

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

The DoD has exempted records maintained in this system from 5 U.S.C. 552a(c)(3); (d)(1), (2), (3), and (4); (e)(4)(G), (H), and (I); and (f) pursuant to 5 U.S.C. 552a(k)(1). In addition, when exempt records received from other systems of records become part of this system, the DoD also claims the same exemptions for those records that are claimed for the prior system(s) of records of which they were a part, and claims any additional exemptions set forth here. An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e), and published in 32 CFR part 310.

**HISTORY:**

None.

[FR Doc. 2021-15601 Filed 7-21-21; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF EDUCATION**

[Docket No.: ED-2021-SCC-0074]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Impact Aid Electronic Data Collection (EDC) Program Questionnaire**

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

**DATES:** Interested persons are invited to submit comments on or before August 23, 2021.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this information collection request by selecting "Department of Education" under "Currently Under Review," then check "Only Show ICR for Public Comment" checkbox. Comments may also be sent to [ICDocketmgr@ed.gov](mailto:ICDocketmgr@ed.gov).

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Nicholas Di Taranto, 202-453-7457.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an

opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Impact Aid Electronic Data Collection (EDC) Program Questionnaire.

*OMB Control Number:* 1810-NEW.

*Type of Review:* A new information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 30.

*Total Estimated Number of Annual Burden Hours:* 8.

*Abstract:* The Impact Aid Program (IAP) in the Office of Elementary and Secondary Education (OESE) at the U.S. Department of Education (the Department) requests clearance for the Electronic Data Collection (EDC) Program Questionnaire. This is a new information collection request. As part of the Impact Aid 7003 application, Local Educational Agency's (LEA) are required to submit data concerning federally-connected children within their LEA. In the past LEAs have collected this information using paper forms, but more recently, and particularly this past year, there has been more interest from LEAs to collect this data electronically. The purpose of the EDC program is to reduce administrative burden and to create a set of best practices to assist other LEAs in the development their own electronic systems. The questionnaire will allow IAP staff to provide in depth technical assistance to LEAs and potentially increase efficiency and reduce costs associated with the Impact Aid data

collection process. Prior to Impact Aid approval of an EDC program, the LEA must successfully demonstrate that their system complies with all requirements of the Impact Aid program: U.S.C. 7703 and 7705, and regulations at 34 CFR 222.39-35.

Dated: July 19, 2021.

**Kate Mullan,**

*PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2021-15609 Filed 7-21-21; 8:45 am]

**BILLING CODE 4000-01-P**

**DEPARTMENT OF ENERGY**

[Case Number 2020-025, EERE-2017-BT-WAV-0041]

**Energy Conservation Program: Extension of Waiver to AHT Cooling Systems GmbH and AHT Cooling Systems USA Inc. From the Department of Energy Commercial Refrigerator, Freezer, and Refrigerator-Freezer Test Procedure**

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notification of extension of waiver.

**SUMMARY:** The U.S. Department of Energy ("DOE") is granting a waiver extension (Case No. 2020-025) to AHT Cooling Systems GmbH and AHT Cooling Systems USA Inc. ("AHT") from specified portions of the DOE Commercial Refrigerators, Freezers, and Refrigerator-Freezers (collectively "commercial refrigeration equipment" or "CRE") test procedure for determining the energy consumption of the specified AHT CRE basic models. Under this extension, AHT is required to test and rate the specified basic models in accordance with the alternate test procedure specified in the Order.

**DATES:** The Extension of Waiver is effective on July 22, 2021. The Extension of Waiver will terminate upon the compliance date of any future amendment to the test procedure for CRE located in 10 CFR part 431, subpart C, appendix B that addresses the issues presented in this waiver. At such time, AHT must use the relevant test procedure for the specified basic models of CRE for any testing to demonstrate compliance with standards, and any other representations of energy use.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and

Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Email: [AS\\_Waiver\\_Requests@ee.doe.gov](mailto:AS_Waiver_Requests@ee.doe.gov).

Mr. Pete Cochran, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC-33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585-0103. Telephone: (202) 586-9496. Email: [peter.cochran@hq.doe.gov](mailto:peter.cochran@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with Title 10 of the Code of Federal Regulations (10 CFR 431.401(g)), DOE gives notice of the issuance of an Extension of Waiver as set forth below. The Extension of Waiver extends the Decision and Order granted to AHT on October 30, 2018 (83 FR 54581, “October 2018 Decision and Order”) to include the AHT basic models specified in this waiver, as requested by AHT on November 12, 2020.<sup>1</sup> AHT must test and rate the specifically identified CRE basic models in accordance with the alternate test procedure specified in the October 2018 Decision and Order. AHT’s representations concerning the energy consumption of the specified basic models must be based on testing according to the provisions and restrictions in the alternate test procedure set forth in the October 2018 Decision and Order, and the representations must fairly disclose the test results. Distributors, retailers, and private labelers are held to the same requirements when making representations regarding the energy consumption of this equipment. (42 U.S.C. 6314(d))

<sup>1</sup> AHT’s request is available at <https://www.regulations.gov/docket?D=EERE-2017-BT-WAV-0041>. The specified basic models are: IBIZA 100 (U) NAM-F, IBIZA 145 (U) NAM-F, IBIZA 210 (U) NAM-F, MALTA 145 (U) NAM-F, MALTA 185 (U) NAM-F, MANHATTAN XL 175 (U) NAM-F, MANHATTAN XL 210 (U) NAM-F, MIAMI 145 (U) NAM-F, MIAMI XL EC 185 (U) NAM-F, MIAMI 210 (U) NAM-F, MIAMI 250 (U) NAM-F, PARIS 145 (U) NAM-F, PARIS EC 185 (U) NAM-F, PARIS 210 (U) NAM-F, PARIS 250 (U) NAM-F, SYDNEY 175 (U) NAM-F, SYDNEY 210 (U) NAM-F, SYDNEY EC 213 (U) NAM-F, SYDNEY EC 223 (U) NAM-F, SYDNEY 230 (U) NAM-F, SYDNEY 250 (U) NAM-F, SYDNEY XL 175 (U) NAM-F, SYDNEY XL 210 (U) NAM-F, SYDNEY XL 250 (U) NAM-F, MONTREAL SLIM 175 (U) NAM-F, MONTREAL SLIM 210 (U) NAM-F, MONTREAL SLIM 250 (U) NAM-F, MONTREAL SLIM PUSH 175 (U) NAM-F, MONTREAL SLIM PUSH 210 (U) NAM-F, MONTREAL SLIM PUSH 250 (U) NAM-F, MONTREAL XL 175 (U) NAM-F, MONTREAL XL 210 (U) NAM-F, MONTREAL XL 250 (U) NAM-F, MONTREAL XL EC 185 (U) NAM-F, MONTREAL XL EC 210 (U) NAM-F, MONTREAL XL EC PUSH 185 (U) NAM-F, MONTREAL XL EC PUSH 210 (U) NAM-F, MONTREAL XL PUSH 175 (U) NAM-F, MONTREAL XL PUSH 210 (U) NAM-F, and MONTREAL XL PUSH 250 (U) NAM-F.

DOE makes decisions on waiver extensions for only those basic models specifically set out in the request, not future models that may be manufactured by the petitioner. AHT may submit a new or amended petition for waiver and request for grant of interim waiver, as appropriate, for additional basic models of CRE. Alternatively, if appropriate, AHT may request that DOE extend the scope of a waiver to include additional basic models employing the same technology as the basic models set forth in the original petition consistent with 10 CFR 431.401(g).

## Case Number 2020-025

### Extension of Waiver

#### I. Background and Authority

The Energy Policy and Conservation Act, as amended (“EPCA”),<sup>2</sup> authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291-6317) Title III, Part C<sup>3</sup> of EPCA established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency for certain types of industrial equipment. This equipment includes Commercial Refrigerators, Freezers, and Refrigerator-Freezers (collectively “commercial refrigeration equipment” or “CRE”), the focus of this document. (42 U.S.C. 6311(1)(E))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant

<sup>2</sup> All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116-260 (Dec. 27, 2020).

<sup>3</sup> For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A-1.

standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE is required to follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which reflect the energy efficiency, energy use or estimated annual operating cost of covered equipment during a representative average use cycle and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The test procedure for CRE is contained in 10 CFR part 431, subpart C, appendix B—Amended Uniform Test Method for the Measurement of Energy Consumption of Commercial Refrigerators, Freezers, and Refrigerator-Freezers (“Appendix B”).

Any interested person may submit a petition for waiver from DOE’s test procedure requirements. 10 CFR 431.401(a)(1). DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedures, or that the prescribed test procedures evaluate the basic model in a manner so unrepresentative of its true energy or water consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 431.401(f)(2). DOE may grant the waiver subject to conditions, including adherence to alternate test procedures. *Id.*

A petitioner may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition. 10 CFR 431.401(g). DOE will publish any such extension in the **Federal Register**. *Id.*

#### II. Request for an Extension of Waiver: Assertions and Determinations

On October 30, 2018, DOE issued a Decision and Order in Case Number 2017-007 granting AHT a waiver to test its AHT basic models specified in that Order using an alternate test procedure. 83 FR 54581 (“October 2018 Decision and Order”). AHT stated that the basic models listed in the petition do not have a defrost cycle when operated in freezer mode, and therefore cannot be tested under Appendix B, which references defrosts for the start of the test period and door-opening period.

Based on its review, including the information provided by AHT, DOE

determined that the CRE basic models specified in the October 2018 Decision and Order contain a design characteristic that prevents testing the basic models according to the prescribed test procedure at Appendix B. 83 FR 54581, 54582. The October 2018 Decision and Order specifies that AHT must test and rate the subject basic models according to Appendix B, but with the test period starting after the unit achieves steady state conditions and the door-opening period starting 3 hours after the start of the test period. *Id.* at 83 FR 54583.

On November 12, 2020, AHT submitted a request to extend the scope of the waiver, Case Number 2020–025, to specified additional AHT basic models.<sup>4</sup> AHT stated that these basic models have the same characteristics as the models covered by the existing waiver.

DOE has reviewed AHT's waiver extension request and determined that the CRE basic models identified in AHT's request incorporate the same design characteristics as those basic models covered under the waiver in Case Number 2017–007 (*i.e.*, lack of defrost cycle when operated in freezer mode), which prevents testing the basic models according to the prescribed test procedure at Appendix B. DOE also determined that the alternate procedure specified in Case Number 2017–007 will allow for the accurate measurement of the energy use of the CRE basic models identified by AHT in its waiver extension request, while alleviating the testing problems associated with AHT's implementation of DOE's applicable commercial refrigeration equipment test procedure for the specified basic models.

<sup>4</sup> The specified basic models are: IBIZA 100 (U) NAM-F, IBIZA 145 (U) NAM-F, IBIZA 210 (U) NAM-F, MALTA 145 (U) NAM-F, MALTA 185 (U) NAM-F, MANHATTAN XL 175 (U) NAM-F, MANHATTAN XL 210 (U) NAM-F, MIAMI 145 (U) NAM-F, MIAMI XL EC 185 (U) NAM-F, MIAMI 210 (U) NAM-F, MIAMI 250 (U) NAM-F, PARIS 145 (U) NAM-F, PARIS EC 185 (U) NAM-F, PARIS 210 (U) NAM-F, PARIS 250 (U) NAM-F, SYDNEY 175 (U) NAM-F, SYDNEY 210 (U) NAM-F, SYDNEY EC 213 (U) NAM-F, SYDNEY EC 223 (U) NAM-F, SYDNEY 230 (U) NAM-F, SYDNEY 250 (U) NAM-F, SYDNEY XL 175 (U) NAM-F, SYDNEY XL 210 (U) NAM-F, SYDNEY XL 250 (U) NAM-F, MONTREAL SLIM 175 (U) NAM-F, MONTREAL SLIM 210 (U) NAM-F, MONTREAL SLIM 250 (U) NAM-F, MONTREAL SLIM PUSH 175 (U) NAM-F, MONTREAL SLIM PUSH 210 (U) NAM-F, MONTREAL SLIM PUSH 250 (U) NAM-F, MONTREAL XL 175 (U) NAM-F, MONTREAL XL 210 (U) NAM-F, MONTREAL XL 250 (U) NAM-F, MONTREAL XL EC 185 (U) NAM-F, MONTREAL XL EC 210 (U) NAM-F, MONTREAL XL EC PUSH 185 (U) NAM-F, MONTREAL XL EC PUSH 210 (U) NAM-F, MONTREAL XL PUSH 175 (U) NAM-F, MONTREAL XL PUSH 210 (U) NAM-F, and MONTREAL XL PUSH 250 (U) NAM-F.

### III. Order

After careful consideration of all the material submitted by AHT in this matter, it is *ordered* that:

(1) AHT must, as of the date of publication of this Extension of Waiver in the **Federal Register**, test and rate the following AHT brand commercial freezer basic models (which do not have defrost cycle capability when operated in freezer mode) with the alternate test procedure as set forth in paragraph (2):

Brand	Basic model
AHT ..	IBIZA 100 (U) NAM-F.
AHT ..	IBIZA 145 (U) NAM-F.
AHT ..	IBIZA 210 (U) NAM-F.
AHT ..	MALTA 145 (U) NAM-F.
AHT ..	MALTA 185 (U) NAM-F.
AHT ..	MANHATTAN XL 175 (U) NAM-F.
AHT ..	MANHATTAN XL 210 (U) NAM-F.
AHT ..	MIAMI 145 (U) NAM-F.
AHT ..	MIAMI XL EC 185 (U) NAM-F.
AHT ..	MIAMI 210 (U) NAM-F.
AHT ..	MIAMI 250 (U) NAM-F.
AHT ..	PARIS 145 (U) NAM-F.
AHT ..	PARIS EC 185 (U) NAM-F.
AHT ..	PARIS 210 (U) NAM-F.
AHT ..	PARIS 250 (U) NAM-F.
AHT ..	SYDNEY 175 (U) NAM-F.
AHT ..	SYDNEY 210 (U) NAM-F.
AHT ..	SYDNEY EC 213 (U) NAM-F.
AHT ..	SYDNEY EC 223 (U) NAM-F.
AHT ..	SYDNEY 230 (U) NAM-F.
AHT ..	SYDNEY 250 (U) NAM-F.
AHT ..	SYDNEY XL 175 (U) NAM-F.
AHT ..	SYDNEY XL 210 (U) NAM-F.
AHT ..	SYDNEY XL 250 (U) NAM-F.
AHT ..	MONTREAL SLIM 175 (U) NAM-F.
AHT ..	MONTREAL SLIM 210 (U) NAM-F.
AHT ..	MONTREAL SLIM 250 (U) NAM-F.
AHT ..	MONTREAL SLIM PUSH 175 (U) NAM-F.
AHT ..	MONTREAL SLIM PUSH 210 (U) NAM-F.
AHT ..	MONTREAL SLIM PUSH 250 (U) NAM-F.
AHT ..	MONTREAL XL 175 (U) NAM-F.
AHT ..	MONTREAL XL 210 (U) NAM-F.
AHT ..	MONTREAL XL 250 (U) NAM-F.
AHT ..	MONTREAL XL EC 185 (U) NAM-F.
AHT ..	MONTREAL XL EC 210 (U) NAM-F.
AHT ..	MONTREAL XL EC PUSH 185 (U) NAM-F.
AHT ..	MONTREAL XL EC PUSH 210 (U) NAM-F.
AHT ..	MONTREAL XL PUSH 175 (U) NAM-F.
AHT ..	MONTREAL XL PUSH 210 (U) NAM-F.
AHT ..	MONTREAL XL PUSH 250 (U) NAM-F.

(2) The alternate test procedure for the AHT basic models referenced in paragraph (1) of this Order is the test procedure for CRE prescribed by DOE at 10 CFR part 431, subpart C, appendix B, except that the test period shall be selected as detailed. All other requirements of Appendix B and DOE's regulations remain applicable.

The test shall begin when steady state conditions occur (per ASHRAE Standard 72–2005, Section 3, definitions, which defines steady state as “the condition where the average temperature of all test simulators changes less than 0.2 °C (0.4 °F) from one 24-hour period or refrigeration cycle to the next”). Additionally, the door-opening requirements shall be as defined in ASHRAE 72–2005 Section 7.2, with the exception that the eight-

hour period of door openings shall begin three hours after the start of the test. Ambient temperature, test simulator temperatures, and all other data shall be recorded at three-minute intervals beginning at the start of the test and throughout the 24-hour testing period.

(3) *Representations.* AHT may not make representations about the energy use of a basic model listed in paragraph (1) of this Order for compliance, marketing, or other purposes unless that basic model has been tested in accordance with the provisions of paragraph (2) of this Order and such representations fairly disclose the results of such testing.

(4) This Extension of Waiver shall remain in effect according to the provisions of 10 CFR 431.401.

(5) This Extension of Waiver is issued on the condition that the statements, representations, and documentation provided by AHT are valid. If AHT makes any modifications to the controls or capabilities (*e.g.*, adding automatic defrost to freezer mode) of these basic models, the waiver will no longer be valid and AHT will either be required to use the current Federal test method or submit a new application for a test procedure waiver. DOE may rescind or modify this Extension of Waiver (and/or the underlying Order issued in Case Number 2017–007) at any time if it determines the factual basis underlying the petition for extension of waiver (and/or the underlying Order issued in Case Number 2017–007) is incorrect, or the results from the alternate test procedure are unrepresentative of a basic model's true energy consumption characteristics. 10 CFR 431.401(k)(1). Likewise, AHT may request that DOE rescind or modify the Extension of Waiver (and/or the underlying Order issued in Case Number 2017–007) if AHT discovers an error in the information provided to DOE as part of its petition, determines that the waiver is no longer needed, or for other appropriate reasons. 10 CFR 431.401(k)(2).

(6) AHT remains obligated to fulfill all applicable requirements set forth at 10 CFR part 429.

### Signing Authority

This document of the Department of Energy was signed on July 17, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative

purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 19, 2021.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2021-15578 Filed 7-21-21; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

[OE Docket No. PP-485]

### Application for Presidential Permit; North Star Electric Cooperative

**AGENCY:** Office of Electricity, Department of Energy.

**ACTION:** Notice of application.

**SUMMARY:** North Star Electric Cooperative has applied for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the United States border with Canada.

**DATES:** Comments or motions to intervene must be submitted on or before August 23, 2021.

**ADDRESSES:** Comments, protests, motions to intervene, or request for more information should be addressed by electronic email to [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov), or by facsimile to (202) 586-8008.

**FOR FURTHER INFORMATION CONTACT:** Christopher Lawrence (Program Office) at 202-586-5260 or via electronic mail at [Christopher.Lawrence@hq.doe.gov](mailto:Christopher.Lawrence@hq.doe.gov); Christopher Drake (Program Attorney) at 202-586-2919 or via electronic mail at [Christopher.Drake@hq.doe.gov](mailto:Christopher.Drake@hq.doe.gov).

**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 (E.O.) 10485, as amended by E.O. 12038.<sup>1</sup>

On February 19, 2021 North Star Electric Cooperative, Incorporated (Applicant or North Star) filed an application (Application or App.) with the Office of Electricity of the Department of Energy (DOE) for a “Presidential Permit authorizing the continued connection, operation, and maintenance of facilities for the transmission of electric energy at the international border between the United States and Canada.” App. at 1. The Applicant states that it “is a distribution cooperative member-owner of Minnkota Power Cooperative (“Minnkota”), a generation and transmission cooperative that provides wholesale power requirements to North Star and its other member-owner cooperatives.” *Id.* The Applicant’s principal place of business is in Baudette, Minnesota. *Id.* at 4.

North Star states that it “currently serves 26 residential customers in Canada,” and that the facilities for which it seeks a Presidential permit “comprise low-voltage (7,200 and 14,400 volts) lines running from Minnkota’s International Falls substation in northern Minnesota approximately 10.35 miles to the border” noting that “the actual length of the line . . . is approximately 14.16 miles” in the United States. *Id.* at 2 & n.2. North Star adds that it was unaware that a Presidential permit was required for its facilities, and that the Application aims to bring the cooperative into compliance with legal requirements. *See it.* at 3.

The facilities for which North Star seeks a permit from Minnkota’s International Falls Substation northeast to the international border. *See* App. at 5. Specifically, beginning at the substation, the facilities consist of “4.1 miles of 14,000 volt three-phase underground lines, then 2.5 miles of 14,000 volt three-phase overhead line, then 1.0 miles of 7,200 volt three-phase overhead line, then 4.0 miles of 7,200 volt three-phase underwater line to an oil circuit recloser (“OCR”) breaker on the U.S. mainland.” *Id.* Beginning at the OCR breaker, “one single-circuit line continues north within the U.S. to serve additional customers located in the U.S. and the majority of the customers located in Canada, and a tap on that line heads east for about 1.2 miles toward the U.S./Canada border to serve the remaining two customers in Canadian waters.” *Id.* These facilities include “a 0.15 mile stretch of 7,200 volt three-phase overhead line, then 0.14 miles of

7,200 volt singlephase overhead, and then 2.27 miles of 7,200 volt single-phase underwater line to the U.S./Canada border, which is just beyond Curtis Island.” *Id.* The facilities include “two single-circuit lines” crossing the border— “[t]he first heads north from the Curtis Island . . . and feeds the majority of the customer accounts in Canadian waters,” and “[t]he second line heads east of Curtis Island and feeds the remaining two customer accounts in Canadian waters.” *Id.* at 6.

North Star also proposes to upgrade some of its existing cross-border facilities, and requests that any permit “include permission to make appropriate upgrades to the [f]acilities to enable North Star to continue to reliably serve the customers in [Canada].” App. at 3. The Applicant notes that it “does not expect to construct any additional cross-border facilities (*i.e.*, new crossing points).” *Id.* at 3 n.4

Since the restructuring of the electric industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission or distribution facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the Federal Power Act and articulated in Federal Energy Regulatory Commission (FERC) Order No. 888 (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; FERC Stats. & Regs. ¶ 31,036 (1996)), as amended.

**Procedural Matters:** Any person may comment on this application by filing such comment at the address provided above. Any person seeking to become a party to this proceeding must file a motion to intervene at the address provided above in accordance with Rule 214 of FERC’s Rules of Practice and Procedure (18 CFR 385.214). Two copies of each comment or motion to intervene should be filed with DOE on or before the date listed above.

Additional copies of such motions to intervene also should be filed directly with: Daniel E. Frank, 700 Sixth St. NW, Suite 700, Washington, DC 20001;

<sup>1</sup> The permit application is for the connection of facilities to be operated at distribution-level voltage. Note that DOE regulations require “[a]ny person, firm, co-operative, corporation or other entity who operates an electric power transmission or distribution facility crossing the border of the

United States, for the transmission of electric energy between the United States and a foreign country,” to hold a Presidential permit for the facility. 10 CFR 205.320(a).