500-kV ring bus at the existing Forbes substation and the addition of approximately 5 acres to this substation to accommodate this equipment;

4. A second 500/345-kV transformer at the existing Chisago County Substation; and,

5. Shunt capacitors at NSP's existing Kohlman Lake and Redrock substations.

B. Pursuant to Executive Order No. 10485, as amended, Article 12, of the Presidential permit issued by the DOE in Docket PP-63 on March 6, 1979, is hereby amended by the addition of the following paragraphs:

The following conditions shall apply to the construction at the

proposed Roseau County and the Forbes substation sites and during upgrading at Chisago County, Red Rock and Kohlman Lake substations. In the event that NSP is unable to comply substantially with one or more of these conditions, NSP shall file with DOE a statement of reasons justifying such failure and requesting waiver of condition at least 15 (fifteen) days before commencing any action in violation thereof.

a) Runoff - NSP shall control any runoff during construction and operation of the substations.

b) Wetlands at Roseau County site - The substation shall completely avoid wetlands that are present.

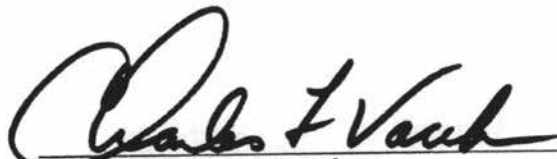
c) Rare species - Species on the State of Minnesota's list of rare species are found in the general vicinity of Roseau County (sandhill crane) Chisago County (Blanding's turtle), and Kohlman Lake (Blanding's turtle). Known habitats of these species are located a sufficient distance away from the sites to avoid impacts; however, NSP shall provide relevant information to site supervisors.

d) Cultural resources - NSP shall provide properly trained site supervisors so that, if artifacts are discovered, appropriate mitigation measures can be implemented.

C. Pursuant to Executive Order No. 10485, as amended, Article 14, of the Presidential permit issued by the DOE in Docket PP-63 on March 6, 1979, is hereby amended by the addition of the following paragraph:

The facilities described in Article 2 will be designed and operated in accordance with the applicable criteria established by the Mid-Continent Area Power Pool, and consistent with those of the North American Electric Reliability Council. The subject facilities shall be operated under the terms and conditions set forth in the NSP Diversity Exchange Agreement between NSP and Manitoba Hydro dated February 1, 1991, until April 30, 2019. Furthermore, the existing 500-kV transmission line initially authorized by Presidential Permit PP-63 shall be operated in the import mode at power transfer levels not to exceed 1850 MW. This operating limit is predicated on installation of the facilities identified in Article 2 and NSP must obtain approval by DOE for operation at this level in the event any or all of those facilities are not constructed or that they are permanently removed from service in the future.

Issued in Washington, D.C., April 14, 1992.


Charles F. Vacek
Deputy Assistant Secretary
for Fuels Programs
Fossil Energy

sued in Washington, D.C. on the 6th day of March, 1985.

Don Landesman,

Director, Office of Enforcement Programs,
Economic Regulatory Administration.

Doc. 85-7598 Filed 3-28-85; 8:45 am]

ING CODE 6450-01-M

Docket IE-78-6]

Order Authorizing the Exportation of Electric Energy to Canada and Superseding Prior Authorization

AGENCY: Economic Regulatory
Administration, DOE.

TITLE: Issuance of an order in Docket
IE-78-6 authorizing the exportation of
electric energy and superseding the prior
authorization: Northern States Power
Company.

SUMMARY: The Administrator of the
Economic Regulatory Administration
(ERA) is authorizing new provisions for:
continued exportation of electric
energy by Northern States Power
Company (NSP). This order, which
supersedes the order issued in Docket
IE-78-6 on August 13, 1979, authorizes
the export provisions agreed to between
NSP and the Manitoba Hydro Electric
Board (MHEB) and the Manitoba Energy
Authority (MEA) on July 14, 1984.

FOR FURTHER INFORMATION CONTACT:

Anthony J. Como, Coal and Electricity
Division, Office of Fuels Programs,
Economic Regulatory Administration,
Department of Energy, Forrestal
Building, Room GA-033, 1000
Independence Avenue, SW.,
Washington, D.C. 20585, (202) 252-
5935

or Courtney M. Howe, International
Trade and Emergency Preparedness,
Office of General Counsel,
Department of Energy, Forrestal
Building, Room 6A-167, 1000
Independence Avenue, SW.,
Washington, D.C. 20585, (202) 252-
2900

SUPPLEMENTARY INFORMATION: On
November 21, 1984, Northern States
Power Company applied to the
Economic Regulatory Administration to
amend the existing electricity export
authorization in Docket IE-78-6, which
was issued by ERA on August 13, 1979,
and authorized the transmission of
electric energy to Canada under the
terms of the Transactions and
Coordinating Agreement between NSP
and the MHEB dated July 21, 1976. This
agreement is due to expire in 1993, and
NSP has signed a new Power Agreement
which will become effective with the
expiration of the existing agreement.
The only changes in the export
provisions between the new Power

Agreement and the existing
Transactions and Coordinating
Agreement are the elimination of a 300
megawatt seasonal diversity exchange
and a change in the pricing formula for
electric energy exported to Canada
during adverse water conditions on the
MHEB system.

The pricing provisions of the new
Power Agreement call for the price of
electricity delivered to Manitoba to be
based on NSP's cost of providing such
energy plus either the average
percentage mark-up NSP received from
energy sales made to U.S. utilities during
the previous 12-month period or 10
percent of NSP's cost of providing such
energy, whichever is greater. Under the
existing contract, Manitoba's purchase
price is 110 percent of NSP's incremental
cost of production.

Notice of this application was given
on January 22, 1985 (50 FR 2850), stating
that any person desiring to be heard or
to make any protest with reference to
this application should on or before
February 15, 1985, file with the ERA
petitions to intervene or protests in
accordance with the Rules of Practice
and Procedure (18 CFR 1.8 and 1.10). No
petition or protest or request to be heard
in opposition to the granting of the
request made in this application was
received.

Finding

The Administrator finds that the
proposed transmission of electric energy
from the United States to Canada as
herein authorized and limited will not
impair the sufficiency of electric supply
within the United States and will not
impede the coordinated use of the
regional electric bulk power supply
system. The staff analysis and
recommendation in support of these
findings have been made a part of the
Docket and are available upon request.

Order

(A) NSP hereby is authorized to
transmit electric energy from the United
States to Canada in accordance with the
terms and conditions set forth in the
Transactions and Coordinating
Agreement between NSP and the MHEB
dated July 21, 1976, until April 30, 1993.
From May 1, 1993, NSP is authorized to
continue to transmit electric energy from
the United States to Canada in
accordance with the terms and
conditions set forth in the Power
Agreement between NSP and the MHEB
and the MEA dated July 14, 1984, subject
to the provisions of this Order.

(B) The electric energy which NSP
hereby is authorized to transmit from
the United States to Canada shall be
transmitted over facilities specified in

the Presidential permit in ERA Docket
PP-63, issued by the Administrator on
March 6, 1979.

(C) The authorization herein granted
may be modified from time to time or
terminated by further order of the
Administrator, but in no event shall
such authorization extend beyond the
date of termination or expiration of the
Presidential permit referred to in
Paragraph (B) above.

(D) NSP shall conduct all operations
pursuant to the authorization herein
granted in accordance with the
provisions of the Federal Power Act and
pertinent rules, regulations or orders
adopted or issued by the Department of
Energy.

(E) NSP shall make and preserve full
and complete records with respect to the
sale of electrical energy to Canada. NSP
shall furnish a report to the ERA
annually, on or before February 15,
showing the gross amount of electricity
delivered and the consideration
received during each month of the
preceding calendar year.

(F) The following conditions apply to
the export of electricity by NSP utilizing
the facilities authorized by Presidential
permit PP-63:

(1) The export of electricity from NSP
to Canada shall not cause the spinning
reserve on the NSP system to fall below
the Mid-Continent Area Power Pool's
(MAPP) spinning reserve criteria that is
applicable at the time of the export.

(2) If all or part of NSP's spinning
reserve is being provided by other
MAPP members, sufficient transmission
tie line capability must be maintained so
that NSP may avail itself of those
reserves if needed.

(3) NSP shall interrupt or curtail the
export of energy whenever and to
whatever extent such energy is
necessary to supply firm load to a
requesting U.S. utility with which NSP
has an existing interconnection
agreement and which is unable to obtain
adequate supply elsewhere.

(4) In the event that the facilities
described in Docket PP-63 are
unavailable, NSP may arrange for the
delivery of energy to Canada over other
interconnections between U.S. utilities
and the Province of Manitoba; however,
in such event, NSP must notify ERA in
writing within 30 days indicating the
actions taken and the impact of such
actions on other transmission systems
utilized.

(G) The authorization herein granted
shall supersede that heretofore granted
by order of the Administrator of ERA
issued on August 13, 1979, and referred
to above.

Issued in Washington, D.C., March 18, 1985.
 Rayburn Hanzlik,
 Administrator, Economic Regulatory
 Administration.
 [FR Doc. 85-7599 Filed 3-28-85; 8:45 am]
 BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures; Buck's Butane and Propane Service, Inc.

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding a consent order fund of \$29,200 to members of the public. This money is being held in escrow following the settlement of an enforcement proceeding involving Buck's Butane and Propane Service, Inc. (HEF-0043).

DATE AND ADDRESS: Comments must be filed on before April 29, 1985 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. All comments should conspicuously display a reference to the above case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a Consent Order entered into by Buck's Butane and Propane Service, Inc. (Buck's). The Consent Order involves a particular audit period and a distinct consent order fund as set forth in the Proposed Decision. The Consent Order settled possible pricing violations in Buck's sales of propane and rental of propane tanks to customers during the period for March 1974 through January 1981.

The Proposed Decision sets forth procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by Buck's pursuant to the Consent Order. The DOE has tentatively decided that the consent order fund should be distributed to those customers of Buck's who establish that they were

injured by Buck's alleged overcharges. Such customers will receive refunds proportionate to the volume of propane they purchased from Buck's. However, Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the Federal Register and should be sent to the address set forth at the beginning of this notice. All comments received in the proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearing and Appeals, located in Room 1E-234, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Dated: March 12, 1985.

George B. Breznay,
 Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

March 12, 1985.

Name of Firm: Buck's Butane and Propane Service, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF-0043.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. See 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983, requesting that the OHA implement a proceeding to distribute the funds received pursuant to a Consent Order entered into by the DOE and Buck's Butane and Propane Service, Inc. (Buck's) of San Jose, California.

I. Background

Buck's is a "retailer" of "propane," as these terms were defined in 10 CFR 212.31.¹ In conjunction with its retail

¹ Although the Consent Order identifies Buck's as a reseller-retailer, our records indicate that Buck's sold propane only to residential, commercial, and industrial end-users. Accordingly, this error appears to be inadvertent, and we have determined that Buck's should be classified as a retailer. See 10 CFR 212.31.

sales of propane, Buck's rents propane tanks to its customers. The Federal Energy Administration (FEA), predecessor of the ERA, audited Buck's operations during the period November 1, 1973 through February 29, 1978 (the audit period) and found possible violations of the Mandatory Petroleum Price Regulations.² In order to settle all claims and disputes between Buck's and the DOE regarding Buck's compliance with the DOE's price regulations in sales of propane and the rental of propane tanks during the period March 1974 through January 28, 1981 (the consent order period), the firm entered into a Consent Order with the DOE on June 26, 1981.³ In accordance with the Consent Order, Buck's agreed to remit \$29,200 to the DOE for deposit in an interest-bearing escrow account pending distribution by the DOE. The Consent Order states that Buck's does not admit to having violated the price regulations in sales of propane and the rental of propane tanks.

² In a Remedial Order (RO) issued to Buck's on April 21, 1977, the FEA found that during the audit period, Buck's had overcharged its customers by \$95,488.65 in sales of propane and \$62,909.82 in the rental of propane tanks. This RO was appealed, and in a Decision and Order issued on November 15, 1977, the OHA remanded the RO in part, requiring that the alleged overcharge amounts be reduced by the total amount of any refunds made by the firm to its customers. *Buck's Butane & Propane Service, Inc.*, 1 DOE ¶80.119 (1977). In a Subsequent Decision, the OHA rescinded the portion of the RO relating to sales of propane. *Buck's Butane & Propane Service, Inc.*, 2 DOE ¶80.102 (1978). Consequently, the only outstanding violation for which Buck's was responsible involved the \$62,909.82 in overcharges to customers who rented propane tanks. This determination was affirmed by a United States District Court. *Buck's Butane & Propane Service, Inc. v. Department of Energy*, 3 Fed. Energy Guidelines ¶26.303 (D.C. Cal. 1981).

The amount Buck's was required to refund was subsequently reduced in a Decision and Order issued by the OHA on June 14, 1978. *Buck's Butane & Propane Service, Inc.*, 8 DOE ¶81.048 (1981). In that Decision, the OHA granted exception relief to Buck's, permitting the firm to offset \$46,888.06 of refunds previously made by the firm to its propane customers against the firm's tank rental overcharges. The OHA determined that this offset was appropriate since the firm's tank rental customers and those to whom it sold propane were virtually identical groups. As a result, the firm's refund obligation was reduced to \$16,021.74, plus interest.

³ The Buck's Consent Order settles all claims with respect to Buck's outstanding liability regarding tank rental transactions during the audit period, as well as all other claims and disputes that may have arisen regarding Buck's compliance with the DOE price regulations in sales of propane and the rental of propane tanks during the consent order period. Although the consent order period (March 1974 through January 28, 1981) does not cover the first four months of the audit period (November through February 1974), the FEA audit files clearly indicate that Buck's is not liable for any regulatory violations in its sales of propane and rental of propane tanks during those four months.

DEPARTMENT OF ENERGY
Fossil Energy
[Docket No. PP-63-3]

8-24-92 ✓

63-3

ORDER
AMENDING PRESIDENTIAL PERMIT PP-63
ISSUED TO

NORTHERN STATES POWER COMPANY

BACKGROUND

On June 10, 1991, Northern States Power Company (NSP) applied to the Department of Energy (DOE) to amend the Presidential permit issued on March 6, 1979, in Docket No. PP-63. The facilities previously authorized by Presidential Permit PP-63 consist of one 500,000 volt (500-kV) overhead transmission line which crosses the U.S.-Canadian international border approximately seven and one half miles west of Warroad in Roseau County, Minnesota, and extends approximately 200 miles south of the Canadian border to a substation in the vicinity of Forbes, Minnesota. In its application, NSP requested, among other things, authorization to add approximately 5 acres to the north side of the existing 30-acre Forbes Substation to house static VAR compensators and a 500-kV ring bus.

In processing this application, DOE prepared an environmental assessment (EA) (DOE/EA-0587) which addressed the potential environmental impacts associated with granting or denying the amendment to the existing Presidential permit that would allow NSP to undertake activities associated with upgrading its 500-kV line. The DOE prepared a Finding of No Significant Impact (FONSI) dated April 14, 1992, which documented the rationale

supporting a finding that the proposed action clearly did not constitute a major Federal action which could significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. The EA and FONSI were based upon the assumption that the 5-acre addition at the Forbes Substation would be placed on the north side of the substation.

After a review of factors relating to electric system reliability, the Office of Fuels Programs' staff recommended on February 27, 1992, that the proposed project would not adversely impact on the reliability of the U.S. electric power supply system as long certain conditions were met.

On April 14, 1992, DOE amended Presidential Permit PP-63 in Docket PP-63-2 and granted NSP the authority to make all changes requested in the June 10, 1991 application.

On June 12, 1992, NSP again applied to DOE to amend Presidential Permit PP-63. In its application, NSP requested that it be authorized to expand the Forbes Substation on the west side instead of on the north side of the substation as requested in NSP's June 10, 1991 application.

Notice of the application was placed in the Federal Register on June 22, 1992, (57 FR 27767) stating that any person desiring to be heard or to make any protest with reference to the application

should file with the DOE a petition to intervene or protest in accordance with the Rules of Practice and Procedure (18 CFR 1.8 and 1.0) on or before July 22, 1992. No comments, protests, or petitions to intervene were received.

In compliance with its responsibilities under NEPA, DOE prepared an addendum to the original EA prepared in connection with the amendment in Docket PP-63-2. This addendum addresses only the environmental impacts associated with expanding the Forbes Substation on the west side instead of on the north side. DOE has reviewed the environmental impacts associated with this minor modification and has determined that the conclusions reached in the FONSI prepared in connection with NSP's amendment in Docket No. PP-63-2 remain valid.

The DOE also has determined that the change in the location of the 5-acre addition, from the north side of the Forbes Substation to the west side, does not result in any impact on the reliability of the electric system reliability. Consequently, conclusions reached in the reliability determination February 27, 1992, in Docket PP-63-2 remain valid.

The Secretary of State by letter dated August 13, 1992, and the Secretary of Defense by letter dated August 11, 1992, favorably recommended that the request for amendment be granted as hereinafter provided.

FINDINGS

After a review of the docket, the Deputy Assistant Secretary for Fuels Programs finds that:

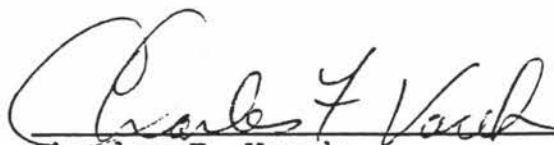
1. The period for public comment was sufficient and appropriate;
2. The conclusions reached in the Finding of No Significant Impact dated April 14, 1992, remain valid; and,
3. The conclusions reached in the reliability determination dated February 27, 1992, remain valid.

ORDER

Pursuant to Executive Order 10485, as amended, Subparagraph 3, Article 2, of the amended Presidential permit issued by the DOE in Docket PP-63-2 on April 14, 1992, is hereby amended to read as follows:

Static VAR compensators and a 500-kV ring bus at the existing Forbes Substation and the addition of approximately 5 acres on the west side of the substation to accommodate this equipment.

Issued in Washington, D.C., August 24, 1992.


Charles F. Vacek
Deputy Assistant Secretary
for Fuels Programs
Office of Fossil Energy

PERMIT AUTHORIZING

NORTHERN STATES POWER COMPANY

TO CONSTRUCT, OPERATE, MAINTAIN AND CONNECT

ELECTRIC TRANSMISSION FACILITIES

AT THE INTERNATIONAL BORDER BETWEEN

THE UNITED STATES AND CANADA

(Federal Power Commission - Docket No. E-7481)

Northern States Power Company (hereinafter referred to as Permittee), incorporated under the laws of the State of Minnesota and qualified to do business as a foreign corporation in the States of North Dakota and South Dakota, with its principal place of business at Minneapolis, Minnesota, in an application filed in Docket No. E-7481 on May 14, 1969, requested permission, pursuant to Executive Order No. 10485, dated September 3, 1953, to construct, operate, maintain and connect at the international border between the United States and Canada the facilities described in Article 2 below for the transmission of electric energy between the United States and Canada. Permittee, together with Otter Tail Power Company, Fergus Falls, Minnesota, and Minnkota Power Cooperative, Inc., Grand Forks, North Dakota, filed a joint application on May 14, 1969, as subsequently supplemented, in Docket No. E-7482 for authorization, pursuant to Section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Canada over the facilities described in Article 2 below.

The Secretary of State by letter dated and the Secretary of Defense by letter dated favorably recommended that a Permit be granted herein as hereinafter provided.

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

Pursuant to the provisions of Executive Order No. 10485, dated September 3, 1953, and the Commission's Rules and Regulations thereunder, permission is hereby granted to Permittee to construct, operate, maintain and connect the electric transmission facilities described in Article 2 below at the international border between the United States and Canada upon the following conditions.

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 or by the Federal Power Commission, and may be amended by the Federal Power Commission on proper application therefor.

Article 2. The facilities covered by and subject to this Permit shall include:

One three-phase, 60 cycle, 230,000 volt electric transmission line crossing the Canada-United States International Boundary from the State of North Dakota to the Province of Manitoba at a point approximately two miles west of the Red River.

No substantial change shall hereafter be made in the above-described facilities and operation thereof authorized by this Permit unless and until such change shall have been approved by the Commission.

Article 3. Insofar as the electric facilities authorized herein, or which may be subsequently included herein by modification or amendment, are utilized for the transmission of electric energy from the United States to Canada, they may be utilized for such transmission only in the amount, at the rate, and in the manner authorized by the Commission under Section 202(e) of the Federal Power Act.

Article 4. The operation, maintenance and connection of the aforesaid facilities shall be subject to the inspection and approval of the Division Engineer, Corps of Engineers, United States Army in _____ who is in charge of the district affected herein, and a representative of the

Commission, both of whom shall be authorized representatives of the United States for such purposes. Permittee shall allow officers or employees of the United States showing proper credentials free and unrestricted access into, through and across any lands occupied by said facilities in the performance of their official duties.

Article 5. In the operation, maintenance and connection of the facilities herein specified, Permittee shall place and maintain suitable structures to reduce to a reasonable degree the possibility of contact or inductive interference between its transmission facilities and any other facilities not owned by Permittee.

Article 6. Permittee shall comply promptly with any regulations or instructions affecting the facilities, or any part thereof, owned by it and covered by this Permit which may be issued by the President of the United States or any Government department or agency of the United States for the aid and protection of aerial navigation.

Article 7. Permittee shall be liable for all damages occasioned to the property of others by the operation, maintenance, and connection of the facilities owned by it and covered by this Permit, and in no event shall the United States be liable therefor. Permittee shall do everything reasonably within its power to prevent or suppress fires on or near any land occupied under this Permit.

Article 8. Permittee shall arrange for the installation and maintenance of adequate metering equipment to measure the flow of all electric energy transmitted between the United States and Canada over the afore-described line authorized herein; shall make, keep and preserve full and complete records with respect to the movement of such energy; and shall furnish in triplicate to the Commission, with respect to such transmission of energy, reports annually on or before February 15, showing, with respect to the afore-described line authorized herein, the gross amount of kilowatt-hours received or delivered, the maximum rate of transmission in kilowatts, and the consideration paid or received therefor during each month of the preceding calendar year.

Article 9. Neither this Permit nor the facilities, or any part thereof, covered by this Permit, shall be transferable or assignable, but in the event of the involuntary transfer of the facilities by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) the Permit shall continue in effect temporarily for a reasonable time thereafter pending the making of an application for a new Permit and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the facilities authorized by this Permit remain substantially the same as before the transfer. Permittee shall maintain the facilities, or any part thereof, owned, operated, maintained and connected by it as described above in a condition of repair for the efficient operation of said facilities in the transmission of electric energy, and shall make all necessary renewals and replacements.

Article 10. Upon the termination, revocation or surrender of this Permit, the facilities herein authorized, which are owned, operated, maintained and connected by Permittee, shall be removed within such time as the Commission may specify and at the expense of Permittee. Upon failure of Permittee to remove such facilities or any portion thereof, the Commission may direct that possession of the same may be taken and the facilities removed at the expense of Permittee, and Permittee shall have no claim for damages by reason of such possession or removal.

Article 11. When in the opinion of the President of the United States, evidenced by a written order addressed to the holder of this Permit, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of the facilities, or any part thereof, owned, operated, maintained, and connected by Permittee under this Permit, and all contracts covering the transmission of electric energy by means of said facilities, or any part thereof, and shall retain possession, management and control thereof for such length of time as may appear to the President to be necessary to accomplish said purpose and then restore possession and control to Permittee; and in the event that the United States shall exercise such right, it shall pay to Permittee just and fair compensation for the use of said facilities as may be fixed by the Commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said facilities to

as good condition as existed at the taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to Permittee.

IN WITNESS WHEREOF, I, *John N. Nassikas*
have hereunto signed my name this *19th* day of *September*
1969, in the City of Washington, District of Columbia.

John N. Nassikas

Chairman of the
Federal Power Commission

UNITED STATES DEPARTMENT OF ENERGY

Office of Fossil Energy
Washington, D.C.

FE Docket No. PP-45-2

Northern States Power Company

**Presidential Permit Amendment
for the
"Letellier-Drayton 230 kV Line"**

Order No. PP-45-2

February 13, 1996

NORTHERN STATES POWER COMPANY

ORDER NO. PP-45-2

BACKGROUND

The Office of Fossil Energy (FE) of the Department of Energy (DOE) has the responsibility for implementing Executive Order 10485, as amended by Executive Order 12038, which requires the issuance of Presidential permits for the construction, connection, operation, and maintenance of electric transmission facilities at the United States international border.

On September 19, 1969, the Federal Power Commission issued a Presidential permit in Docket E-7481 to Northern States Power Company (NSP). This document is now identified by the DOE as Presidential Permit PP-45 in FE Docket PP-45. PP-45 authorized NSP to construct a 230-kilovolt (kV) transmission line across the U.S.-Canada border connecting NSP's Letellier substation and Manitoba Hydro's Drayton substation. At NSP's request, PP-45 was amended by DOE on February 24, 1994 (Order PP-45-1), to allow the installation of reactive compensation and the replacement of two existing 230-kV transformers at NSP's Prairie substation. As a result of these enhancements, the amendment also set the maximum rate of transmission for imports over a combination of the PP-61, PP-45, and PP-63¹ facilities at 1900 megawatts (MW).

On September 20, 1995, NSP applied to FE to further amend PP-45. In its application, NSP requests that the 1900-MW import limit for the combination of the PP-45, PP-61, and PP-63 facilities be increased to 1950 MW for simultaneous transfers and to 2025 MW during non-simultaneous transfer conditions. In its application, NSP claims that recent analyses performed by the Mid-Continent Area Power Pool (MAPP) have demonstrated that the three interconnections with Manitoba Hydro could be operated reliably at higher transfer limits in the import mode. Accordingly, NSP requests that the import limits contained in Article 12 of PP-45 be increased consistent with the recent MAPP analyses.

Notice of the application was placed in the Federal Register on October 30, 1995, (60 FR 55257) soliciting comments, protests, or requests to intervene. No responses to that notice were received.

FINDING

After a review of the information in the Docket, DOE has determined that the granting of the requested amendment would not adversely impact the reliability of the U.S. electric

¹ PP-61 authorized Minnkota Power Cooperative to construct a 230-kV transmission tie with Manitoba Hydro. PP-63 authorized NSP to construct a 500-kV transmission tie with Manitoba Hydro. The facilities authorized by PP-45, PP-61, and PP-63 are operated in a coordinated manner for the purpose of selling and purchasing electric energy with Manitoba Hydro. Consequently, the operating limitations placed in the respective permits are based on the operation of these facilities in the aggregate.

power supply system. An analysis in support of this determination has been placed in this Docket.

On February 24, 1994, in FE Docket PP-45-1, NSP was authorized to make significant physical changes to the subject transmission facilities. During this earlier proceeding, DOE prepared an environmental assessment to comply with the National Environmental Policy Act of 1969 (NEPA), 42 USC 4321, et seq. The environmental factors, findings and conclusions contained in that document remain unchanged. Since the present amendment requested by NSP would merely increase the allowable power transfer limits on the line and would require no changes to the physical facilities or the environment, DOE is using the environmental assessment and the subsequent Finding of No Significant Impact prepared in Docket PP-45-1 in satisfaction of its NEPA responsibilities in this proceeding.

The Secretary of State and the Secretary of Defense have favorably recommended that the requested amendment be granted.

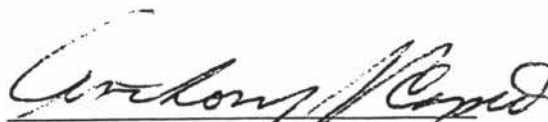
Based on the above, DOE finds that amending Presidential Permit PP-45 as requested by NSP is consistent with the public interest.

ORDER

Pursuant to the provisions of Executive Order No. 10485, as amended by Executive Order 12038, and the Rules and Regulations thereunder (Title 10, Code of Federal Regulations, section 205.320 et seq.), Article 12 of Presidential Permit PP-45 is amended by this Order to read as follows:

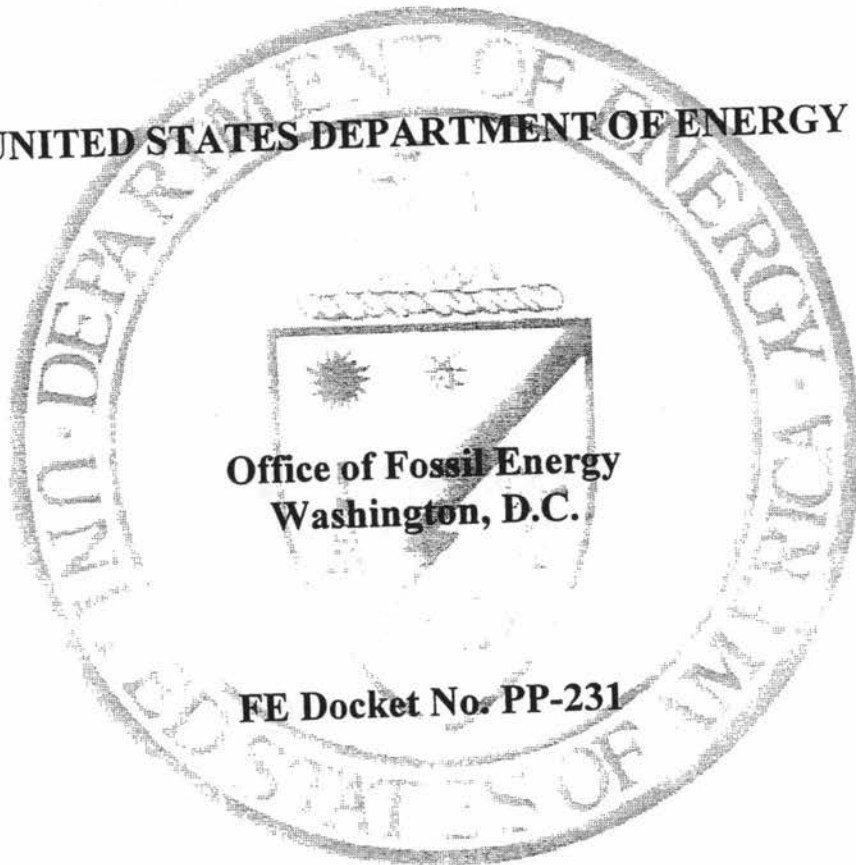
Article 12: The facilities described in Article 2 shall be designed and operated in accordance with the applicable criteria established by the Mid-Continent Area Power Pool, and consistent with those of the North American Electric Reliability Council. Furthermore, the facilities authorized herein shall be operated in such a manner so as not to cause the rate of transmission in the import mode to exceed 1950 MW in the aggregate for the facilities authorized by this permit, Presidential Permit PP-61, and Presidential Permit PP-63. This limit shall be raised to 2025 MW during non-simultaneous transfer conditions.

Issued in Washington, D.C., February 13, 1996.



Anthony J. Como, Director
Office of Coal & Electricity
Office of Fuels Programs
Office of Fossil Energy

UNITED STATES DEPARTMENT OF ENERGY



**Office of Fossil Energy
Washington, D.C.**

FE Docket No. PP-231

NORTHERN STATES POWER COMPANY

Presidential Permit

Order No. PP-231

February 6, 2002

PRESIDENTIAL PERMIT
NORTHERN STATES POWER COMPANY
ORDER NO. PP-231

I. BACKGROUND

The Office of Fossil Energy (FE) of the Department of Energy (DOE) has the responsibility for implementing Executive Order (EO) 10485, as amended by EO 12038, which requires the issuance of Presidential permits for the construction, operation, maintenance, and connection of electric transmission facilities at the United States international border.

On November 2, 2000, Northern States Power Company (NSP) filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit to construct, operate, maintain, and connect an electric transmission line that would cross the U.S. border with Canada. NSP, doing business as Excel Energy Incorporated (Xcel), proposes to construct a 230,000-volt (230-kV) transmission line that would extend approximately 53 miles from a new substation to be built in Rugby, North Dakota, to the U.S.-Canadian border. From the border, the proposed transmission line would extend an additional 50 miles into Canada to an existing substation located in Glenboro, Manitoba, Canada. The facilities within Canada would be developed, owned, and operated by Manitoba Hydro. The proposed Rugby-to-Glenboro transmission line is one component of a larger set of 230-kV transmission system improvements being implemented jointly by Xcel and Otter Tail Power Company (hereafter known as the Project Partners) that are designed to strengthen the reliability of the electrical system in the region encompassing North Dakota, Minnesota, and Manitoba. One of these system enhancements is another 230-kV line that would extend from NSP's existing Harvey Substation to the new Rugby Substation. However, the Harvey-Rugby line would be developed and installed whether or not DOE grants a Presidential permit for the Rugby-Glenboro line.

Notice of NSP's application for a Presidential permit was published in the *Federal Register* on February 12, 2001, (66 FR 9826) requesting that comments, protests, and petitions to intervene be submitted to DOE by March 14, 2001. None were received.

The Secretary of State and the Secretary of Defense have concurred in the issuance of a Presidential permit to NSP for the proposed facility.

II. FINDING AND DECISION

DOE has assessed the impact that the construction and operation of the proposed international transmission facilities would have on the reliability of the U.S. electric power supply system. Based on the information in the docket, DOE has determined that the installation

and operation of the proposed international transmission facilities by NSP, as conditioned herein, would not adversely impact the reliability of the U.S. electric power supply system. A reliability determination dated February 4, 2002, and documenting this conclusion has been placed in the docket file.

DOE has also determined that the issuance of this Presidential permit clearly would not constitute a major Federal action which could significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. DOE has documented the rationale supporting this finding in a Finding of No Significant Impact, dated February 1, 2002.

In the February 12, 2001 *Federal Register* notice, DOE indicated that if a Presidential permit were granted in this proceeding it would contain a condition requiring NSP to provide non-discriminatory, open access transmission services over the subject international transmission line. Such a condition has not been included in this permit at this time, since DOE is considering an administrative action that would apply the principles of non-discriminatory open access to all international transmission lines, including this line.

III. ORDER

Pursuant to the provisions of EO 10485, as amended by EO 12038, and the Rules and Regulations issued thereunder (Title 10, Code of Federal Regulations, section 205.320 et seq.), permission is granted to NSP to construct, operate, maintain, and connect electric transmission facilities at the international border of the United States and Mexico, as further described in Article 2 below, upon the following conditions:

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 DOE after public notice, and may be amended by DOE after proper application thereto.

Article 2. The facilities covered by and subject to this permit shall include the following facilities and all supporting structures within the right-of-way occupied by such facilities:

A 230,000-volt electric transmission line installed on steel-poles with an H-frame structure and extending approximately 53 miles from a new substation to be constructed in Rugby, North Dakota, to the U.S.-Canadian international border.

These facilities are more specifically shown and described in the application filed in this docket.

Article 3. The facilities described in Article 2 above shall be designed and operated in accordance with the applicable criteria established by the Mid-Continent Area Power Pool and

consistent with that of the North American Electric Reliability Council or their successors. Furthermore, the subject facilities shall be operated in a manner so as not to cause the total electricity imports on a combination of the facilities authorized herein and those authorized by Presidential Permits PP-45, PP-61, and PP-63 to exceed an instantaneous rate of transmission of 2,175 MW.

Article 4. No change shall be made in the facilities covered by this permit or in the authorized operation of these facilities unless such change has been approved by DOE.

Article 5. NSP shall at all times maintain the facilities covered by this permit in a satisfactory condition so that all requirements of the National Electric Safety Code in effect at the time of construction are fully met.

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

Article 7. NSP shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this permit. NSP shall take appropriate action as necessary to mitigate such situations. Complaints from individuals residing within one-half mile of the center of the transmission line are the only ones which must be resolved. NSP shall maintain written records of all complaints received and of the corrective actions taken.

Article 8. The United States shall not be responsible or liable: for damages to or loss of the property of, or injuries to, persons; for damages to, or loss of the facilities covered by this permit; or for damages to, or loss of the property of, or injuries to the person of NSP officers, agents, servants or employees or of others who may be on said premises; any of which may arise from or be incident to the exercise of the privileges granted herein; and NSP shall hold the United States harmless from any and all such claims.

Article 9. NSP shall arrange for the installation and maintenance of appropriate metering equipment to record permanently the hourly flow of all electric energy transmitted between the United States and Canada over the facilities authorized herein. NSP shall make and preserve full and complete records with respect to the electric energy transactions between the United States and Canada. NSP shall furnish annual reports to DOE, by the 15th of February each year, detailing for each month of the previous year: (1) the gross amount of electricity imported into the U.S., in kilowatt hours; (2) the consideration associated with the import; and (3) the maximum hourly rate of transmission, in kilowatts. Annual reports must be filed regardless of current activity and whether or not receipts of electric energy have been made. If no transactions have been made, a one-sentence report indicating "no activity" for the previous year is sufficient.

Reports shall be submitted to the U.S. Department of Energy, Office of Fossil Energy, FE-27, 1000 Independence Avenue, SW, Washington, D.C. 20585-0305. Properly identified reports will also be accepted via facsimile at (202) 287-5736 to meet time requirements, but original copies should still be filed at the above address.

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 the operation of law. In the case of such an involuntary transfer, this permit shall continue in effect for a period of 60 days and then shall terminate unless an application for a new permit pursuant to Title 10, Code of Federal Regulations, section 205.323, has been received by DOE. Upon receipt by DOE of such an application, this existing permit shall continue in effect pending a decision on the new application. During this decision period, the facilities authorized herein shall remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation or surrender of this permit, the 230-kV transmission facilities which are owned, operated, maintained, and connected by NSP and described in Article 2 of this permit, shall be removed and the land restored to its original condition within such time as DOE may specify and at the expense of NSP. If NSP fails to remove such facilities and/or any portion thereof authorized by this permit, DOE may direct that such actions be taken for the removal of the facilities or the restoration of the land associated with the facilities at the expense of NSP. NSP shall have no claim for damages by reason of such possession, removal or repair. However, if certain facilities authorized herein are useful for other utility operations within the bounds of the United States, DOE will not require that those facilities be removed and the land restored to its original condition upon termination of the international interconnection.

Issued in Washington, D.C. on February 6, 2002.



Anthony J. Como
Deputy Director, Electric Power Regulation
Office of Coal & Power Import & Export
Office of Coal & Power Systems
Office of Fossil Energy

2/24/94
PP-45-1

DEPARTMENT OF ENERGY
Fossil Energy
[Docket No. PP-45-1]

AMENDMENT TO
PRESIDENTIAL PERMIT PP-45
ISSUED TO

NORTHERN STATES POWER COMPANY

BACKGROUND

On March 10, 1993, Northern States Power Company (NSP) applied to the Department of Energy (DOE) to amend the Presidential permit issued in September 1969.¹ The facilities previously authorized by this permit (DOE Docket PP-45) consist of one three-phase, 60 cycle, 230,000 volt (230-kV) overhead transmission line which crosses the U.S.-Canadian international border from the State of North Dakota to the Province of Manitoba at a point approximately two miles west of the Red River. This facility is known as the Drayton-Letellier transmission line.

In its application, NSP requested authority to expand the existing Prairie Substation located near Grand Forks, North Dakota, (located at NW 1/4 of Section 7, T151N, R50W in Grand Forks County, North Dakota) by installing ten, 40 MVAR (million volt-amperes reactive), 115-kV shunt capacitor banks and replacing two existing 230-kV transformers. NSP claims that the shunt capacitors are required to maintain adequate voltage in the

¹ The original Presidential permit was issued by the Federal Power Commission in Docket E-7481. In 1977 the authority to grant Presidential permits was delegated to the Secretary of Energy by Executive Order 12038.

Grand Forks, North Dakota, area during system transients and for loss of any 230-kV transmission lines serving the area.

NSP filed this request for amendment of the Presidential permit in connection with a related application to amend the electricity export authorization in Docket EA-63. NSP claims that the enhancement of the physical facilities authorized by Presidential Permit PP-45 are required in order to reliably achieve the increased level of exports requested in the companion application.

Notice of the application was placed in the Federal Register on June 1, 1993, (58 FR 31193) stating that any person desiring to be heard or to make any protest with reference to the application should file with the DOE a petition to intervene or protest in accordance with the Rules of Practice and Procedure (18 CFR 385.211, 385.214) on or before July 1, 1993. No comments, protests, or petitions to intervene were received.

The DOE has assessed the potential environmental impacts associated with the proposed amendment and has determined that this action is among those classes of actions not normally requiring preparation of an environmental assessment or an environmental impact statement and, therefore, is eligible for

categorical exclusion under Appendix B to Subpart D, paragraph B4.11 of the DOE regulations implementing the National Environmental Policy Act of 1969. A memorandum dated September 22, 1993, documenting the use of this categorical exclusion has been placed in Docket PP-45-1.

After a review of the information in the Docket, the DOE determined that the proposed project would not adversely impact the reliability of the U.S. electric power supply system. A staff analysis dated December 10, 1993, in support of this determination has been placed in Docket PP-45-1.

The Secretary of State by letter dated February 18, 1994, and the Secretary of Defense by letter dated January 12, 1994, favorably recommended that the request for amendment be granted as hereinafter provided.

FINDINGS

After a review of the Docket, the Director, Office of Coal & Electricity, Office of Fuels Programs finds that:

1. The period for public comment was sufficient and appropriate;
2. The proposed action would have no significant impact on the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

3. The proposed action would not adversely impact the reliability of the U.S. electric power supply system; and,
4. The Secretaries of State and Defense favorably recommend granting the proposed amendment.

ORDER

Pursuant to Executive Order 10485, as amended, the Presidential permit contained in DOE Docket PP-45 and issued by the Federal Power Commission on September 16, 1969, is hereby amended as follows:

A. Article 2 is amended to read:

The facilities covered by and subject to this permit shall include one three-phase, 60 cycle, 230,000-volt electric transmission line crossing the U.S.-Canadian international border from the State of North Dakota to the Province of Manitoba at a point approximately two miles west of the Red River.

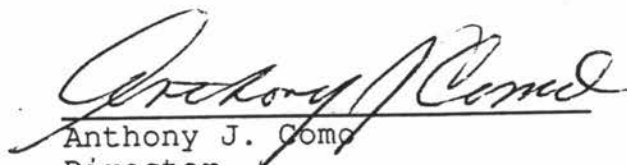
The authorization granted by this permit also shall include the installation of ten, 40-MVAR, 115-kV shunt capacitor banks and the replacement of two existing 230-kV transformers at the existing Prairie Substation near Grand Forks, North Dakota, (located at the NW 1/4 of Section 7, T151N, R50W in Grand Forks County, North Dakota).

B. Article 12 is hereby added to Presidential Permit PP-45 to read as follows:

Article 12:

The facilities described in Article 2 shall be designed and operated in accordance with the applicable criteria established by the Mid-Continent Area Power Pool and consistent with that of the North American Electric Reliability Council. Furthermore, the facilities authorized herein shall be operated in such a manner that the maximum rate of transmission in the import mode shall not exceed 1900 MW in the aggregate for the facilities authorized by this permit, Presidential Permit PP-61, and Presidential Permit PP-63. This limit shall be raised to 2000 MW during the summer off-peak load period only when exports from North Dakota to Manitoba do not exceed 600 MW.

Issued in Washington, D.C., February 24, 1994.


Anthony J. Como
Director
Office of Coal & Electricity
Office of Fuels Programs
Office of Fossil Energy

UNITED STATES DEPARTMENT OF ENERGY

Office of Fossil Energy
Washington, D.C.

FE Docket No. PP-63-4

Northern States Power Company

**Presidential Permit Amendment
for the
"Dorsey-Forbes 500 kV Line"**

Order No. PP-63-4

February 13, 1996

NORTHERN STATES POWER COMPANY

ORDER NO. PP-63-4

BACKGROUND

The Office of Fossil Energy (FE) of the Department of Energy (DOE) has the responsibility for implementing Executive Order 10485, as amended by Executive Order 12038, which requires the issuance of Presidential permits for the construction, connection, operation, and maintenance of electric transmission facilities at the United States international border.

On March 6, 1979, the DOE issued Presidential Permit PP-63 to Northern States Power Company (NSP) for the construction of a 500-kilovolt (kV) electric transmission line which crosses the U.S.-Canada international border approximately seven and one half miles west of Warroad in Roseau County, Minnesota, and extends approximately 200 miles south to a substation in the vicinity of Forbes, Minnesota. On April 14, 1992, in Order PP-63-2¹, DOE issued an amendment to PP-63 authorizing NSP to construct a new substation at the mid-point of the line and to expand and modify four existing substations for the purpose of installing various forms of reactive compensation. The impact of these physical alterations was to increase the electricity import capability of the 500-kV line to 1850 megawatts (MW).

On September 20, 1995, NSP applied to FE to further amend PP-63. In its application, NSP requests that the electricity import capability of the 500-kV line be increased from 1850 MW to 1950 MW. In its application, NSP claims that recent analyses performed by the Mid-Continent Area Power Pool (MAPP) have demonstrated that the 500-kV line could be operated reliably at higher transfer limits in the import mode. Accordingly, NSP requests that the import limits contained in Article 14 of PP-63 be increased consistent with the recent MAPP analyses.

Notice of the application was placed in the Federal Register on October 30, 1995, (60 FR 55257) soliciting comments, protests, or requests to intervene. No responses to that notice were received.

FINDING

After a review of the information in the Docket, DOE has determined that the granting of the requested amendment would not adversely impact the reliability of the U.S. electric power supply system. An analysis in support of this determination also has been placed in this Docket.

¹Two other amendments, administrative in nature, have been issued in this docket by Orders PP-63-1 on May 8, 1985, and August 24, 1992.

On April 14, 1992, in FE Docket PP-63-2, NSP was authorized to make significant physical changes to the subject transmission facilities. During this earlier proceeding, DOE prepared an environmental assessment to comply with the National Environmental Policy Act of 1969 (NEPA), 42 USC 4321, et seq. The environmental factors, findings and conclusions contained in that document remain unchanged. Since the present amendment requested by NSP would merely increase the allowable power transfer limits on the line and would require no changes to the physical facilities or the environment, DOE is using the environmental assessment and the subsequent Finding of No Significant Impact prepared in Docket PP-63-2 in satisfaction of its NEPA responsibilities in this proceeding.

The Secretary of State and the Secretary of Defense have favorably recommended that the requested amendment be granted.

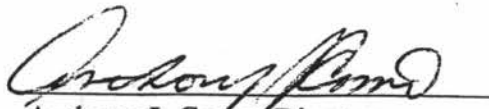
Based on the above, DOE finds that amending Presidential Permit PP-63 as requested by NSP is consistent with the public interest.

ORDER

Pursuant to the provisions of Executive Order No. 10485, as amended by Executive Order 12038, and the Rules and Regulations thereunder (Title 10, Code of Federal Regulations, section 205.320 et seq.), Article 14 of Presidential Permit PP-63 is amended by this Order to read as follows:

Article 14: The facilities described in Article 2 will be designed and operated in accordance with the applicable criteria established by the Mid-Continent Area Power Pool, and consistent with those of the North American Electric Reliability Council. The subject facilities shall be operated under the terms and conditions set forth in the NSP Diversity Exchange Agreement between NSP and Manitoba Hydro dated February 1, 1991, until April 30, 2019. Furthermore, the existing 500-kV transmission line initially authorized by Presidential Permit PP-63 shall be operated in the import mode at a power transfer level not to exceed 1950 MW.

Issued in Washington, D.C., February 13, 1996.



Anthony J. Como, Director
Office of Coal & Electricity
Office of Fuels Programs
Office of Fossil Energy