

**DEPARTMENT OF ENERGY****[Dockets No. EA-166-B]****Application to Export Electric Energy; Duke Energy Trading and Marketing, L.L.C.****AGENCY:** Office of Fossil Energy, DOE.**ACTION:** Notice of application.

**SUMMARY:** Duke Energy Trading and Marketing, L.L.C. (DETM) has applied to renew its authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests or requests to intervene must be submitted on or before April 4, 2005.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Import/Export (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX (202) 287-5736).

**FOR FURTHER INFORMATION CONTACT:** Xavier Puslowski (Program Office) (202) 586-4708 or Michael Skinker (Program Attorney) (202) 586-2793.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On March 9, 1998, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order EA-166 authorizing DETM to transmit electric energy from the United States to Mexico as a power marketer. On December 22, 1999, in Order No. EA-166-A, FE renewed DETM's authorization to export electric energy to Canada for a five-year term that expired on December 22, 2004.

On February 9, 2005, DETM filed an application with FE for renewal of the export authority contained in Order No. EA-166-A for an additional five-year term. DETM proposes to export electric energy to Mexico and to arrange for the delivery of those exports over the international transmission facilities presently owned by San Diego Gas & Electric, El Paso Electric Company, Central Power & Light Company, Sharyland Utilities, and Comision Federal de Electricidad, the national electric utility of Mexico.

*Procedural Matters:* Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with

§§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the dates listed above.

Comments on the DETM application to export electric energy to Mexico should be clearly marked with Docket EA-166-B. Additional copies are to be filed directly with David W. Wright, Duke Energy Trading and Marketing, L.L.C., 5400 Westheimer Court, Houston, TX 77056, and Gordon J. Smith, Esq., John & Hengerer, 1200 17th Street, NW., Suite 600, Washington, DC 20036.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on February 28, 2005.

**Ellen Russell,***Acting Deputy Director, Electric Power Regulation, Office of Fossil Energy.*

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**BILLING CODE 6450-01-P****DEPARTMENT OF ENERGY****[FE Docket No. PP-252]****Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement GenPower, New York, L.L.C.****AGENCY:** Office of Fossil Energy, DOE.**ACTION:** Notice of withdrawal.

**SUMMARY:** On February 6, 2002, the Department of Energy (DOE) announced its intent to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act of 1969 (NEPA) for GenPower New York, L.L.C.'s (GenPower) request for a Presidential permit for a proposed international electric transmission line. The proposed Federal action in this EIS was to grant GenPower a Presidential permit for the construction, operation, maintenance, and connection of a

submarine cable originating in Goldboro, Nova Scotia, Canada, and terminating in New York City, New York. The EIS would have evaluated the potential environmental impacts associated with the proposed Federal action and reasonable alternatives.

In a letter dated February 17, 2005, GenPower notified DOE that as a result of market conditions, it has decided not to undertake the project and has withdrawn its application for a Presidential permit. Therefore, further preparation of an EIS is not necessary. The notice of intent to prepare an EIS is withdrawn and the NEPA process is hereby terminated.

**FOR FURTHER INFORMATION CONTACT:**

Ellen Russell, Office of Fossil Energy, FE-27, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone 202-586-9624; electronic mail: [ellen.russell@hq.doe.gov](mailto:ellen.russell@hq.doe.gov).

For general information on the DOE NEPA process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0119. Phone: 202-586-4600 or leave a message at 800-472-2756; facsimile: 202-586-7031.

**SUPPLEMENTARY INFORMATION:** The construction, operation, maintenance and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On September 29, 2001, GenPower filed an application with the Office of Fossil Energy (FE) of DOE for a Presidential permit. GenPower proposed to construct a ±500,000-volt direct current submarine cable across the U.S. border with Canada. The transmission line proposed by GenPower would have originated in Goldboro, Nova Scotia, Canada, and terminated approximately 800 to 900 miles to the south east in New York City, New York.

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**Ellen Russell,***Acting Deputy Director, Electric Power Regulation, Office of Fossil Energy.*

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