

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—BUREAU OF LAND MANAGEMENT
PART 245—RIGHTS-OF-WAY OVER AND UPON PUBLIC
LANDS AND RESERVATIONS OF THE U. S. FOR
ELECTRICAL PLANTS AND TRANSMISSION LINES

STIPULATION REQUIRED AS CONDITION PRECEDENT
TO APPROVAL OF PERMIT

Paragraph (v) of Sec. 245.21, as amended on October 14, 1948 (13 F. R. 6214), is revised to read as follows:

Sec. 245.21 Stipulation required as a condition precedent to the approval of permit. * * *

(v) To allow the Department of the Interior, in the case of a permit or an easement applied for on or after October 14, 1948, and covering a right-of-way for an electrical transmission line having a voltage of 33 kv. or more, (1) to utilize for the transmission of electrical power any surplus capacity of the line in excess of the capacity needed by the holder of the permit or easement (subsequent referred to in this paragraph as "the permittee") for the transmission of electrical power in connection with the permittee's operations, or (2) to increase the capacity of the line at the Department's expense and to utilize the increased capacity for the transmission of electrical power. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(i) When the Department desires to utilize surplus capacity thought to exist in a line, notification will be given to the permittee and the permittee shall furnish to the Department within 30 days a certificate stating whether the line has any surplus capacity not needed by the permittee for the transmission of electrical power in connection with the permittee's operations, and, if so, the extent of such surplus capacity.

(ii) In order to utilize any surplus capacity certified by the permittee to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the permittee's line in a manner conformable to approved standards of practice for the interconnection of transmission circuits.

(iii) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate switching, relaying, and protective equipment so as to insure that the normal and efficient operation of the permittee's line will not be impaired.

(iv) After any interconnection is completed, the permittee shall operate and maintain its line in good condition; and, except in emergencies, shall maintain in a closed position all connections under the permittee's control between the permittee's line and the interconnecting facilities provided by the Department.

(v) The interconnected power systems of the Department and the permittee will be operated in parallel.

(vi) The transmission of electrical power by the Department over the permittee's line will be effected in such manner and quantity as will not interfere unreasonably with the permittee's use and operation of the line in accordance with the permittee's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the line which has been provided at the Department's expense.

(vii) The permittee will not be obligated to allow the transmission over its line by the Department of electrical power to any person receiving service from the permittee on the date of the filing of the application for a permit or easement, other than persons entitled to statutory preference in connection with the distribution and sale of electrical power by the Department.

(viii) The Department will pay to the permittee an equitable share of the total monthly cost of maintaining and operating the part of the permittee's line utilized by the Department for the transmission of electrical power, the payment to be an amount in dollars representing the same proportion of the total monthly operation and maintenance cost of such part of the line as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the permittee's line during the month bears to the total capacity in kilowatts of that part of the line. The total monthly cost may include interest and amortization, in accordance with the system of accounts prescribed by the Federal Power Commission, on the permittee's net total investment (exclusive of any investment by the Department) in the part of the line utilized by the Department.

(ix) If, at any time subsequent to a certification by the permittee that surplus capacity is available for utilization by the Department, the permittee needs for the transmission of electrical power in connection with its operations the whole or any part of the capacity of the line theretofore certified as being surplus to its needs, the permittee may modify or revoke the previous certification by giving the Secretary of the

Interior 30 months' notice, in advance, of the permittee's intention in this respect. After the revocation of a certificate, the Department's utilization of the particular line will be limited to the increase capacity, if any, provided by the Department at its expense.

(x) If, during the existence of the permit or easement the permittee desires reciprocal accommodations for the transmission of electrical power over the interconnecting system of the Department to its line, such reciprocal accommodations will be accorded under terms and conditions similar to those prescribed in this paragraph with respect to the transmission by the Department of electrical power over the permittee's line.

(xi) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the permittee and the Secretary of the Interior or his designee.

(31 Stat. 790, 791 as amended; 43 U.S.C. 959, 961)

(SEAL)

J. A. Krug
Secretary of the Interior.

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