

INSTRUCTIONS FOR COMPLETING

FORM OE-781-R

REPORT OF INTERNATIONAL ELECTRICAL EXPORT/IMPORT DATA

I. Purpose

Form OE-781-R has been developed as an optional form to collect information required by the terms and conditions placed in Presidential permits and electricity export authorizations.

II. When to Submit

Reports submitted pursuant to conditions in Presidential permits must be submitted annually by February 15 of each year. Reports submitted pursuant to conditions in electricity export authorizations must be submitted either quarterly within 30 days following each calendar quarter, or annually by February 15 of each, as required by the terms and conditions in a respondent's particular export authorization.

III. Who Must Submit

All holders of Presidential permits issued pursuant to 10 CFR section 205.320 and holders of electricity export authorizations issued pursuant to 10 CFR section 205.300.

IV. What To Submit

Holders of Presidential permits must report the gross amount of kilowatt-hours of energy delivered and received to and from the foreign entity and the cost and revenues associated with these transactions. Recipients of electricity export authorizations must report the gross amount of kilowatt hours delivered to the foreign entity, the revenues associated with these transactions, and the maximum hourly rate of transmission in kilowatts. For new applicants, submit the requested information issued in 10 CFR 205.300-309.

V. Where To Submit

Reports are to be submitted to:

U.S. Department of Energy
Office of Electricity Deliverability and Energy Reliability, OE-20
1000 Independence Avenue, S.W.
Washington, D.C. 20585
Facsimile: (202) 287-5736

Questions concerning the report may be sent to the address above, or may be directed to the OE 781-R Coordinator (Steven Mintz) at (202) 586-9506 or through electronic mail at steven.mintzhq.doe.gov.

VI. General Instructions

Use of Form OE 781-R for submission of data required pursuant to 10 CFR section 205.308 and section 205.325 and also the conditions contained in Presidential permits and electricity export authorizations is optional; however, submission of the data is mandatory. Use of the form is encouraged to ensure consistent reporting of these data and to reduce respondent reporting burden.

VII. General Information

Presidential permit holders are responsible for reporting the gross amount of electric energy which flows into and out of the United States over the permitted international transmission facility regardless if the energy is wheeled to or for another entity. For example, utility A receives a Presidential permit for a single international transmission line across the U.S.-Canadian border. During the calendar year just completed, 300,000,000 kilowatt-hours (kwh) are imported from Canada across this line. Utility A arranged for the purchase of 200,000,000 kwh for its own use and wheeled 100,000,000 kwh to neighboring utility B. Utility A must report 300,000,000 kwh of imports over the international line, the cost of the 200,000,000 kwh it purchased, and the cost of the 100,000,000 kwh it wheeled to utility B.

Holders of electricity export authorizations are required to report the gross amount of electric energy (in kwh) which they sold to a foreign entity, the total consideration received for the transaction(s), and the maximum rate of transmission in kilowatts. Generally, electricity export authorizations are issued to the last entity which held title to the electric energy within the United States.

VIII. Specific Instructions

(1) Identification Information

(a) through (e) Self-explanatory

(f) Report your assigned Presidential permit number; i.e., PP-73. In addition, supply your electricity export authorization Order or Docket number if it is known.

(g) Self-explanatory

(h) The descriptive name associated with the transmission line at the point of entry into the United States. This often is the name of the closest town or the name of a geographical landmark.

(2) Import/Export Information

(a) Self-explanatory

(b) Enter the amount of imports for each month in kwh. Imports are defined as scheduled transactions entering the U.S. for which there is an associated cost.

(c) Enter amount of exchange imports for each month in kwh. Exchange imports are defined as scheduled transactions entering the U.S. for which there is no associated cost; e.g., A return in kind transactions; energy banking transactions.

(d) Self-explanatory

(e) Enter the amount of exports for each month in kwh. Exports are defined as scheduled transactions leaving the U.S. for which there is an associated revenue.

(f) Enter the amount of exchange exports for each month in kwh. Exchange exports are defined as scheduled transactions leaving the U.S. for which there is no associated revenue; e.g., A return in kind transactions; energy banking transactions.

(g) Self-explanatory

(3) Peak Load Limit - This is the maximum rate of transmission in kilowatts for any hour during the reporting period

(4) Comments - Self-explanatory

(5) Certification - Self-explanatory

IX. Application for Authorization to Transmit Electric Energy to a Foreign Country is provided in the following DOE regulations 10 CFR 205:

§205.300 Who shall apply.

(a) An electric utility or other entity subject to DOE jurisdiction under part II of the Federal Power Act who proposes to transmit any electricity from the United States to a foreign country must submit an application or be a party to an application submitted by another

entity. The application shall be submitted to the Office of Utility Systems of the Economic Regulatory Administration (ERA).

(b) In connection with an application under §§205.300 through 205.309, attention is directed to the provisions of §§205.320 through 205.327, below, concerning applications for Presidential Permits for the construction, connection, operation, or maintenance, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country in compliance with Executive Order 10485, as amended by Executive Order 12038.

§205.301 Time of filing.

Each application should be made at least six months in advance of the initiation of the proposed electricity export, except when otherwise permitted by the ERA to resolve an emergency situation.

§205.302 Contents of application.

Every application shall contain the following information set forth in the order indicated below:

- (a) The exact legal name of the applicant.
- (b) The exact legal name of all partners.
- (c) The name, title, post office address, and telephone number of the person to whom correspondence in regard to the application shall be addressed.
- (d) The state or territory under the laws of which the applicant is organized or incorporated, or authorized to operate. If the applicant is authorized to operate in more than one state, all pertinent facts shall be included.
- (e) The name and address of any known Federal, State or local government agency which may have any jurisdiction over the action to be taken in this application and a brief description of that authority.
- (f) A description of the transmission facilities through which the electric energy will be delivered to the foreign country, including the name of the owners and the location of any remote facilities.
- (g) A technical discussion of the proposed electricity export's reliability, fuel use and system stability impact on the applicant's present and prospective electric power supply system. Applicant must explain why the proposed electricity export will not impair the sufficiency of electric supply on its system and why the export will not impede or tend to impede the regional coordination of electric utility planning or operation.
- (h) The original application shall be signed and verified under oath by an officer of the applicant having knowledge of the matters set forth therein.

§205.303 Required exhibits.

There shall be filed with the application and as a part thereof the following exhibits:

- (a) Exhibit A. A copy of the agreement or proposed agreement under which the electricity is to be transmitted including a listing of the terms and conditions. If this agreement contains proprietary information that should not be released to the general public, the applicant must

identify such data and include a statement explaining why proprietary treatment is appropriate.

(b) Exhibit B. A showing, including a signed opinion of counsel, that the proposed export of electricity is within the corporate power of the applicant, and that the applicant has complied or will comply with all pertinent Federal and State laws.

(c) Exhibit C. A general map showing the applicant's overall electric system and a detailed map highlighting the location of the facilities or the proposed facilities to be used for the generation and transmission of the electric energy to be exported. The detailed map shall identify the location of the proposed border crossing point(s) or power transfer point(s) by Presidential Permit number whenever possible.

(d) Exhibit D. If an applicant resides or has its principal office outside the United States, such applicant shall designate, by irrevocable power of attorney, an agent residing within the United States. A verified copy of such power of attorney shall be furnished with the application.

(e) Exhibit E. A statement of any corporate relationship or existing contract between the applicant and any other person, corporation, or foreign government, which in any way relates to the control or fixing of rates for the purchase, sale or transmission of electric energy.

(f) Exhibit F. An explanation of the methodology (Operating Procedures) to inform neighboring electric utilities in the United States of the available capacity and energy which may be in excess of the applicant's requirements before delivery of such capacity to the foreign purchaser. Approved firm export, diversity exchange and emergency exports are exempted from this requirement. Those materials required by this section which have been filed previously with the ERA may be incorporated by reference.

§205.304 Other information.

Where the application is for authority to export less than 1,000,000 kilowatt hours annually, applicants need not furnish the information called for in §§205.302(g) and 205.303 (Exhibit C). Applicants, regardless of the amount of electric energy to be exported, may be required to furnish such supplemental information as the ERA may deem pertinent.

§205.305 Transferability.

(a) An authorization to transmit electric energy from the United States to a foreign country granted by order of the ERA under section 202(e) of the Federal Power Act shall not be transferable or assignable. Provided written notice is given to the ERA within 30 days, the authorization may continue in effect temporarily in the event of the involuntary transfer of this authority by operation of law (including transfers to receivers, trustees, or purchasers under foreclosure or judicial sale). This continuance is contingent on the filing of an application for permanent authorization and may be effective until a decision is made thereon.

(b) In the event of a proposed voluntary transfer of this authority to export electricity, the transferee and the transferor shall file jointly an application pursuant to this subsection, setting forth such information as required by §§205.300 through 205.304, together with a statement of reasons for the transfer.

(c) The ERA may at any time subsequent to the original order of authorization, after opportunity for hearing, issue such supplemental orders as it may find necessary or appropriate.

§205.306 Authorization not exclusive.

No authorization granted pursuant to section 202(e) of the Act shall be deemed to prevent an authorization from being granted to any other person or entity to export electric energy or to prevent any other person or entity from making application for an export authorization.

§205.307 Form and style; number of copies

An original and two conformed copies of an application containing the information required under §§205.300 through 205.309 must be filed.

§205.308 Filing schedule and annual reports.

(a) Persons authorized to transmit electric energy from the United States shall promptly file all supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence. In general, these documents should be filed at least 30 days prior to the effective date of any change.

(b) A change in the tariff arrangement does not require an amendment to the authorization. However, any entity with an authorization to export electric energy shall file with the ERA, and the appropriate state regulatory agency, a certified copy of any changed rate schedule and terms. Such changes may take effect upon the date of filing of informational data with the ERA.

(c) Persons receiving authorization to transmit electric energy from the United States shall submit to the ERA, by February 15 each year, a report covering each month of the preceding calendar year detailing the gross amount of kilowatt-hours of energy, by authorized category, received or delivered, and the cost and revenue associated with each category.

(Approved by the Office of Management and Budget under Control No. 1901-0245)
[45 FR 71560, Oct. 28, 1980, as amended at 46 FR 63209, Dec. 31, 1981]

§205.309 Filing procedures and fees.

Applications shall be addressed to the Office of Utility Systems of the Economic Regulatory Administration. Every application shall be accompanied by a fee of \$500.00. Fee payment shall be by check, draft, or money order payable to the Treasurer of the United States. Copies of applications and notifications of rate changes shall be furnished to the Federal Energy Regulatory Commission and all affected State public utility regulatory agencies.

X. Provisions Concerning Confidentiality of Information

The Department of Energy does not consider data submitted on the form OE 781-R to be confidential and will not treat it as such.