

PP-30



Scott B. Lilly
Counsel

March 21, 1985

Mr. Anthony Como
U.S. Department of Energy
Economic Regulatory Administration
RG 22
Forrestal Building, Room GA-033
1000 Independence Avenue S.W.
Washington, D.C. 20585

Re: FPC Docket E-9798

Dear Mr. Como:

Confirming our telephone conversation, the Power Authority did build four 230 kv transmission lines as authorized by the Presidential Permit in Docket E-9798 and did transfer three of such lines to Niagara Mohawk. However Niagara Mohawk presently operates only one of its three lines at 230 kv. One of the other two is operated at 115 kv and the other is not used at all.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott B. Lilly".

Scott B. Lilly

SBL:dg

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PP-30

PERMIT
AUTHORIZING
POWER AUTHORITY OF THE STATE OF NEW YORK
TO CONSTRUCT, OPERATE, MAINTAIN AND CONNECT
ELECTRIC TRANSMISSION FACILITIES
AT THE INTERNATIONAL BORDER BETWEEN
THE UNITED STATES AND CANADA
(FEDERAL POWER COMMISSION - DOCKET NO. E-6798)

The Power Authority of the State of New York (hereinafter referred to as Permittee), a body corporate and politic and a political sub-division of the State of New York, with its principal place of business in New York, New York, in an application filed in Docket No. E-6798 on January 10, 1958, as amended January 22, 1958, requested permission pursuant to Executive Order No. 10485, dated September 3, 1953, to construct and connect certain of the electric transmission facilities described in Article 2, below at the international border between the United States and Canada, in replacement of existing transmission facilities of the Niagara Mohawk Power Corporation (Niagara Mohawk), and to construct, operate, maintain and connect certain other facilities there described; all for the transmission of electric energy between the United States and Canada. That application was tendered with a companion application of Niagara Mohawk filed in Docket No. E-6797 on January 10, 1958, as amended January 22, 1958, for permission pursuant to Executive Order No. 10485 to operate and maintain the electric facilities as described in Article 2 below which are to be owned by Niagara Mohawk following their construction and connection by Permittee.

The Secretary of State by letter dated February 24, 1958, and the Secretary of Defense, by letter dated February 28, 1958, favorably recommended that the Permit be granted herein as hereinafter provided.

Upon consideration of this matter, the Commission finds that the issuance of a Permit as hereinafter provided is appropriate and consistent with the public interest.

Pursuant to the provisions of Executive Order No. 10485, dated September 3, 1953, and the Commission's Regulations thereunder, permission is hereby granted to Permittee to construct and connect and to construct, operate, maintain and connect the respective electric transmission facilities described in Article 2 below, at the international border between the United States and Canada.

Article 1. Permittee agrees that the facilities herein described shall be subject to all conditions, provisions and requirements of this Permit; and that this Permit may be modified or revoked at the will and pleasure of the President of the United States. The Permittee further agrees that this Permit may be modified or revoked by the Federal Power Commission upon a finding that such modification or revocation is necessary in the public interest. Nothing herein shall prevent amendment of this Permit upon application to the Commission by the Permittee.

Article 2. The facilities covered by and subject to this Permit shall include:

Two 230 kv circuits suspended on double circuit steel towers together with right-of-way lands and appurtenant facilities with one of the 230 kv circuits, supporting structures and appurtenant facilities to be owned, operated and maintained by Niagara Mohawk in accordance with the Permit granted in Docket No. E-6797, but all to be constructed and connected initially by Permittee; the other 230 kv circuit to remain the property of Permittee and to be operated and maintained by Permittee.

Two 230 kv circuits suspended on double circuit steel towers together with right-of-way lands and appurtenant facilities with both circuits, supporting structures and appurtenant facilities to be owned, operated and maintained by Niagara Mohawk in accordance with the Permit granted in Docket No. E-6797, but all to be constructed and connected initially by Permittee.

All four circuits are three-phase and consist of three 1,158,400 circular mils aluminum conductors, steel reinforced, having 63 strands of aluminum and 19 strands of steel and one 1/2 inch extra high strength, 7 strand, steel ground wire per circuit. They are suspended from steel towers and extend to the international border which is located in the Niagara River, there connecting with like facilities of the Hydro Electric Power Commission of Ontario. The two steel towers located on the United States mainland are numbered 1-3 and 2-3 and the circuits extend 1,347.38' and 1,331.13' respectively in a northwestward direction to the international border. The geographical location of tower number 1-3 is N 1,142,003.04' and E 376,771.51' according to the transverse mercator coordinate system of New York State-Western zone, and tower 2-3 is located N 1,142,130.45' and E 376,911.57' according to the same system. The two first mentioned circuits referred to above are suspended from tower 1-3 and the last mentioned circuits referred to above are suspended from tower number 2-3.

No substantial change shall hereafter be made in the above-described facilities and operation thereof authorized by this Permit until such change shall have been approved by the Commission.

Article 3. The electric facilities authorized herein, which are to be constructed and connected by Permittee but thereafter owned, operated and maintained by Niagara Mohawk, may be utilized by the latter for the transmission of electric energy between the United States and Canada only in the amount, at the rate, and in the manner authorized by the Commission under Section 202 (e) of the Federal Power Act.

Article 4. The construction, operation, maintenance and connection of the aforesaid facilities shall be subject to the inspection and approval of the District Engineer, Corps of Engineers, United States Army, in charge of the district affected herein and a representative of the Commission, both of whom shall be authorized representatives of the United States for such purposes. The Permittee shall allow officers or employees of the United States showing proper credentials free and unrestricted access into, through and across any lands occupied by said facilities in the performance of their official duties.

Article 5. In the construction, operation, maintenance and connection of the facilities herein specified, the Permittee shall place and maintain suitable structures to reduce to a reasonable degree the liability of contact or inductive interference between its transmission facilities and any other facilities not owned by the Permittee.

Article 6. If in the future, it should appear to the Secretary of the Army that any facilities or operations permitted hereunder cause unreasonable obstructions to the free navigation of any of the navigable waters of the United States, the Permittee may be required upon notice from the Secretary of the Army to remove or alter such of the facilities as are owned by it so as to render navigation through such waters free and unobstructed.

Article 7. Permittee agrees to comply promptly with any regulations or instructions affecting the facilities, or any part thereof, owned by it and covered by this Permit which may be issued by the President of the United States or any Government department or agency of the United States for the aid and protection of aerial navigation.

Article 8. Permittee shall be liable for all damages occasioned to the property of others by the construction, operation, maintenance and connection of the facilities owned by it and covered by this Permit, and in no event shall the United States be liable therefor. The Permittee shall do everything reasonably within its power to prevent or suppress fires on or near any land occupied under this Permit.

Article 9. Permittee agrees to file with the Commission, under oath and in such detail as the Commission may require, such statements or reports with respect to the facilities authorized herein and owned by Permittee, or energy transmitted thereover by Permittee, as the Commission may from time to time, request. Such information may be made available to any Federal, State or local agency requesting such information.

Article 10. Neither this Permit nor the facilities, or any part thereof, covered by this Permit, shall be transferable or assignable, but in the event of the involuntary transfer of the facilities by operation of law (including such transfers to receivers, trustees or purchasers under foreclosure or judicial sales) the Permit shall continue in effect temporarily for a reasonable time thereafter pending the making of an application for a new Permit and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the facilities authorized by this Permit remain substantially the same as before the transfer. The Permittee shall maintain the facilities, or any part thereof to be owned, operated and maintained by it as described above, in a condition of repair for the efficient operation of said facilities in the transmission of electric energy, and shall make all necessary renewals and replacements.

Article 11. Upon the termination, revocation or surrender of this Permit, the facilities herein authorized which are to be owned, operated and maintained by Permittee, shall be removed within such time as the Commission may specify and at the expense of the Permittee. Upon failure of the Permittee to remove such facilities or any portion thereof, the Commission may direct that possession of the same may be taken and the facilities removed at the expense of the Permittee, and the Permittee shall have no claim for damages by reason of such possession or removal.

Article 12. The Permittee agrees that when in the opinion of the President of the United States, evidenced by a written order addressed to it as holder of this Permit, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of the facilities, or any part thereof, owned, maintained, and operated by it under this Permit, and all contracts covering the transmission of electric energy by means of said facilities, or any part thereof, and shall retain possession, management and control thereof for such length of time as may appear to the President to be necessary to accomplish said purpose and then restore possession and control to the Permittee; and in the event that the United States shall exercise such right, it shall pay to the Permittee just and fair compensation for the use of said facilities as may be fixed by the Commission upon the basis of a reasonable profit in time of peace, and the cost of restoring said facilities to a good condition as existed at the taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the Permittee.

IN WITNESS WHEREOF, I, Frederick Stueck
have hereunto signed my name this 28th day of February, 1958, in the City
of Washington, District of Columbia.

S/ Frederick Stueck

Ack'ing. Chairman of the Federal
Power Commission

IN TESTIMONY OF ACCEPTANCE of all the provisions, conditions and requirements of this Permit, the Permittee this 23rd day of April, 1958, has caused its name to be signed by William S. Chapin its General Manager, and its corporate seal to be affixed hereto and attested by Asa George ^{Assistant} its ¹ Secretary, pursuant to a resolution of its Board of Trustees duly adopted on the 21st day of April, 1958, a certified copy of the record of which is attached hereto.

Power Authority of the State of New York

By s/ W. S. Chapin

SEAL

(Attest)

s/ Asa George

Secretary

Executed in Triplicate