Department of Energy
Washington, DC 20585

September 26, 2002

Mr. Arnold H. Quint
Hunton & Williams
1900 K Street, N.W.
Suite 1200
Washington, DC 20006

Re: Emergency Temporary Export Authority; FE Docket No. EA-227-A

Dear Mr. Quint:

This letter Order is issued in response to your electronic mail letter received on September 25, 2002, requesting emergency temporary authority for the New York Independent System Operator (NYISO) to continue exports of electric energy to Canada. Your request is based upon the present need for emergency electric power supplies in the Canadian Province of Ontario to ensure reliable operation of the Canadian system.

The Department of Energy (DOE) is processing an application by NYISO (Docket No. EA-227-A) to permanently amend its export authorization which expired on September 7, 2002, by increasing the export limits from 550 MW to 1650 MW and to extend the authorization for five years. We are continuing to process that application and will render a final decision on it in the near future. However, in order that there be no lapse in NYISO export authority and that the reliability of the northeast interconnected system not be impaired by a reliability problem within Ontario, DOE is granting your request for emergency temporary authority.

Accordingly, the authority granted to NYISO in Order No. EA-227 is being continued from September 7, 2002, until a final order is issued in the EA-227-A proceeding. However, in continuing that authority, DOE is temporarily increasing the export limits from 550 MW to 1650 MW. This temporary increase is based upon the information contained in the report entitled, "Load & Capacity Data, 2001 Report of the Member Electric Systems of the New York Power Pool," which was submitted by NYISO as part of its application in the EA-227-A proceeding. DOE based the 550-MW limit contained in Order No. EA-227 on the 1995 version of that report and is satisfied that the 2001 version provides adequate justification for this temporary increase.

Based upon the above, it is hereby ordered that the authority to export electric energy to Canada as granted in Order No. EA-227 is continued from September 7, 2002, until a final order is issued in the EA-227-A proceeding. Furthermore, the conditions contained in Order No. EA-227 are amended as follows:

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(A) Exports made pursuant to this emergency temporary Order shall be made at a rate of transmission not to exceed 1650 MW.

(B) NYISO will coordinate and cooperate with PJM Interconnection, L.L.C. as part of its "obligations to other parties," particularly when anticipated emergency energy transfers to Canada would be in excess of established operating limits. Moreover, all operations conducted by NYISO shall continue in accordance with accepted rules and established operating guidelines of the North American Electric Reliability Organization.

DOE notes that the circumstances surrounding this DOE action are virtually identical to those for which export authority had previously been granted in FE Order EA-227. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA-227 proceeding.

If you have any questions regarding this matter, please do not hesitate to contact me at (202) 586-5935.

Sincerely,

Anthony J. Como
Deputy Director
Electric Power Regulation
Office of Fossil Energy

cc: Denise R. Foster, PJM Interconnection, L.L.C.