

**[RESCINDED]**

DEPARTMENT OF ENERGY  
DELEGATION ORDER NO. 0204-33  
TO THE ASSISTANT SECRETARY FOR RESOURCE APPLICATIONS  
AND TO THE FEDERAL ENERGY REGULATORY COMMISSION

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and by Sections 203(a), 301(b), 302(a), 402(e), 641, 642, 643 and 644 of the Department of Energy Organization Act (Pub. L. No. 95-91):

1. There is hereby delegated to the Assistant Secretary for Resource Applications the authority to develop, acting by and through the administrators, power and transmission rates for the power marketing administrations, and the authority to confirm, approve, and place in effect such rates on an interim basis, for such period or periods as he may provide, subject to refund with interest as determined by the Federal Energy Regulatory Commission in accordance with Section 3 hereof. No rate developed by the Assistant Secretary shall become effective on a final basis unless and until such rate is confirmed and approved by the Federal Energy Regulatory Commission acting under Section 2 hereof.
2. There is hereby delegated and assigned to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis, or to disapprove, rates developed by the Assistant Secretary under Section 1, and to exercise the cost allocation authority contained in Section 7 of the Bonneville Project Act and Section 2 of the River and Harbor Act of 1945, 59 Stat. 10, 21, 22.
3. In the event a rate developed by the Assistant Secretary is disapproved by the FERC, the Assistant Secretary shall within 120 days or such additional time periods as the FERC may provide, develop and submit to the FERC a substitute rate for action by the FERC under Section 2 hereof. A rate confirmed and approved by the Assistant Secretary on an interim basis that is disapproved by the FERC shall remain in effect, as provided by the Assistant Secretary, until a substitute rate is confirmed and approved on a final basis by the FERC: Provided, That if the Assistant Secretary does not file a substitute rate within 120 days or such greater time as the FERC may provide, and if the rate has been disapproved because the FERC determined that it would result in total revenues in excess of those required by law, the rate last previously confirmed and approved on a final basis will become effective on a date and for a period determined by the FERC and revenues collected in excess of such rate during the interim period will be refunded with interest to the extent determined by the FERC. If a substitute rate confirmed and approved on a final basis by the FERC is lower than the rate in effect on an interim basis, any overpayment shall be refunded with interest as determined by the FERC. If a substitute rate confirmed and approved on a final basis by the FERC is higher than the rate in effect on an interim basis, such rate shall become effective on a subsequent date set by the

FERC. If at any time it is determined by the FERC that the administrative cost of a refund would outweigh the amount to be refunded, no refund will be required.

4. For purposes of this order—

- (a) “Administrator” means the Administrator of a power marketing administration.
- (b) “Power marketing administration” means the Alaska Power Administration, the Bonneville Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration.

5. This order is effective January 1, 1979.

Issue at Washington, D.C., this 21 day of December 1978

\_\_\_\_\_  
/s/  
James R. Schlesinger  
Secretary of Energy

**[RESCINDED]**

DEPARTMENT OF ENERGY  
AMENDMENT TO DELEGATION ORDER NO. 0204-33  
TO TRANSFER AUTHORITY TO THE  
ASSISTANT SECRETARY FOR CONSERVATION AND RENEWABLE ENERGY

Pursuant to the authority vested in me as Acting Secretary of Energy and by Sections 203(a), 301(b), 302(a), 641, 642, 643, and 644 of the Department of Energy Organization Act (Pub. L. 95-91), Delegation Order No. 0204-33 is hereby amended by substituting "Assistant Secretary for Conservation and Renewable Energy" for Assistant Secretary for Resource Applications."

All actions pursuant to any authority delegated prior to this order or pursuant to any authority delegated by this order taken prior to and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this order, unless or until rescinded, amended, or superseded.

This Amendment is effective March 19, 1981.

\_\_\_\_\_/s/  
R. G. Romatowski  
Acting Secretary of Energy