
United States
Department of Energy

Grid Deployment Office
Docket No. PP-501
Eastern Maine Electric Cooperative, Inc.



Presidential Permit
No. PP-501

May 9, 2025

Presidential Permit

Eastern Maine Electric Cooperative, Inc. Order No. PP-501

I. BACKGROUND

The United States Department of Energy (DOE) has the responsibility for implementing Executive Order (E.O.) 10485, as amended by E.O. 12038, which requires the issuance of a Presidential permit for the construction, operation, maintenance, or connection of electric transmission facilities at the United States international border. On April 10, 2023, this authority was delegated to the DOE's Grid Deployment Office (GDO) by Redelegation Order No. S3-DEL-GD1-2023. DOE may issue such a permit if it determines that issuance of the permit is consistent with the public interest and after obtaining favorable recommendations from the U.S. Department of State and the Department of Defense.

On June 2, 2022, Eastern Maine Electric Cooperative, Inc. (EMEC) filed an application (Application or App.) with the DOE, seeking permission to “acquire, operate, and maintain” certain international “facilities already in existence.” App. at 1. The existing facilities for which EMEC seeks a permit “consists of one single phase overhead circuit, which is a 7200 volt distribution line, 60Hz. The conductor size is either #6 or #4 wire. It is a single-phase line with a neutral.” *Id.* at 4. The total length of the line is approximately 940 feet. *Id.* The line currently serves two seasonal dwellings and the annual kilowatt hours transmitted are estimated at less than 10,000 kilowatt hours. *Id.* at 5.

According to the Application, EMEC “is a nonprofit utility built by and belonging to the communities it serves in Aroostook County, Penobscot County, and Washington County, Maine, which are located on Maine’s Eastern Border with Canada.” App. at 2. The Applicant states “the two camps have been served by New Brunswick Power Corporation (NB Power)” via the existing Loon Bay Distribution Line. *Id.* at 1; *see also* Exhibit 1. NB Power “is a vertically-integrated Crown Corporation wholly owned by the Government of New Brunswick, Canada”, and it “would like to cease retail service to the camps.” *Id.* at 2, 4. The Applicant further represents that, “[t]o facilitate EMEC’s acquisition and operation of the distribution assets, NB Power has applied to the Canadian Energy Regulator for a border accommodation export permit.” *Id.* at 5. Additionally, EMEC has an agreement with NB Power “for the purchase of electric energy,” effective from November 1, 2020, through October 31, 2025. *Id.* at 3.

DOE published a notice of EMEC’s Application in the *Federal Register* on August 12, 2024 (89 Fed. Reg. 65616), inviting comments and motions to intervene. No comments were received.

II. DISCUSSION

In determining whether issuance of a Presidential permit is consistent with the public interest, DOE considers the environmental impacts of the proposed project, determines the project's impact on reliability of the United States electric grid, and weighs any other factors that DOE may consider relevant to the public interest.

A. Reliability Analysis

In support of EMEC's Presidential permit application, DOE reviewed the following: (1) a letter from EMEC certifying that the continued import of energy on the Loon Bay Distribution Line will not have adverse reliability effects; (2) the Certificate of Public Convenience and Necessity originally granted to the New Brunswick Power Commission; and (3) the Canadian permit allowing New Brunswick Energy to export energy to the United States. DOE has concluded that the acquisition, operation, and maintenance of the existing Loon Bay Distribution Line by EMEC to import power from New Brunswick and deliver into Maine will not negatively affect the operational reliability of the U.S. electricity system.

B. Environmental Analysis

In determining whether the issuance of a Presidential Permit is in the public interest, DOE considers the environmental impacts of the proposed action pursuant to the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 *et seq.*).

This action qualifies for DOE's categorical exclusion for procedural documents under the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. § 4321 *et seq.* DOE's regulations set forth this categorical exclusion, codified as "A13," as follows:

Administrative, organizational, or procedural Policies, Orders, Notices, Manuals, and Guides.

10 C.F.R. Part 1021, App. A to Subpart D, § A13.

DOE has determined that actions in this category do not individually or cumulatively have a significant effect on the human environment and that, therefore, neither an environmental assessment nor an environmental impact statement normally is required. 10 C.F.R. § 1021.410(a).

To invoke this categorical exclusion, DOE must determine that, in relevant part, "[t]here are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal," and that "[t]he proposal has not been segmented to meet the definition of a categorical exclusion." 10 C.F.R. § 1021.410(b)(2), (3). "Extraordinary circumstances" include "unique situations" such as "scientific controversy about the environmental effects of the proposal." *Id.*

§ 1021.410(b)(2). DOE finds that EMEC’s Application does not present such a circumstance, nor has it been segmented for purposes of this exclusion. Issuing the Presidential Permit would not result in physical modifications to the existing facilities, nor would it authorize changes in the ongoing operation and maintenance of those existing facilities. For this reason, granting the requested Permit would constitute only an administrative Order to bring the existing operation and maintenance into procedural compliance with the requirements of E.O. 10485, as amended by E.O. 12038, and 10 CFR 205.320. For these reasons, DOE will not require more detailed NEPA review in connection with this Application. *See, e.g., id.* §§ 1021.400(a)(1), 1021.410; 40 C.F.R. § 1501.4(a).

C. Concurrences

On January 14, 2025, DOE received a letter from the Department of Defense stating it had no objection to DOE issuing the Presidential permit to EMEC. On January 17, 2025, DOE received a favorable recommendation from the Department of State to issue the Presidential permit.

III. FINDINGS AND DECISION

Based on its review of EMEC’s Application and reliability determination, in particular that there are no physical or operational modifications to the facilities, DOE finds that the project will not have a negative impact on the reliability of the United States grid if operated consistently with the North American Electric Reliability Corporation (NERC) policies and standards (as approved by the FERC), terms and conditions of the Presidential permit, and other regulatory and statutory requirements.

Based on DOE’s reliability determination, the results of the environmental analysis, recommendations of the Departments of State and Defense, and the public comment process, DOE determines that the issuance of a Presidential permit to EMEC is consistent with the public interest.

IV. DATA COLLECTION AND REPORTING

The responsibility for the data collection and reporting under Presidential Permits authorization electric transmission facilities at the United States international border and orders authorizing electricity exports to a foreign country currently rests with the U.S. Energy Information Administration (EIA) within DOE. The Applicant is instructed to follow EIA instructions in completing this data exchange. Questions regarding the data collection and reporting requirements can be directed to EIA by email at EIA4USA@eia.gov or by phone at 1-855-342-4872.

V. OPEN ACCESS POLICY

DOE expects owners and operators of border facilities to provide access across the border in accordance with the principles of comparable open access and non-

discrimination contained in the FPA and articulated in FERC Order No. 888, *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities*, as amended.¹ The actual rates, terms and conditions of transmission service should be consistent with the non-discrimination principles of the FPA and the transmitting utility's Open-Access Transmission Tariff on file with FERC.

The holder of this Presidential permit is required to conduct operations in accordance with the applicable principles of the FPA and any pertinent rules, regulations, directives, policy statements, and orders adopted or issued thereunder, which include the comparable open access provisions of FERC Order No. 888, as amended. Cross-border electric trade ought to be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. *See Enron Power Mktg., Inc. v. El Paso Elec. Co.*, 77 FERC ¶ 61,013 (1996), *reh'g denied*, 83 FERC ¶ 61,213 (1998)). Thus, DOE expects owners of border facilities to comply with the same principles of comparable open access and non-discrimination that apply to the domestic, interstate transmission of electricity.

VI. ORDER

Pursuant to the provisions of E.O. 10485, as amended by E.O. 12038, and the regulations issued thereunder (Title 10, Code of Federal Regulations, Part 205), permission is granted to EMEC to 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 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:

An existing 940 ft long, 7.2 kV distribution line that originates in New Brunswick, Canada and serves two seasonal camps located within EMEC's service territory in Maine. The line leaves the Canadian side of the border, goes to an island in the middle of the Saint Croix River, and then to a pole on the U.S. side of the border. The two seasonal consumers are located within EMEC's service territory and are approximately 12 miles from EMEC's existing

¹ 61 Fed. Reg. 21,540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, 62 Fed. Reg. 12,274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000) (*TAPS v. FERC*), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

distribution facilities. The annual kilowatt hours transmitted are estimated at less than 10,000 kilowatt hours.

Article 3. The facilities described in Article 2 above, shall be designed and operated in accordance with all policies and standards of the Federal Energy Regulatory Commission, NERC, Regional Entities, Reliability Coordinators, and independent system operators, or their successors, as appropriate, on such terms as expressed therein and as such criteria, standards, and guides may be amended from time to time. The facilities shall also be operated consistent other regulatory and statutory requirements.

Furthermore, any exports of electric energy across the facilities described in Article 2 shall require an electricity export authorization pursuant to section 202(e) of the Federal Power Act.

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

Article 5. EMEC 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 designated representative of DOE, who shall be an authorized representative of the United States for such purposes. EMEC 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. EMEC shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this Permit. EMEC shall take appropriate action as necessary to mitigate such situations. Complaints from individuals residing within one-half mile of the centerline of the transmission line must be resolved. EMEC 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 of any kind which may arise from or be incident to the exercise of the privileges granted herein. EMEC shall hold the United States harmless from any and all such claims.


Article 9. EMEC 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. EMEC shall make and preserve full and complete records with respect to the electric energy transactions between the United States and Canada. EMEC shall collect and submit the data to EIA as required by and in accordance with the procedures of Form EIA-111, "Quarterly Electricity Imports and Exports Report" and all successor forms.

Article 10. Neither this Permit nor the facilities covered by this Permit, or any part thereof, shall be transferable or assignable, unless specifically authorized by DOE in accordance with Title 10, Code of Federal Regulations.

Article 11. Upon the termination, revocation or surrender of this Permit, the permitted facilities which are owned, operated, maintained, and connected by EMEC 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 EMEC. If EMEC 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 EMEC. EMEC 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 may not require that those facilities be removed and the land restored to its original condition upon termination of the international interconnection.

Article 12. EMEC has a continuing obligation to give DOE written notification as soon as practicable of any prospective or actual changes of a substantive nature in the circumstances upon which this Order was based, including but not limited to changes in authorized entity contact information.

Issued in Washington, DC on May 9, 2025.


Chris Wright
Secretary of Energy
U.S. Department of Energy