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United States  
Department of Energy

Office of Electricity Delivery and Energy Reliability

S.A.C. Energy Investments, L.P.

OE Docket No. EA-320-A

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Rescission of Electricity Export Authorization

Order No. EA-320-A

September 24, 2008

# **S.A.C. Energy Investments, L.P.**

## **Order No. EA-320-A**

### **I. BACKGROUND**

Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e))<sup>1</sup>.

On March 28, 2007, DOE issued Order No. EA-320 to S.A.C. Energy Investments, L.P. (SEI). That Order authorized SEI to export electric energy to Canada as a power marketer for a five-year term.

On August 8, 2008, SEI applied to DOE to rescind the authorization in Order No. EA-320. In its application, SEI asserted that it has ceased to export electricity to Canada and no longer requires the authorization.

### **II. FINDING**

DOE finds that cancellation of SEI's export authority by rescinding Order No. EA-320, as requested by SEI, would not impair the sufficiency of electric power supply within the United States and would not impede or tend to impede the coordination in the public interest of facilities within the meaning of section 202(e) of the FPA.

DOE believes that it has satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the Docket No. EA-320 proceeding.

### **III. COMPLIANCE**

Upon issuance of this Rescission Order, SEI no longer has authority to export electricity to Canada. However, this Rescission Order is being issued without prejudice and does not preclude SEI upon proper application from requesting authority to export electric energy again in the future. It should be noted that DOE requires at least sixty days to adequately process an application to export electric energy.

Obtaining a valid Order from DOE authorizing the export of electricity under section 202(e) of the FPA is a necessary condition before engaging in an export.

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<sup>1</sup> The authority to administer the International Electricity Regulatory Program through the regulation of electricity exports and the issuance of Presidential permits has been delegated to the Assistant Secretary for the Office of Electricity Delivery and Energy Reliability in Redelegation Order No. 00-002.10C issued on May 29, 2008.

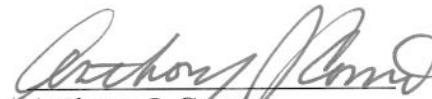
Therefore, SEI must obtain a new authorization from DOE before engaging in the further export of electricity. Failure to obtain such an order before exporting may subject SEI to sanctions and penalties under the FPA. SEI should implement appropriate internal procedures to monitor the status of its electricity trading activities to ensure that it does not cause electricity to be exported in the absence of a valid order.

DOE expects transmitting utilities owning border facilities and entities charged with the operational control of those border facilities, such as Independent System Operators or Regional Transmission Organizations, to verify that companies seeking to schedule an electricity export have the requisite authority from DOE to export such power.

#### **IV. ORDER**

Pursuant to section 202(e) of the FPA and the Rules and Regulations issued thereunder (Title 10, Code of Federal Regulations, sections 205.300-309), the electricity export authorization issued to SEI on March 28, 2007, in Order No. EA-320, is hereby rescinded.

Issued in Washington, D.C., on September 24, 2008.



Anthony J. Como  
Director, Permitting and Siting  
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