

Cited as "1 ERA Para. 70,515"

El Paso Natural Gas Co. (ERA Docket No. 78-15-NG), September 19, 1980

Order Amending Authorization Granted in DME Opinion and Order No. 18

[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, with conditions, 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). In response to Motions for Stay filed by El Paso and by Compania Minera, we issued on September 4, 1980, DOE/ERA Opinion and Order No. 18A extending until September 20, 1980, the period during which El Paso could continue to export at the current price and stating that a longer stay was not 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." On September 18, 1980, Compania Minera filed a Motion for Extension of Stay, requesting a partial stay pending rehearing of Order 18. Both El Paso and Compania Minera have filed Applications for Rehearing in this case. In its Application for Rehearing, El Paso requested, among other things, opportunity for an informal conference to discuss alternate delivery arrangements.

Compania Minera urges that we grant an extension of stay to avoid alleged "genuine hardship" of the price increase on the consumers of the exported gas. Compania Minera further argues that "after-the-fact" refunds do not satisfactorily protect affected consumers.

While we are not convinced by the Motion that denying any further extension will necessarily result in the situation alleged, it would not be inconsistent with the public interest to grant an additional short stay to allow Compania Minera to negotiate other pricing arrangements. In addition, we are granting El Paso's request for an informal conference to discuss the issues raised in this proceeding. At that conference, to be arranged at the convenience of the parties, both Compania Minera and El Paso may present such additional relevant arguments and materials as they wish concerning these issues.

Order

For the reasons stated above, it is ordered that

(1) In ordering paragraph 1 of DOE/ERA Opinion and Order 18, the phrase "through September 4, 1980" is hereby amended to read "through October 7, 1980."

(2) In ordering paragraph 2 of that opinion and order, the date "September 5, 1980" is hereby amended to read "October 8, 1980."

Issued in Washington, D. C., September 19, 1980.