



# Presidential Permit for Cross-Border Electrical Infrastructure

Procedures Handbook

U.S. Department of Energy  
Office of Electricity

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U.S. DEPARTMENT  
*of* **ENERGY**

Office of Electricity

## List of Acronyms

CFR	Code of Federal Regulations
CBI	Confidential Business information
DOE or Department	U.S. Department of Energy
E.O.	Executive Order
FERC	Federal Energy Regulatory Commission
FR or Fed. Reg.	Federal Register
NERC	North American Electric Reliability Corporation
OE	Office of Electricity
RTO	Regional Transmission Organization

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## Introduction

In accordance with Executive Orders 10485 and 12038<sup>1</sup> (collectively, the E.O.s), the U.S. Department of Energy (DOE or Department) is designated to receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and a foreign country.

The Department is directed to coordinate Presidential permit reviews with the Department of State and the Department of War and obtain favorable recommendations from those agencies prior to making a final decision of permit issuance by the President (E.O.10485, Sec. 3).

This document is intended to assist prospective applicants in their requests for Presidential permits to authorize the construction, connection, operation, and maintenance of electric energy transmission facilities at international boundaries.

This document is not intended to order applicants to take any specific action, rather it offers suggestions to help the applicant determine what information to provide to ensure a transparent and efficient permitting process. DOE recognizes that each proposed project is unique, and all project circumstances may not be contemplated in this Handbook.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or DOE policies.

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<sup>1</sup> <https://www.federalregister.gov/executive-order/12038>.

# 1. Presidential Permit Procedural History

## 1.1 Authority to Administer

In 1939, President Roosevelt issued E.O. 8202, which prohibited anyone from constructing or operating electric transmission facilities at the U.S. international border without first receiving a permit from the President. The President signed all Presidential permits until 1953, when President Eisenhower signed E.O. 10485, which delegated permitting authority to the Chairman of the Federal Power Commission, where it remained until 1977.

In 1977, President Carter signed E.O. 12038, which transferred the authority to the Secretary of Energy following the creation of DOE, pursuant to Sections 301 and 402(f) of the DOE Organization Act.

As of November 20, 2025, the Presidential permits program is administered by the DOE's Office of Electricity (OE).

## 1.2 Review Process

The E.O.s direct DOE to prepare a permit for construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and foreign countries, if the Department finds that the permit issuance is consistent with the public interest or furthers the foreign policy aims of the President by way of favorable recommendations from the Secretary of State and the Secretary of War. The Department is empowered to attach such conditions to the Permit as the public interest or foreign policy goals may require.

Further, in any case where the Department, Secretary of State, and Secretary of War cannot agree to permit issuance, DOE shall submit the permit to the President for approval or disapproval with the respective views of the DOE, Secretary of State and Secretary of War (E.O. 10485, Sec. 1 (b)).

## 1.3 Agency Implementing Regulations

On October 21, 1980, DOE issued regulations implementing its authority under E.O. 12038. These were published in the Federal Register ([45 FR 71558](#)) and in the Code of Federal Regulations (CFR) at 10 CFR Part 205, on October 28, 1980. Additional regulations that shifted some costs from the government to the applicant were published in the Federal Register ([48 FR 33816](#)) on July 25, 1983.

Pursuant to Executive Order 14192 – Unleashing Property Through Deregulation and Executive Order 14154 – Unleashing American Energy, DOE issued a Direct Final Rule rescinding the application requirements codified in 10 CFR 205.320 through 10 CFR 205.329, effective September 12, 2025 ([90 FR 20753](#), [90 FR 31131](#), and [90 FR 43905](#)). The removal of the aforementioned sections from regulation was meant to reduce

burden and remove outdated requirements while simultaneously bolstering American energy dominance by reducing barriers in the construction of facilities on the border.

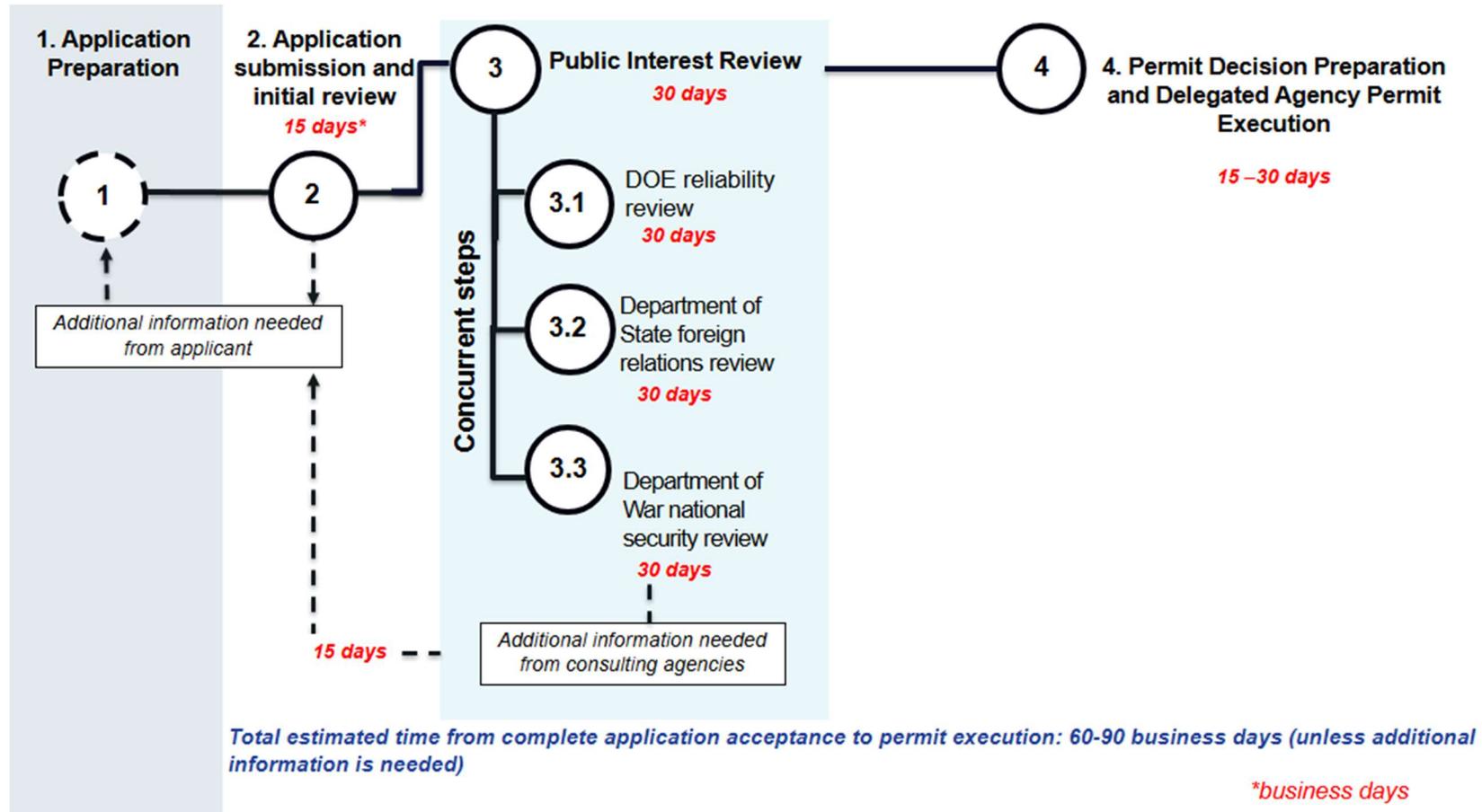
## 2. Application Submittal Process

Any person, firm, co-operative, corporation or other entity who owns and/or operates an electric power transmission or distribution facility crossing the border of the United States, shall have a Presidential permit, in compliance with the E.O.s.

Entities that have been granted Regional Transmission Organization (RTO) status by the Federal Energy Regulatory Commission (FERC) do not require a Presidential permit to operate a transmission facility crossing the border of the United States, so long as the owner of the facility maintains a valid Presidential permit.

In the administration of E.O. 10485 and the absence of the implementing regulations previously codified in 10 CFR 205.320 through 10 CFR 205.329, DOE is providing a simple, systematic method of preparing and submitting Presidential permit applications, as described below.

## 2.1 Roadmap to Presidential Permit Approval



## 2.2 Application Preparation

DOE strongly encourages pre-filing meetings to discuss the unique circumstances of any individual project. Meeting requests should be directed to [electricity.exports@hq.doe.gov](mailto:electricity.exports@hq.doe.gov).

## 2.3 Application Submission Instructions

DOE encourages electronic submissions of application for Presidential permits to [electricity.exports@hq.doe.gov](mailto:electricity.exports@hq.doe.gov). Any document is considered filed with DOE on the date it is electronically transmitted to DOE.

DOE encourages electronic filing to ensure timely receipt. However, DOE will accept hard-copy applications filed in-person or by mail. Please address or deliver all hardcopy submissions to:

U.S. Department of Energy  
Office of Electricity  
1000 Independence Avenue SW, Suite 8H-033  
Washington, D.C. 20585

All hand-delivered documents should be filed at the above address between the hours of 8:00 a.m. and 4:00 p.m. ET, Monday through Friday, except Federal holidays. The submission will be deemed filed on the date and time stamped and as recorded by DOE. All documents and exhibits become part of DOE files and the public record subject to public disclosure, unless Confidential Business Information (see Section 2.4, below) treatment is requested and granted.

Within fifteen (15) days of receipt of an application, DOE will make a sufficiency determination, in writing, regarding its contents. If DOE determines that the contents of the application are insufficient, DOE will, in writing, notify the applicant of the insufficiencies and instruct the applicant to resubmit the application. When the application contents are complete, DOE will proceed with the public interest and foreign relations reviews, and the completed application will be assigned a docket number.

## 2.4 Types of Applications and Contents

A person who files an application or other request for action is under a continuing obligation, until DOE issues a final opinion or order resolving the application, to notify DOE promptly concerning any new or newly discovered information related to material facts or conditions upon which the application is based.

DOE may request that the applicant provide supplemental information after filing if needed to complete the application, to resolve the issues raised by the application, or to inform the public interest review and favorable recommendation processes.

An applicant may change or refine its proposed project after submitting an application. DOE reserves the right to determine whether the new or supplemental information warrants a formal amended application.

## 2.4.1 Initial Application Contents

DOE offers a template (Appendix 6.2) for applicant use and recommends, but does not require, including the following information to facilitate a timely review and decision process:

- 1) Pertinent business entity information, such as:
  - a) The applicant's full legal name, whether the applicant is a citizen of the United States, and whether the applicant is an individual, private corporation, public corporation, partnership, association, state government/agency, local government, or federal agency .
    - i) For applicants that are corporations, limited liability companies, limited partnerships, and other similar entities, provide the certification from the state of incorporation showing the corporation is in good standing (if such concept is recognized in the state jurisdiction) and/or is entitled to transact business within the state, or a similar certification provided by the state.
    - ii) For applicants that are partnerships or other unincorporated entities, provide the name and address of each participant, partner, association, or other owner or stakeholder.
  - b) Location of business registration (city, state)
  - c) Principal place of business (city, state)
    - i) If an applicant resides or has its principal office outside the United States, such applicant should designate, by irrevocable power of attorney, an agent residing within the United States. A verified copy of such power of attorney should be furnished with the application. The U.S. agent may be a natural person residing in the United States, a U.S. corporation, or a foreign corporation registered to conduct business in the United States, provided that the domestic or foreign corporation has a business address in the United States and is authorized by its articles of incorporation to act as the agent.
  - d) Relevant company structure or relationships (e.g., parent company) to assist DOE in distinguishing entities with multiple or similar names for the purposes of recordkeeping.
- 2) Disclosure of Foreign Involvement
  - a) Foreign entity applicants should identify their agents residing within the United States, along with documentation indicating the agent's authority to act on behalf of the foreign entity and evidence of an agent's good standing.
  - b) Describe whether the proposed transmission line(s) would be owned wholly or in part by a foreign government, or directly or indirectly assisted by a foreign government or instrumentality thereof, or whether the applicant has any agreement pertaining to such ownership by or assistance from any

- foreign government or instrumentality thereof.
- c) List all existing contracts that the applicant has with any foreign government, or any foreign private concerns, relating to any purchase, sale, or delivery of electric energy.
- 3) Contact information for the representative(s) or agent(s) of the applicant, including:
    - a) Full name
    - b) Title
    - c) Mailing address
    - d) Email address
    - e) Telephone number
  - 4) Statement of benefits to the U.S. electric grid, which should include the applicant's discussion of project's reliability impact and any other benefits.
  - 5) A concise summary of the proposed physical location of the desired border crossing point(s), including the longitude and latitude of the facility on the international border (i.e., the Presidential Permit Area). The summary should identify and describe the transmission facilities through which the electric energy will be delivered to the foreign country, including the name(s) of the owner(s) and the locations of any remote facilities.
  - 6) A concise summary of the applicant's associated proposed transmission line project, including the general characteristics of the transmission line such as:
    - a) Number of circuits.
    - b) Operating voltage and frequency.
    - c) Conductor size, type, and number of conductors per phase.
    - d) Structure height (for overhead lines and interconnections) or burial depth (for underground or underwater interconnections).
    - e) Include plot/site plans of all new substations/converter stations or other associated infrastructure. If applicable, list the names of all existing substations/converter stations that will be associated with the proposed transmission line.
    - f) Linear mileage and circuit mileage.
    - g) Point of first interconnect in the United States and point of first interconnect in the foreign nation. Facilities beyond the points of first interconnect are generally considered remote facilities and need not be described in detail.
    - h) Description of how the proposed project facilities would be designed,

constructed, operated, and maintained to minimize potential hazards to the public and describing any proposed compliance monitoring and reporting efforts.

- 7) A general area map via Geospatial data or a detailed map at a scale of 1 inch = 8 kilometers (1 inch = 5 miles) showing the physical location and longitude and latitude of the facility on the international border. The map should indicate ownership of the facilities at or on each side of the border between the United States and the foreign country. The maps, plans, and description of the facilities should distinguish the facilities or parts thereof already constructed from those to be constructed.
- 8) System stability analysis, interconnection study, affected system study, or other appropriate analysis or modeling conducted by the appropriate regional entity, grid operator, or reliability coordinator for the applicant's proposed facilities if such facilities are intended to operate at 100 kV or higher, consistent with recent changes in the definition of "Bulk Electric System" by the North American Electric Reliability Corporation (NERC) at the direction of FERC (see FERC Order 743).<sup>2</sup> For each of the impacted state commission or reliability coordinator areas in which a transmission line will be used to transmit power across international boundaries, the applicant may include a letter, signed by the director of operations or planning for each affected Reliability Coordinator Area(s) in the United States, certifying that the transmission of electric energy to the foreign country will not impede or tend to impede the regional coordination of electric utility planning or operation. DOE recognizes that the applicant will likely not have sufficient information available early in their project development. For a timely application adjudication, DOE strongly suggests the applicant determine the appropriate level of analysis and conduct their assessment before application submission.
- 9) Statement of whether, to the best of the applicant's knowledge, the same or a related review matter is being considered by any other Federal, local, state, regional, and/or tribal entity, including FERC or any other Federal agency or department and, if so, identify the matter and the agency or department. If the proposed project's construction or permanent right-of-way crosses federal lands or federal projects including but not limited to dams, levees, or navigation channels, list the authorizations and/or pending applications filed for similar projects. Specify, if known, the docket number, date, code, and/or name of the authorizing agency.
- 10) Signature of the applicant and counsel, if applicable, attesting to the validity of the application.

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<sup>2</sup> See NERC, *Use of "Bulk Power System" versus "Bulk Electric System" in Reliability Standards* (Apr. 10, 2012), [http://www.nerc.com/files/Final\\_BES\\_vs%20BPS\\_Memo\\_20120410.pdf](http://www.nerc.com/files/Final_BES_vs%20BPS_Memo_20120410.pdf).

## 2.4.2 Amendment Application Contents

Any person permitted to construct, operate, or maintain a border facility will have a continuing obligation, per a condition of its Presidential permit, to give DOE written notification as soon as practicable of any prospective or actual changes of a substantive nature in the circumstances upon which the permit was based, including, but not limited to, changes in permitted entity contact information. No material change shall be made in any facility authorized by permit or in the operation thereof unless or until such change has been approved by DOE.

DOE recommends including the following information to the extent that it differs from original application to facilitate a timely review and decision process:

- 1) Existing Presidential permit number and date of issuance.
- 2) A concise description, accompanied by geospatial data, of the physical location of the permitted border crossing point(s), including the longitude and latitude of the facility on the international border.
- 3) Pertinent business entity information, such as the applicant's full legal name.
- 4) Disclosure of Foreign Involvement
  - a) Foreign entity applicants should identify their agents residing within the United States, along with documentation indicating the agent's authority to act on behalf of the foreign entity and evidence of an agent's good standing.
  - b) Describe whether the applicant or its transmission lines are owned wholly or in part by a foreign government, or directly or indirectly assisted by a foreign government or instrumentality thereof, or whether the applicant has any agreement pertaining to such ownership by or assistance from any foreign government or instrumentality thereof.
  - c) List all existing contracts that the applicant has with any foreign government, or any foreign private concerns, relating to any purchase, sale, or delivery of electric energy.
- 5) Contact information for the representative(s) or agent(s) of the applicant, including:
  - a) Full name
  - b) Title
  - c) Email address
  - d) Mailing address
  - e) Telephone number
- 6) A concise summary of the applicant's requested modification.

- 7) Statement of benefits to the U.S. electric grid, which should include the applicant's discussion of project's reliability impact and any other benefits.
- 8) If the requested modification is to change the operational characteristics of the permitted facility, the application should be accompanied by a system stability analysis, interconnection study, affected system study, or other appropriate analysis or modeling conducted by the appropriate regional entity, grid operator or reliability coordinator for the applicant's facilities if such facilities are intended to operate at 100 kV or higher. For each of the impacted Reliability Coordinator Areas in which a transmission line is used to transmit power across international boundaries, the applicant may include a letter, signed by the director of operations or planning for each affected Reliability Coordinator Area(s) in the United States, certifying that the transmission of electric energy to the foreign country will not impede or tend to impede the regional coordination of electric utility planning or operation.
- 9) Statement of whether, to the best knowledge of the applicant, the same or a related matter is being considered by any other Federal, local, state, regional, and/or tribal entity, including FERC or any other Federal agency or department and, if so, identify the matter and the agency or department. If the proposed modifications cross federal lands or federal projects including but not limited to dams, levees, or navigation channels, list authorizations and pending applications filed for similar projects that may provide information to the authorizing agency. Specify, if known, the docket number, date, code, and/or name.
- 10) Signature of the applicant and counsel, if applicable, attesting to the validity of the application.

### **2.4.3 Change in Control Application Contents**

Any person, firm, co-operative, corporation or other entity seeking authorization to transfer or assign an existing Presidential permit from an existing permit holder should submit to DOE a Change in Control Application at least 90 days before, if issued, the Change in Control Order may be effective.

In the event of transfer of ownership of the facility to another distinct legal entity, an amended permit application may be filed jointly between both entities and with DOE. DOE recommends the application include the following information to facilitate a timely permit review and decision process:

- 1) Existing Presidential permit number and date of issuance.
- 2) A concise description, accompanied by geospatial data, of the physical location of the permitted border crossing point(s), including the longitude and latitude of the facility on the international border.
- 3) Pertinent business entity information of the applicants, including full legal name,

contact information for the representative(s) or agent(s) of the applicants, including name, title, email address, mailing address, and telephone number.

- 4) Disclosure of applicants' Foreign Involvement
  - a) Foreign entity applicants should identify their agents residing within the United States, along with documentation indicating the agent's authority to act on behalf of the foreign entity and evidence of an agent's good standing.
  - b) Describe whether the applicant or its transmission lines are owned wholly or in part by a foreign government, or directly or indirectly assisted by a foreign government or instrumentality thereof, or whether the applicant has any agreement pertaining to such ownership by or assistance from any foreign government or instrumentality thereof.
  - c) List all existing contracts that the applicant has with any foreign government, or any foreign private concerns, relating to any purchase, sale, or delivery of electric energy.
- 5) Signed letter from existing Presidential permit holder acknowledging transfer and date of termination of existing permit.
- 6) Signed letter from applicant attesting that no operational changes or changes to terms of the existing Presidential permit are necessary.
- 7) For each of the impacted regional entity and/or reliability coordinator in which a line will be used to transmit power across international boundaries, include a letter, signed by the director of operations or planning for each affected state commission and/or reliability coordinator area in the United States, certifying that the applicant has provided notice of the pending Change in Control application and that the transmission of electric energy to the foreign country will not impede or tend to impede the regional coordination of electric utility planning or operation.

## 2.5 Confidential Business Information

All information and data filed with or in support of an application under this subpart will be placed in the public docket (see Section 3.1, below) for the proceeding and shall not be treated as confidential business information (CBI), unless requested by the applicant and approved by DOE on a case-by-case basis.

Applicants seeking CBI treatment should submit both a redacted and non-redacted copy of the documentation to DOE with a written request for CBI consideration. DOE will review the request and respond to the applicant within fifteen (15) days. If DOE determines, within its delegated discretion, and consistent with the Freedom of Information Act and DOE implementing regulations, that the requested redaction qualifies for CBI treatment, the redacted version of the documentation shall be added to the public docket and the non-redacted version shall remain within DOE internal docket.

## 3. Application Consideration Process

### 3.1 Dockets

Upon receipt of a completed application by DOE, each application will be assigned a docket number. Any document filed subsequently in a docketed proceeding with DOE will refer to the assigned docket number.

DOE will maintain a docket of each proceeding and make the docket materials available through the Transmission Siting and Permitting Efforts section of the OE's website (<https://www.energy.gov/gdo/presidential-permits>).

### 3.2 Notice of Application

DOE will publish notice of permit application on its website for each completed application received and assigned a docket number. Comments or feedback regarding pending applications should be directed to DOE at [electricity.exports@hq.doe.gov](mailto:electricity.exports@hq.doe.gov).

### 3.3 Public Interest Review

The Department's determination of the project's consistency with the public interest will include a 30-day review process of the project's impacts on electric reliability of the U.S. electric power supply system, i.e., the ability of the generation and transmission system to remain within acceptable voltage, loading, and stability limits during normal and emergency conditions.<sup>3</sup>

### 3.4 Favorable Recommendation Process

Before the issuance of a Presidential permit, the Department must obtain the respective views of the Secretary of State and Secretary of War to ensure the proper conduct of foreign relations and national security. DOE may not issue a permit prior to obtaining the favorable recommendations of the Secretary of State and Secretary of War. If the Secretaries (Energy, State, and Defense) cannot agree as to whether a permit should be issued, the DOE shall submit the permit and each Secretary's respective views to the President for approval or disapproval. DOE will work closely with respective agencies to ensure reviews are thorough and completed within 30 days, unless additional information is needed.

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<sup>3</sup> DOE's public interest review previously included a consideration of reasonably foreseeable environmental effects which may occur as a result of issuing a Presidential permit. DOE conducted such environmental review pursuant to NEPA. As described in DOE's NEPA implementing procedures (June 2025, 2.1(c)(3)), "NEPA does not apply to applications for a Presidential permit authorizing the construction, connection, operation, or maintenance of facilities for transmission of electric energy between the United States and a foreign country under Executive Order (E.O.) 10485 (18 FR 5397; September 3, 1953), as amended by E.O. 12038 (43 FR 4957; February 7, 1978). DOE's issuance of a Presidential permit is not agency action, but rather delegated Presidential action. Presidential actions are not subject to NEPA or review under the Administrative Procedure Act." Therefore, DOE is no longer obligated to prepare an environmental analysis pursuant to NEPA nor consider such a document during its public interest review.

## 4. Application Decision Process

### 4.1 Amendments or Withdrawal of Applications

The applicant may amend or supplement the application at any time before issuance of the final order resolving the application. If there are changes in material facts or conditions upon which the application is based, the applicant must notify DOE and should amend or supplement the application in a timely fashion. DOE reserves the right to determine whether the amendment is material and whether an amended application is necessary.

If DOE determines that an amended application is required, the amended application should be submitted using the same procedures described in Section 2.2.

Upon written notice to DOE, an applicant may withdraw an application. Withdrawal shall be effective on the date of the notice to DOE.

### 4.2 Permit Decision

In accordance with E.O. 10485, DOE is designated and empowered to issue or deny a permit on behalf of the President of the United States. DOE will attach such conditions and notice requirements thereto as may be required by the public interest or foreign policy goals of the President. The permit will include a statement of findings and conclusions, as well as the reasons or basis for them, and the appropriate conditions, sanction, relief, or denial.

Presidential permits issued after September 12, 2025, will be issued for the duration provided in Section 5.4. The duration of issued Presidential permits shall be deemed terminated in accordance with the transferability limitations described in Section 5.3, if the permit is revoked in accordance with the provisions described in Section 5.5, or if the permit holder or permitted facility ceases to exist.

### 4.3 Reconsideration Requests

The Department will entertain requests for reconsideration of Presidential permit decisions from the applicant only.

In such a case, the applicant may request, in writing, reconsideration of a final order up to 30 days after the Department issues the order denying a Presidential permit application. A request for reconsideration must specify its grounds and state concisely the alleged errors in the order. DOE may allow briefs or answers on some or all of the issues the request raises. A request for reconsideration does not automatically stay DOE's underlying decision, and requests for reconsideration not acted upon within 30 days of filing are deemed to be denied.

## 5. Permit Administration

### 5.1 Duties and Responsibilities of Permit Holders

Any person permitted to construct, operate, or maintain a border facility will have a continuing obligation, per a condition of its Presidential permit, to give DOE written notification as soon as practicable of any prospective or actual changes of a substantive nature in the circumstances upon which the permit was based, including, but not limited to, changes in permitted entity contact information.

No material change shall be made in any facility authorized by permit or in the operation thereof unless or until such change has been approved by DOE. DOE reserves the right to determine whether a proposed change is material, and whether the submittal of a formal application to amend the permit is warranted.

### 5.2 Annual Reporting

All Presidential Permit holders shall collect and submit to DOE, by way of the EIA, all information required by the procedures of [Form EIA-111](#), “Quarterly Electricity Imports and Exports Report,” or any successor form.

Reports shall be filed electronically. The deadline for reporting is February 15 at 11:59 PM EST of each year.

This data is used to monitor electricity trade with Canada and Mexico, ensure the reliability of the U.S. interconnected electric system, perform certain market and regulatory analyses, and prepare a variety of reports and studies for public use.

### 5.3 Transferability and Change in Control

A Presidential permit issued by DOE pursuant to the E.O.s is not transferable or assignable unless specifically authorized by the President of the United States or those acting with delegated authority.

DOE may issue a Change in Control Order under certain conditions regarding the transfer of Presidential Permits from one distinct legal entity to another, which typically involves the sale of a facility covered under a Presidential Permit. See Section 2.3 for additional guidance on the contents of a Change in Control application. DOE will conduct an initial review of the application to determine the most appropriate level of federal review.

DOE requires at least a 90-day notice to process a Change in Control Order. The Change in Control Order is considered an administrative change. The Change in Control Order is not for changes in operation or upgrades to current facilities.

DOE will consider issuing a Change in Control Order so long as there are no physical or operational changes or changes to the terms of the existing Presidential permit.

If DOE determines that a Change in Control Order may be issued, DOE will issue a conditional order with an effective date based on the information provided in the Change in Control Full Application. The applicant has a continuing obligation to inform DOE of any changes to the effective date of the business transaction underlying the request for change in control. Once the business transaction is complete, DOE will issue a final Change in Control Order in accordance with the effective date of the business transaction.

When a final Change in Control Order is issued, the existing permit will be revoked as of the effective date of the order.

If DOE denies an application requesting a Change in Control Order based on a finding that the proposed Change in Control will result in operational changes or other changes to terms of the existing permit, the applicant may be required to file an application for a new Presidential permit.

The President of the United States and those acting with delegated authority to authorize Presidential permits retain the right to modify or revoke permits after public notice.

#### 5.4 Duration

DOE issues Presidential permits for the lifetime of the permit holder. The lifetime of the permit holder will end in accordance with the transferability limitations, if the permit is revoked, or if the permit holder or permitted facility ceases to exist.

#### 5.5 Modifications to and Revocation of a Presidential Permit

Any person permitted to construct, operate, or maintain a border facility will have a continuing obligation, per a condition of its Presidential permit, to give DOE written notification as soon as practicable of any changes of a substantive nature in the circumstances upon which the permit was based, including, but not limited to, all administrative changes, supplements, notices of succession in ownership or operation, and notices of cancellation. DOE requests that these documents be filed at least thirty (30) days before the effective date of any change, or as soon as the change becomes known, if not known thirty (30) days before the effective date.

Eligibility of modifications is at DOE's discretion, and permit holders are encouraged to discuss the eligibility of their changes with DOE. The President of the United States and the Department, acting in its delegated responsibilities, retains authority to modify or revoke a permit (e.g., due to a violation of a term or condition in the permit or in an emergency).

A permit holder should give DOE written notification of any prospective or actual substantive changes in the circumstances upon which the permit was based (see Section 2.3.2 for suggested contents of an Amendment Application). No material change shall be made in any facility authorized by permit or in the operation thereof unless or until such change has been approved by the DOE.

DOE reserves the right to determine whether a proposed change is material, and whether the submittal of a formal application to amend the permit is warranted (see Section 2.3.2 for further details on the contents of an Amendment Application).

Finally, the President of the United States and the Department, acting in its delegated responsibilities, may revoke or modify a permit for any violation of a term or condition in the permit or in the event of an emergency involving reliability of the electric grid or electricity supply. Any revocation of a permit will be effective on the date that DOE issues the revocation to the permit holder.

## 6. Appendices

### 6.1 Terms and Definitions

Applicant: Any person, firm, co-operative, corporation or other entity seeking a Presidential permit to own and/or operate an electric power transmission or distribution facility crossing the border of the United States, for the transmission of electric energy between the United States and a foreign country.

Administrative change: A change to an existing Presidential Permit to include updates to contact information or changes in business names which are not the result of changes in business ownership.

Confidential Business Information (CBI): A trade secret or commercial or financial information which, after request by the applicant, DOE determines should be treated as confidential and exempt from public disclosure.

Delegated Presidential permit action: Issuance of a permit for a proposed international border crossing location based on the determination that the interconnection, construction, operation and maintenance of applicant proposed transmission facilities that would cross the international border is in the public interest; the issuance of the permit does not constitute approval for physical siting, construction, operation or maintenance of those facilities at the border nor within the state(s) in which they are proposed or for any connected facilities associated with the proposed project.

Energy Information Administration (EIA): The primary federal government authority on energy statistics and analysis, including collecting electricity trade data via Form 111 or its successor forms.

Federal Energy Regulatory Commission (FERC): The government agency responsible for regulating transmission and wholesale sales of electricity in interstate commerce. FERC also approves reliability standards across the bulk electric power system.

Interested person or party: Stakeholders outside of DOE who have more than a general interest in the outcome of a particular project. These include but are not limited to individuals or organizations with a proprietary, financial, or other special interest in the outcome of the proceeding.

Presidential Permit Area: The area at the international border crossing location to be considered for DOE's Presidential permit action. This area is at the United State border and is generally the width of the proposed right-of-way for the applicant's associated transmission line project (in feet) and extends up to 30 feet within the boundaries of the state(s) in which transmission line is permitted by the state siting authority. Remote facilities outside of U.S. jurisdiction are excluded from the Presidential Permit Area.

Regional entity: An entity having FERC-approved, delegated authority for the purpose of enforcing mandatory reliability standards.

Reliability coordinator and reliability coordinator area: The responsible party for reliable operation of the grid in a designated area, as defined by the North American Electric Reliability Corporation (NERC). The definitions of these terms are the same as those used by NERC.

Remote Facility: A remote facility is one which is beyond the immediate scope of the border crossing, i.e., the downstream or upstream junctures that bookend the crossing.

State Commission: The state public utility commissions or similar state agencies that regulate retail sales of electricity in a particular state and/or are responsible for siting electric transmission facilities within a particular state's boundaries.

## 6.2 Application Template

*Disclaimer: This template is intended to assist prospective applicants in developing an application for a Presidential permit by offering a format for the content suggested in section 2.4.1. This is not intended to order or require applicants to provide such content in this format.*

UNITED STATES OF AMERICA  
BEFORE THE  
U.S. DEPARTMENT OF ENERGY  
OFFICE OF ELECTRICITY

Application of  
[Applicant Name]  
For Presidential Permit

[Date]

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## **SECTION 1 INFORMATION REGARDING THE APPLICANT**

### **1.1. APPLICANT IDENTIFICATION**

- i. Full legal name of applicant, whether the applicant is a citizen of the United States, and whether the applicant is an individual, private corporation, public corporation, partnership, association, state government/agency, local government, or federal agency.

#### **(a) Certification**

*For applicants that are corporations, limited liability companies, limited partnerships, and other similar entities, provide:*

- i. Certification from the state of incorporation showing the corporation is in good standing (if such concept is recognized in the state jurisdiction) and/or is entitled to transact business within the state, or a similar certification provided by the state.

*For applicants that are partnerships or other unincorporated entities, provide:*

- i. Name and address of each participant, partner, association, or other owner or stakeholder.

#### **(b) Location of Business Registration**

- i. Disclosure of business registration location (city, state, country).

#### **(c) Principal Place of Business**

- i. Disclosure of principal place of business location.

*As applicable, for applicants residing in or has its principal office outside of the United States:*

- ii. Designation, by irrevocable power of attorney, an agent residing within the United States. A verified copy of such power of attorney should be furnished with the application.

#### **(d) Organizational Structure**

- i. A description or illustration of the relevant company structure or relationships.

### **1.2. DISCLOSURE OF FOREIGN INVOLVEMENT**

- (a) Foreign entity applicants should identify their agents residing within the United States, along with documentation indicating the agent's authority to

act on behalf of the foreign entity and evidence of an agent's good standing.

- (b) Describe whether the proposed transmission line(s) would be owned wholly or in part by a foreign government, or directly or indirectly assisted by a foreign government or instrumentality thereof, or whether the applicant has any agreement pertaining to such ownership by or assistance from any foreign government or instrumentality thereof.
- (c) List all existing contracts that the applicant has with any foreign government, or any foreign private concerns, relating to any purchase, sale, or delivery of electric energy.

### 1.3. CONTACT INFORMATION

- (a) Contact information for the representative(s) or agent(s) of the applicant, including:
  - i. Full name
  - ii. Title
  - iii. Mailing address
  - iv. Email address
  - v. Telephone number

## **SECTION 2 INFORMATION REGARDING THE PROPOSED FACILITIES**

### **2.1 STATEMENT OF BENEFITS**

- (a) Statement of benefits to the U.S. electric grid, including reliability impact and any other benefits.

### **2.2 LOCATION SUMMARY**

- (a) A concise summary of the proposed physical location of the desired border crossing point(s), including the longitude and latitude of the facility on the international border, the transmission facilities through which the electric energy will be delivered to the foreign country, and the name(s) of the owner(s) and the locations of any remote facilities

### **2.3 TRANSMISSION FACILITIES**

- (a) A concise summary of the applicant's associated proposed transmission line project, including the general characteristics of the transmission line such as:
  - i. Number of circuits.
  - ii. Operating voltage and frequency.
  - iii. Conductor size, type, and number of conductors per phase.
  - iv. Structure height (for overhead lines and interconnections) or burial depth (for underground or underwater interconnections).
  - v. Include plot/site plans of all new substations/converter stations or other associated infrastructure. If applicable, list the names of all existing substations/converter stations that will be associated with the proposed transmission line.
  - vi. Linear mileage and circuit mileage.
  - vii. Point of first interconnect in the United States and point of first interconnect in the foreign nation.
  - viii. Description of how the proposed project facilities would be designed, constructed, operated, and maintained to minimize potential hazards to the public and describing any proposed compliance monitoring and reporting efforts.

### **2.4 SITE MAP**

- (a) A general area map via Geospatial data or a detailed map at a scale of 1 inch = 8 kilometers (1 inch = 5 miles) showing the physical location and longitude and latitude of the facility on the international border. The map should indicate ownership of the facilities at or on each side of the border

between the United States and the foreign country. The maps, plans, and description of the facilities should distinguish the facilities or parts thereof already constructed from those to be constructed.

## 2.5 SYSTEM STABILITY ANALYSIS

- (a) System stability analysis, interconnection study, affected system study, or other appropriate analysis or modeling conducted by the appropriate grid operator or reliability coordinator for the applicant's proposed facilities if such facilities are intended to operate at 100 kV or higher, consistent with recent changes in the definition of "Bulk Electric System" by the North American Electric Reliability Corporation (NERC) at the direction of FERC (see FERC Order 743).

For each of the impacted Reliability Coordinator Areas in which a transmission line will be used to transmit power across international boundaries, the applicant may include a letter, signed by the director of operations or planning for each affected Reliability Coordinator Area(s) in the United States, certifying that the transmission of electric energy to the foreign country will not impede or tend to impede the regional coordination of electric utility planning or operation.

### **SECTION 3 ACKNOWLEDGEMENT AND CERTIFICATION**

#### **3.1 STATEMENT OF CONCURRENT PUBLIC REVIEWS**

- (a) Statement of whether, to the best of the applicant's knowledge, the same or a related review matter is being considered by any other Federal, local, state, regional, and/or tribal entity, including FERC or any other Federal agency or department and, if so, identify the matter and the agency or department. If the proposed project's construction or permanent right-of-way crosses federal lands or federal projects including but not limited to dams, levees, or navigation channels, list the authorizations and/or pending applications filed for similar projects. Specify, if known, the docket number, date, code, and/or name of the authorizing agency.

#### **3.2 SIGNATURES**

- (a) Signature of the applicant and counsel, if applicable, attesting to the validity of the application.