

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Elizabeth Anne Moler, Chair;
Jerry J. Langdon, Martin L. Allday,
and Branko Terzic.

ORDER DELEGATING AUTHORITY TO THE SECRETARY
AND CERTAIN OFFICE DIRECTORS

(Issued April 16, 1993)

The Commission anticipates that it may lack a quorum for the transaction of business for particular matters or for a temporary period in the near future. 1/ At the same time, the Commission recognizes that it has a continuing responsibility to fulfill its statutory and regulatory obligations in the most effective and efficient manner possible. Companies subject to the Commission's jurisdiction will continue to file rate cases that, in the absence of Commission action, would take effect without suspension or refund protection. Parties will also file petitions for rehearing that, absent Commission action, would be denied without consideration of the merits of the issues raised. To meet its responsibility to protect the public interest, the Commission is delegating certain authority to the Secretary, the Directors of the Office of Pipeline and Producer Regulation and the Office of Electric Power Regulation, and the General Counsel, to be exercised in circumstances where the absence of a quorum would otherwise allow various actions to occur without Commission consideration.

These delegations are made under the authority granted the Commission in section 401(f) of the Department of Energy Organization Act, P.L. 95-91, 91 Stat. 565 (1977), Section 309 of the Federal Power Act (16 U.S.C. 825h), Section 16 of the Natural Gas Act (15 U.S.C. 717o) and Section 501(a) of the Natural Gas Policy Act (5 U.S.C. 3411(a)) to issue orders and to perform any

1/ Commissioner Trabandt resigned effective March 31, 1993. Commissioner Allday will resign effective April 18, 1993. Commissioners Langdon and Terzic have announced an intention to resign in the near future. On April 12, 1993, the President announced an intention to nominate four named individuals as new Commissioners. The confirmation process has not been completed for any of the four.

and all acts the Commission may find necessary or appropriate to carry out the provisions of those statutes.

Public notice and comment is impractical because of the immediate need for Commission action. The public interest requires that these delegations take effect immediately.

Any action taken by the staff under this order may, to the extent authorized by law, be the subject of a petition for rehearing to the Commission in accordance with the procedures in 18 C.F.R. § 385.1902. In accordance with existing regulations, a petition for rehearing of staff action taken under this order does not stay the action.

The Commission delegates:

1. To the Secretary, or, in her absence, her designee, authority to:
 - a. grant requests for rehearing filed under Rules 713 and 1902, solely for purposes of further consideration;
 - b. issue other notices or orders as appropriate in order to extend the time within which the Commission would otherwise be required to act.
2. To the Director, Office of Pipeline and Producer Regulation, or, in his absence, his designee, authority to:
 - a. suspend tariff filings for an appropriate length of time under the Natural Gas Act;
 - b. set suspended tariff filings for hearing under the Natural Gas Act;
 - c. take whatever further action is necessary to process those tariff filings.
3. To the Director, Office of Electric Power Regulation, or, in his absence, his designee, authority to:
 - a. suspend rate schedules for an appropriate length of time under the Federal Power Act;
 - b. set suspended rate schedules for hearing under the Federal Power Act;
 - c. take whatever further action is necessary to process those rate schedules.

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4. To the General Counsel, or in his or her absence, his or her designee, authority to act upon requests for exempt wholesale generator status under section 32 of the Public Utility Holding Company Act.

All existing delegations of authority to staff in effect prior to the date of this order remain in full force and effect. For the reasons given above, the Commission finds good cause to make this order effective immediately in accordance with 5 U.S.C. 553(d).

By the Commission.

(S E A L)



Linwood A. Watson, Jr.,
Acting Secretary.