

UNITED STATES DEPARTMENT OF ENERGY

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

FE Docket No. PP-99

St. Clair Tunnel Company

Presidential Permit

**Authorizing Construction, Connection,
Operation and Maintenance of
Electric Transmission Facilities at the
United States Border with Canada**

Order No. PP-99

December 21, 1994

PRESIDENTIAL PERMIT
ST. CLAIR TUNNEL COMPANY

ORDER NO. PP-99

BACKGROUND

On October 29, 1993, the Detroit Edison Company (Detroit) applied to the Office of Fossil Energy of the Department of Energy (DOE) pursuant to Executive Order 10485, as amended by Executive Order 12038, for a Presidential permit to construct, connect, operate, and maintain electric transmission facilities across the U.S.-Canada international border. The application by Detroit was occasioned by the construction of a new railroad tunnel beneath the St. Clair River between Port Huron, Michigan, and Sarnia, Ontario, by Grand Trunk Western Railroad Company, a subsidiary of Canadian National Railroad. Detroit proposed to construct a new 4,800-volt electric distribution line from a pole located 200 meters north of the new railroad tunnel, across the U.S.-Canada border, and into the tunnel. These facilities will be used to supply power to wall-mounted receptacles, tunnel ventilation fans, and drainage pumps located on the U.S. side of the tunnel, as well as tunnel lighting throughout the tunnel in both the U.S. and Canada. Sarnia Hydro will provide the same services for the Canadian side of the tunnel. Detroit proposed to connect the new line to a U.S. electrical room located in the tunnel. An emergency tie cable will be maintained between the U.S. and

Canadian electrical rooms to permit continued operation of tunnel services in the event of a disruption of power from either Sarnia Hydro or Detroit.

By letter dated September 29, 1994, Detroit, Canadian National Railway Company and St. Clair Tunnel Company jointly informed DOE that the application was filed on behalf of the St. Clair Tunnel Company (St. Clair) which would ultimately own, operate, and maintain the new facilities. [St. Clair, a Michigan railroad corporation, is controlled directly or indirectly by Canadian National Railway Company and its subsidiary Grand Trunk Corporation.] Accordingly, this permit is being issued to the St. Clair Tunnel Company rather than to Detroit Edison.

Notice of the application was placed in the Federal Register on December 30, 1993, (58 FR 69356) soliciting comments, protests, and petitions to intervene. No responses to that notice were received.

DECISION

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

categorical exclusion under Appendix B to Subpart D, paragraph B4.12 of the revised DOE Regulations implementing the National Environmental Policy Act of 1969. A memorandum documenting the use of this categorical exclusion has been placed in this Docket.

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 in support of this determination has also been placed in this Docket.

The Secretary of State and the Secretary of Defense favorably recommended that the request for a Presidential permit be granted as hereinafter provided.

ORDER

Pursuant to 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 is granted to the St. Clair Tunnel Company (St. Clair) to construct, connect, operate, and maintain electric transmission facilities at the international border of the United States and Canada, 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 4,800-volt electric distribution line extending into the St. Clair River Tunnel from a pole 200 meters north of the tunnel. The remainder of the line will be contained wholly within the tunnel. The facilities authorized herein also shall include those required to supply power to wall-mounted receptacles, tunnel ventilation fans, and drainage pumps located in the U.S., as well as tunnel lighting along the south wall of the tunnel in both the U.S. and Canada. This permit also authorizes construction of an emergency tie cable connecting the electrical rooms on both the U.S. and Canadian sides of the tunnel.

These facilities are more specifically shown and described in the application filed on October 29, 1993.

Article 3. The facilities described in Article 2 shall be designed and operated in accordance with the applicable criteria established by the East Central Area Reliability Coordination Agreement and consistent with that of the North American Electric Reliability Council.

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 the DOE.

Article 5. St. Clair 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 the DOE, who shall be an authorized representative of the United States for such purposes. St. Clair shall allow officers or employees of the United States, with written authorization, free and unrestricted access into, through, and across any property occupied by these facilities in the performance of their duties.

Article 7. St. Clair shall investigate any complaints from nearby residents of radio or television interference identifiably

caused by the operation of the facilities covered by this permit. St. Clair 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. St. Clair 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 St. Clair 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 St. Clair shall hold the United States harmless from any and all such claims.

Article 9. St. Clair 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. St. Clair shall prepare, maintain, and preserve complete and accurate records concerning the transfer of such electric energy; and shall furnish the DOE an annual report, for the previous calendar year, 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 transmitted from Canada to the United States; (2) the maximum hourly rate of transmission in kilowatts; and (3) the consideration paid or received for such energy during each month.

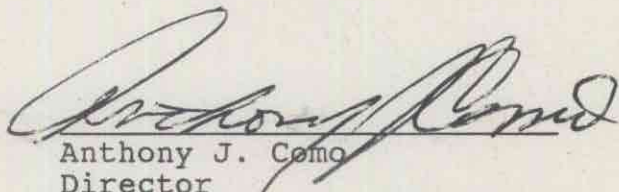
Article 10. Neither this permit nor the facilities covered by this permit, or any part thereof, shall be transferable or assignable, except in the event of the involuntary transfer of the facilities by the operation of law. In the case of such an involuntary transfer, this permit shall continue in effect 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 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 11. Upon the termination, revocation or surrender of this permit, the 4,800-volt electric distribution line, which is owned, connected, operated, and maintained by St. Clair and described in Article 2 of this permit, shall be removed within such time as DOE may specify and at the expense of St. Clair. If

St. Clair 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 St. Clair. St. Clair shall have no claim for damages by reason of such possession, removal or repair.

Article 12. This permit shall be valid upon receipt by the DOE of the Testimony of Acceptance properly executed.

Issued in Washington, D.C. on December 21, 1994.



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