

Cited as "1 ERA Para. 70,514"

El Paso Natural Gas Co. (ERA Docket No. 78-15-NG), September 4, 1980

Order Amending Authorization Granted in DOE/ERA Opinion and Order No. 18
and Granting Intervention

[Opinion and Order]

On August 21, 1980, the Economic Regulatory Administration (ERA) of the Department of Energy issued DOE/ERA Opinion and Order No. 18, authorizing the export of natural gas by El Paso Natural Gas Company (El Paso) to Compania Minera de Cananea, S.A. de C.V. (Compania Minera). Our order was conditioned on an increase in the export price charged by El Paso to the effective price authorized by ERA to be paid for natural gas imported from Mexico into the United States. Such price increase was to be effective beginning September 5, 1980.

On September 3, 1980, after hours, Compania Minera filed a Motion for Leave to Intervene and a Motion for Stay. Compania Minera's Motion for Leave to Intervene states that the requirement that El Paso increase, before September 5, the price charged to it "will have a drastic, previously unanticipated effect upon Compania," warranting intervention out of time and leave to file the motion for a stay. In light of Compania Minera's position as the purchaser of the natural gas in question and the time frame involved, we are granting intervention.

Compania Minera's Motion for Stay urges that we stay the effective date of the price increase pending resolution of a petition for rehearing which it intends to file. Compania Minera offers several arguments in support of its motion, including the statement that a stay is necessary "in order to allow affected consumers to adjust in an orderly fashion" to the ordered price increase.

On September 4, 1980, El Paso filed a Motion for Stay and for Temporary Export Authority, making essentially the same public interest argument as that put forth by Compania Minera. El Paso further requested that pending consideration of its forthcoming petition for rehearing of Opinion and Order 18, ERA grant temporary export authority under the terms and conditions in effect prior to the issuance of Opinion and Order 18.

It would not be inconsistent with the public interest to extend the effective date of the ordered price increase for approximately two weeks in

order to allow Compania Minera an opportunity to attempt to resolve the impact on its consumers. However, we do not believe that a longer stay or temporary export authority under the previous terms and conditions is warranted, since no irreparable harm would occur should we, upon rehearing, decide to amend the conditions upon which the export was authorized and order a refund of any monies affected.

Order

For the reasons stated above, it is ordered that:

(1) The petition for leave to intervene by Compania Minera is hereby granted, subject to such rules of practice and procedure as may be in effect, provided that its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene, that the admission of such intervenor shall not be construed as recognition by ERA that it might be aggrieved because of any order issued by ERA in this proceeding, and that it shall accept the record in this docket as it stands.

(2) In ordering paragraph 1 of DOE/ERA Opinion and Order 18, the phrase "through September 4, 1980" is hereby amended to read "for 30 days following the issuance of this order. "

(3) In ordering paragraph 2 of that opinion and order, the date "September 5, 1980" is hereby amended to read "the thirty-first day following issuance of this order."

(4) The motion for Temporary Export Authority by El Paso is denied.