

6-21-79

PERMIT  
AUTHORIZING  
CITIZENS UTILITIES COMPANY  
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN  
ELECTRIC TRANSMISSION FACILITIES  
AT THE INTERNATIONAL BORDER BETWEEN  
THE UNITED STATES AND CANADA  
ERA DOCKET NO. PP-66

On March 8, 1979 Citizens Utilities Company (Permittee) filed an application with the Economic Regulatory Administration (ERA) pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038, for authority to construct, connect, operate and maintain electric transmission facilities described in Article 2 below at the international border between the United States and Canada.

The Secretary of State by letter dated May 30, 1979 and the Secretary of Defense by letter dated June 5, 1979 concurred that the Permit be granted as hereinafter provided.

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

Pursuant to the provisions of Executive Order 10485, as amended, and the Rules and Regulations thereunder (18 C.F.R. 1 et. seq.) permission is hereby granted to Citizens Utilities Company to construct, connect, operate and maintain the electric transmission facilities described in Article 2 below at the international border between the United States and Canada upon the conditions hereinafter set forth.

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 or by the Administrator of ERA after public notice and may be amended by ERA on proper application thereto.

Article 2. The facilities covered by and subject to this Permit shall include, in addition to the following facilities, all lands and supporting structures within the rights-of-way occupied by such facilities:

One three-phase, 60 hertz, 120,000 volt overhead transmission line located at a point on the international

border between the United States and Canada near Derby Line, Vermont, interconnecting with a similar transmission line owned by the Hydro Quebec Electric Board and located in the province of Quebec. The facilities authorized by this Permit are more specifically shown and described in the application and accompanying exhibits and items by reference filed by Permittee and in the negative determination of environmental impact issued by DOE in this matter. No substantial change shall be made in these facilities or the operation thereof authorized unless and until such change(s) shall have been approved by ERA.

Article 3. Permittee shall at all times maintain the facilities, or any part thereof, in a satisfactory condition for the efficient and safe operation of said facilities in the transmission of electric energy.

Article 4. Insofar as the facilities authorized herein, or which may be subsequently included herein by amendment, are utilized for the transmission of electric energy from the United States to Canada, they may be utilized for such transmission only in the amount, at the rate, and in the manner authorized by ERA under Section 202(e) of the Federal Power Act.

Article 5. The construction, connection, operation and maintenance of the aforesaid facilities shall be subject to the inspection and approval of a properly designated representative of ERA, who shall be an authorized representative of the United States for such purposes. Permittee shall allow officers or employees of the United States with written authorization free and unrestricted access into, through and across any lands occupied by said facilities in the performance of their official duties.

Article 6. In the construction, connection, operation and maintenance of the facilities authorized herein, Permittee shall place and maintain suitable structures to reduce to a reasonable degree the possibility of contact or inductive interference between such facilities and any other facilities not owned by Permittee. Grounding of all tower structures shall be in accordance with the American National Standard, National Electric Safety Code, C2, 1977 edition.

Article 7. Permittee will respond to and evaluate any complaints from nearby residents of radio or television interference possibly caused by operation of the transmission line. In the case of such complaints, the Permittee

will take appropriate action as necessary to mitigate the situation. Complaints from individuals residing within one half mile of the center line of the facility are the only ones that shall require mandatory resolution. Written records will be maintained by the Permittee of all complaints received and the corrective actions taken.

Article 8. Permittee shall be liable for all damages occasioned to the property of others by the construction, connection, operation and maintenance of the facilities owned by it and covered by this Permit, and in no event shall the United States be liable therefor.

Article 9. Permittee shall arrange for the installation and maintenance of adequate metering equipment to measure the hourly flow of all electric energy transmitted between the United States and Canada over the afore-described line authorized herein; shall make, keep and preserve full and complete records with respect to the movement of such energy; and shall furnish a report to ERA, annually on or before February 15, with respect to such transmission of energy, showing, with respect to the afore-described line, the gross amount of kilowatt-hours received or delivered, the maximum hourly rate of transmission in kilowatts, and the consideration paid or received therefor during each month of the preceding calendar year. Permittee shall file with the ERA, in such detail as ERA shall require, any additional statement or reports with respect to the facilities authorized herein and owned by the Permittee, or electric energy transmitted thereover by the Permittee; such information will become part of the public record, unless otherwise excepted.

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 sale) the Permit shall continue in effect temporarily thereafter pending the making of an application for a new Permit and decision thereon, provided notice is given in writing to ERA within 30 days, after transfer, accompanied by a statement that the facilities authorized by this Permit remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation or surrender of this Permit, the facilities herein authorized, which are owned, connected, operated and maintained by

Permittee, shall be removed within such time as ERA may specify and at the expense of Permittee. Structural foundations and guy anchors shall be removed to a minimum depth of 18 inches below ground level. The right-of-way and access roads will be allowed to revegetate by natural successional processes, except that Permittee will grade and seed any areas where necessary, as determined by the State of Vermont. Upon failure of Permittee to remove such facilities or any portion thereof or complete such restoration, ERA may direct that such actions be taken and the facilities removed or restoration made at the expense of Permittee, and Permittee shall have no claim for damages by reason of such possession, removal, or repair.

Article 12. To maximum extent practicable, the Permittee shall comply with the following conditions during operation of the transmission line as described in Article 2. In the event that the Permittee is unable to comply substantially with one or more of these conditions, the Permittee shall file with ERA a statement of reasons justifying such failure and request a waiver of such condition at least 15 (fifteen) days before commencing any actions in violation thereof.

a. Herbicides Near Water - Selective or basal application shall be used wherever possible. When spraying herbicides along the right of way, the Permittee will establish buffer zones of 300-400 feet around all water areas for aerial application. Spraying within 100 meters of any body of water will be limited to hand application only. Permittee will not spray any herbicides in open bog areas.

b. Herbicides Near Wildlife - No spraying will occur near any area defined by the Vermont Department of Natural Resources as environmentally sensitive. Permittee will mark all wildlife habitats to be avoided in areas where broadcast spraying is unavoidable. Permittee will not spray during nesting seasons of waterfowl or in any areas of wetland having substantial open water during periods of nesting and/or migration.

In Witness Whereof, I David J. Bardin, Administrator, Economic Regulatory Administration, have hereunto signed my name, this \_\_\_\_\_, 1979, in the City of Washington, District of Columbia.

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David J. Bardin  
Administrator  
Economic Regulatory Administration