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UNITED STATES OF AMERICA  
FEDERAL POWER COMMISSION

Before Jerome K. Euykendall, Chairman; Claude L. Draper,  
Commissioners: Seaborn L. Digby, Frederick Stueck and William R. Connole.

In the Matters of )  
The Netley Corporation )  
Niagara-Mohawk Power Corporation )

7/20/55

Docket No. E-6616

ORDER AUTHORIZING TRANSMISSION  
OF ELECTRIC ENERGY TO CANADA

The Netley Corporation (Netley), incorporated under the laws of the Province of Ontario, Canada, with its head office at Netley Island, Township of Leeds, County of Leeds, Province of Ontario, Canada, by application filed April 14, 1955, as amended April 21, 1955, requested authorization pursuant to the provisions of Section 202(e) of the Federal Power Act, to export electric energy from the United States to Canada. Netley has designated Eugene C. Swift, a resident of the County of Delaware, Commonwealth of Pennsylvania, as its agent, by irrevocable power of attorney. The Niagara-Mohawk Power Corporation (Niagara-Mohawk), incorporated under the laws of the State of New York with its principal place of business in Syracuse, New York, joined in Netley's application on April 14, 1955.

Netley seeks authorization to transmit for its own use on Netley Island, located in the Township of Leeds, County of Leeds, Province of Ontario, Canada, up to 100,000 kwh of electric energy annually at a maximum rate of transmission of 49 kw. The energy to be exported will be purchased from Niagara-Mohawk. Delivery will be made to Netley from Niagara-Mohawk's 4800 volt transmission and distribution system located on Grindstone Island, an island in the St. Lawrence River, within the Town of Clayton, Jefferson County, New York. Netley proposes to transmit the energy from the northern part of Grindstone Island, across the international border between the United States and Canada to the neighboring Netley Island, which it owns, by means of a single phase, two-conductor armored submarine cable, operating nominally at 4800 volts, 60 cycles. The energy will be purchased in accordance with a schedule of rates and charges set forth in the application.

Netley was authorized in a Permit signed by the Chairman of the Federal Power Commission on July 11, 1955, and accepted by it on July 14, 1955, Docket No. E-6615, to construct, operate, maintain and connect the aforementioned facilities at the international border between the United States and Canada.

Written notice of the application has been given to the Public Service Commission of New York and to the Governor of that State. Notice of the filing of the application has also been given by publication in the Federal Register of April 26, 1955 (20 F. R. 2776) stating that any person desiring to be heard or to file any protest with reference to the application should, on or before the 9th day of May, 1955 file with the Federal Power Commission, Washington 25, D. C. a petition or protest in accordance with the Commission's General Rules and Regulations. No protest or petition or request to be heard in opposition to the granting of the application has been received.

The Commission finds:

The transmission of electric energy from the United States to Canada as limited herein and as hereinafter authorized will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission.

The Commission orders:

- (A) Netley and Niagara-Mohawk, be and they hereby are authorized to transmit electric energy from the United States to Canada in accordance with the terms and conditions set forth in the application and subject to the provisions of this order.
- (B) The electric energy which Netley and Niagara-Mohawk are hereby authorized to transmit from the United States to Canada shall be in an amount not in excess of 100,000 kwh per year at a rate not to exceed 49 kw; the energy to be transmitted over the facilities specified in Permit signed by the Chairman of the Federal Power Commission on July 11, 1955, and accepted by Netley on July 14, 1955.
- (C) The authorization herein granted may be modified from time to time or terminated by further order of the Commission, but in no event shall such authorization extend beyond the date of termination or expiration of the Permit signed by the Chairman of the Federal Power Commission referred to in Paragraph (B) above.
- (D) Netley and Niagara-Mohawk shall conduct all operations pursuant to the authorization herein granted in accordance with the provisions of the Federal Power Act and pertinent rules and regulations or orders issued by the Commission.

- (E) Netley, itself, or by agreement with Niagara-Mohawk shall provide for the installation and maintenance of adequate metering equipment to measure the flow of all energy transmitted from the United States to Canada pursuant to the authority herein granted; shall make, keep and preserve full and complete records with respect to the movement of such energy; and shall furnish in triplicate with respect to such transmission of electric energy, reports, annually, on or before February 15, showing the kw hours delivered, the maximum kw of transmission and the consideration paid therefor during each month of the preceding year.
- (F) This authorization to transmit electric energy from the United States to Canada shall not be transferable or assignable, but in the event of the involuntary transfer by operation of law (including such transfers to receivers, trustees or purchasers under foreclosure or judicial sale) of facilities used for such transmission shall continue in effect temporarily for a reasonable time thereafter, pending the making of an application for permanent authorization and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer.
- (G) This authorization shall be without prejudice to the authority of any State or State regulatory commission for the exercise of any lawful authority vested in the State or State regulatory commission over Netley or Niagara-Mohawk.
- (H) This authorization is without prejudice to the authority of this Commission, or any other regulatory body, with respect to rates, service, accounts, valuation, estimates or determinations of cost, or any other matter whatsoever now pending or which may come before this Commission, or other regulatory body, and nothing herein shall be construed as an acquiescence by this Commission in any estimate or determination of cost or any valuation of property claimed or asserted.
- (I) Concurrently with the issuance of this order, the Permit signed by the Chairman of the Federal Power Commission, referred to in paragraph (B) above, be issued and a copy thereof transmitted by the Secretary to Netley.

By the Commission.

Leon M. Fuquay,  
Secretary.

Adopted: July 20, 1955

Issued: July 22, 1955