

UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
ECONOMIC REGULATORY ADMINISTRATION

PAC INDONESIA LNG COMPANY ) DOCKET NO. 77-001-LNG  
WESTERN LNG TERMINAL ASSOCIATES ) (CP74-160, CP74-207, CP75-83-3)

ORDER ON INTERVENTIONS  
AND ON  
UNITED'S PETITION FOR REHEARING

The American Gas Association (AGA) has petitioned for leave to intervene out of time in the current stage of the above proceeding, in support of the applicants' petition for rehearing of DOE/ERA Opinion No. 1. In addition, the Energy Terminal Services Corporation (ETSC) has petitioned to intervene in pending proceedings involving Western LNG Terminal Associates' application amendment to construct and operate facilities at Point Conception, California. Finally, United Gas Pipeline Company (United) has filed a petition for rehearing of ERA's denial of its earlier petition to intervene out of time.

The AGA's petition was filed February 23, 1978, long after DOE/ERA Opinion No. 1 was issued. While the views of the AGA, as a recognized national trade association of companies providing natural gas distribution and transmission services, are worthy of careful consideration, the organization has failed to justify why it should be given party status at this late date. Therefore, its petition is denied. AGA, however, is invited to file comments, which will be considered as if presented by an amicus curiae in an appellate proceeding.

The petition to intervene of ETSC, on the other hand, is in response to the applicant's amendment of November 11, 1977, to construct and operate facilities at Point Conception, California. ERA's public notice of that amendment (42 F.R. 63200, December 15, 1977) directed interested parties to file any petitions to intervene in the amendment proceedings prior to January 9, 1978. ETSC's petition, filed December 29, 1977, therefore is timely.

ETSC, a wholly-owned subsidiary of Public Service Electric and Gas Company (Public Service) which is already an intervenor in this case, asserts that it has "a direct and vital interest in the proceeding which will be directly affected and which is not adequately represented by existing parties." However, its interest appears to be only in the precedential value of the decision, and there is no reason that Public Service cannot adequately represent such concerns. ETSC's interests, therefore, are too remote to justify separate intervention, and its petition is denied.

United has petitioned for rehearing of ERA's February 17, 1978, order denying its earlier petition to intervene in the rehearing of DOE/ERA Opinion No. 1. However, United has failed to offer any arguments which warrant reconsideration of the denial. First, United admits in its petition that it does not have a direct commercial interest in the LNG project being considered and that the conditions required or principles applied in this proceeding will not be relevant to a decision in the El Paso-United Algeria II project (ERA Docket No. 77-006-LNG). Therefore, its only interest in this case is the precedential value which the decision may have on other LNG applications and the Department of Energy's general LNG policy. While this interest may have been sufficient to justify intervention earlier in the proceedings, it does not warrant party status at this late date. Moreover, United's concerns can be adequately met through its ability to submit comments which will be considered as if presented by an amicus curiae.

United's argument that it would have to have intervened in 1973 in order to be timely does not support reversing the denial. The public, and presumably United, had notice on October 1, 1977, both that the Secretary of Energy gained the authority to approve the import of natural gas under Section 3 of the Natural Gas Act and that the record in this proceeding would be transferred to the Secretary for decision. Moreover, the public was given notice of the oral argument held in this matter on October 20, 1977. Hence, United had three months, from October 1, 1977 to December 30, 1977, the date of Decision No. 1, during which it could have attempted to intervene. While such a petition may technically have been out of time, a liberal intervention policy was warranted due to the circumstances. In fact, petitions by General Motors Corp. and others were filed and granted during this period.

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Therefore, United had ample time to attempt to gain party status. For this and the other reasons discussed above, its petition for rehearing is denied.



David J. Bardin  
Administrator  
Economic Regulatory Administration

Dated 20 April 1978