

Diablo

U.S. DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY

PRESIDENTIAL PERMIT PP-92  
AUTHORIZING  
EL PASO ELECTRIC COMPANY  
TO CONSTRUCT, CONNECT, OPERATE, AND MAINTAIN  
ELECTRIC TRANSMISSION FACILITIES ACROSS  
THE INTERNATIONAL BORDER BETWEEN  
THE UNITED STATES AND MEXICO

BACKGROUND

On September 5, 1991, the El Paso Electric Company (EPE) filed an application with the Office of Fuels Programs (OFP) of the Department of Energy (DOE) for a Presidential permit to construct, connect, operate, and maintain a 115-kilovolt (kV) transmission facility at the international border between the United States and Mexico. The EPE seeks permission to construct a 2.34-mile long transmission line from its existing Diablo Substation, in Sunland Park, New Mexico, across the U.S.-Mexican border, to connect with similar facilities owned and operated by the Comision Federal de Electricidad (CFE), the Mexican national electric utility. The applicant states that the proposed facilities are needed to allow more efficient planning and operation of the trans-border power supply system in the region.

Notice of EPE's application was placed in the Federal Register on October 7, 1991, (56 FR 50570) 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 or 385.214) on or before November 21, 1991. No comments, protests, or petitions to intervene were received.

The DOE has assessed the potential impacts on the electric system reliability associated with the addition of this second 115-kV tie to Mexico. [On December 13, 1990, DOE issued an amended Presidential permit to EPE in Docket PP-48-3 authorizing the conversion of existing 69-kV Ascarate transmission facilities to 115-kV.] Whenever EPE exchanges electric energy with Mexico, synchronism between the two systems can only be maintained either by separating CFE's Ciudad Juarez electric system from CFE's national electric grid or by separating EPE's electric system from the rest of the Western Systems Coordinating Council (WSCC) system. Such an arrangement causes the importing system to be "seen" as a radial load by the exporting system. Presently, during periods when no energy is scheduled for delivery across the U.S.-Mexican border, line disconnect switches on the EPE system are opened, thus electrically disconnecting the EPE and Ciudad Juarez electrical systems and precluding the possibility of a fault on one system from effecting the other. A continuation of this operating procedure will ensure that any "cross-border" loads served by either EPE or CFE will be connected only radially to the supplying system and would not result in any impairment of reliability of the U.S. power supply system.



The DOE also has assessed the potential environmental impacts associated with constructing this transmission line and 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, in a Finding of No Significant Impact dated April 15, 1992, documents the rationale supporting this finding.

#### FINDING

Having found that there is no significant environmental impact and that there is no impairment of electric system reliability associated with the construction and operation of the proposed facility, and since the Secretary of State by letter dated April 9, 1992, and the Secretary of Defense by letter dated April 10, 1992, have concurred with the issuance of this Presidential permit, the Deputy Assistant Secretary for Fuels Programs, Fossil Energy, finds that the issuance of the Presidential permit, as provided hereafter, is appropriate and consistent with the public interest.

#### AUTHORIZATION

Pursuant to the provisions of Executive Order No. 10485, as amended by Executive Order No. 12038, and the Rules and Regulations thereunder (Title 10, Code of Federal Regulations, section 205.320 et seq.), permission hereby is granted to El Paso

Electric Company to construct, connect, operate, and maintain at the international border of the United States and Mexico, one 115-kV transmission line 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 the DOE after public notice, and may be amended by the 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:

One 115-kV 60-hertz, alternating current transmission line extending from the existing Diablo Substation located in Sunland Park, New Mexico, to the international border between the United States and Mexico, at a point approximately 5 miles west of El Paso, Texas.

These facilities are more specifically shown and described in the application filed by EPE on September 5, 1991.

Article 3. El Paso Electric will provide plans to the U.S. Commissioner, International Boundary and Water Commission, for review and approval to determine that the construction, connection, operation and maintenance of the facilities authorized herein will not be inconsistent with boundary and water treaties and other agreements in force between the United States and Mexico.

Article 4. The facilities described in Article 2 will be designed and operated in accordance with the applicable criteria established by the Inland Power Pool, and consistent with those of the Western Systems Coordinating Council. Furthermore, the subject facilities shall be operated in a manner such that the EPE and CFE Ciudad Juarez electric systems shall be directly connected to each other only after separation of the CFE Ciudad Juarez system from CFE's main electric grid, or after separation of the EPE system or a portion thereof, as appropriate, from the main electric grid of the Western System Coordinating Council.

Article 5. 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 the DOE.

Article 6. EPE or its agent 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 7. The Historic Properties Treatment Plan (February 1992), prepared as part of the environmental documentation in conjunction with the Presidential permit application, contains procedures that shall be followed in mitigating any impacts to historic properties that may be affected by construction of the subject 115-kV transmission line. These treatment measures are to be instituted by the applicant during construction to ensure the protection of historic sites and their contents. Failure to implement these treatment measures shall constitute a violation of the terms and conditions of the Presidential permit, which may, as a result, be modified or revoked by the DOE in accordance with Article 1 of the Presidential permit.

Article 8. 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 the DOE, who shall be an authorized representative of the United States for such purposes. EPE shall allow officers or employees of the United States with written authorization for free and unrestricted access into, through, and across any lands occupied by these facilities in the performance of their duties.

Article 9. EPE shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this permit. EPE shall take appropriate action as necessary to mitigate such situations. Complaints from individuals residing within one-half mile of the center of the transmission circuit are the only ones which must be resolved. EPE shall maintain written records of all complaints received and of the corrective actions taken.

Article 10. 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 EPE 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 EPE shall hold the United States harmless from any and all such claims arising from the construction, operation or maintenance of the facilities authorized.

Article 11. EPE 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 Mexico over the facilities authorized herein. EPE shall prepare, maintain, and preserve complete and accurate records concerning the transfer of such



electric energy; and shall furnish the DOE an annual report which will be due on or before February 15th of each year, detailing the transmission of such electric energy, as follows: (1) the gross amount of kilowatt-hours of electric energy received or delivered; (2) the maximum hourly rate of transmission in kilowatts; and (3) the consideration paid or received for such energy during each month of the preceding calendar year.

Article 12. 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 the DOE. Upon receipt by the 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.

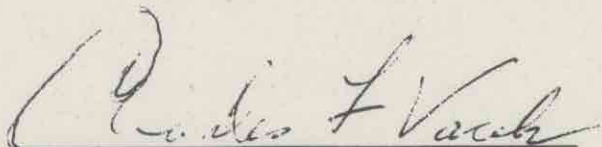
Article 13. Upon the termination, revocation, or surrender of this permit, the 115-kV transmission line, which is owned, connected, operated, and maintained by EPE and described in Article 2 of this permit, shall be removed within such time as



DOE may specify and at the expense of EPE. If EPE fails to remove such facilities 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 EPE. EPE shall have no claim for damages by reason of such possession, removal or repair. However, upon a showing by EPE that certain facilities authorized herein, such as portions of its rights-of-way or the transmission line within the United States, are useful to other utility operations within the bounds of the United States, the DOE will not require that those facilities be removed and the land restored to its original condition upon termination of the international interconnection.

Article 15. This permit shall be valid upon receipt by the DOE of the Testimony of Acceptance properly executed.

In witness whereof, I, Charles F. Vacek, Deputy Assistant Secretary for Fuels Programs, hereunto sign my name this 16 day of April, 1992, in the city of Washington, District of Columbia.



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