

Cited as "1 ERA Para. 70,518"

Northern Natural Gas Company (ERA Docket No. 79-24-NG), August 29, 1980.

Opinion And Order Approving Application to Import Natural Gas from Canada

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Summary

This Opinion and Order authorizes Northern Natural Gas Company (Northern) to import from Canada up to approximately 200,000 Mcf per day and up to 73,000,000 Mcf per year of natural gas from November 1, 1980, through October 31, 1981, to be purchased from Consolidated Natural Gas Limited (Consolidated) and imported at a point near Emerson, Manitoba. From November 1, 1981, through October 31, 1987, Northern is further authorized to import up to approximately 200,000 Mcf per day and up to 73,000,000 Mcf per year through facilities near Emerson, minus whatever volumes Northern elects to import via pipeline facilities related to the Alaska Natural Gas Transportation System (ANGTS) at Monchy, Saskatchewan. (On June 27, 1980, the Federal Energy Regulatory Commission (FERC) authorized Northern to import up to 100,000 Mcf per day of this gas through the ANGTS, commencing November 1, 1981.) Northern is further authorized by this Opinion and Order to pay U.S. \$4.47 per MMBtu for this gas, based upon the determination in ERA Opinion and Order No. 14B that the price of \$4.47 per MMBtu, which is the prevailing border price for virtually all gas imported from Canada, is reasonable.

Responsibility for Section 3 approval of this application is divided

between the Economic Regulatory Administration (ERA) and the FERC. This Opinion and Order exercises ERA's authority to approve those volumes entering through facilities other than ANGTS. ERA's authorization is subject to such additional conditions as it may later determine, in further proceedings in this case, are necessary to prevent any unnecessary and uneconomic reliance on Canadian gas.

## I. Background

On October 11, 1979, Northern filed an application with the ERA pursuant to Section 3 of the Natural Gas Act, requesting authorization to import natural gas from Canada into the United States.<sup>1/</sup> At that time, Northern requested authorization to import up to 200,000 Mcf per day (and daily volumes in excess thereof, if available, on a best efforts basis) and 73,000,000 Mcf per year beginning November 1, 1980, and ending October 31, 1994. Northern proposed to purchase the gas from Consolidated. The proposed price is the current Canadian uniform export price for natural gas, which currently is \$4.47 per MMBtu.

The Gas Sales Contract (Sales Contract), dated February 24, 1979, between Northern and Consolidated, formed the basis for Consolidated's application for an export license from the Canadian National Energy Board (NEB). In its December 1979 decision,<sup>2/</sup> the NEB granted Consolidated's request but shortened the delivery period and approved the best efforts volumes only to the extent of 2 percent above the daily limitation. The NEB issued to Consolidated License GL-61 to export at Emerson, Manitoba, the following daily volumes for sale to Northern:

November 1 through October 31--Mcf/day

1980-81	1981-82	1982-83	1984-85	1985-86	1986-87
200,000	200,000	200,000	150,000	100,000	50,000

The total quantity authorized to be exporting during the period of the NEB license is 11,373,600,000 M<sup>3/</sup> (401,496.75 MMcf).

The Sales Contract contains a "take-or-pay" provision. If at the end of any contract year the total quantities taken are less than the minimum annual quantities specified in the Sales Contract,<sup>3/</sup> Northern is to be charged the prevailing price for such deficiencies. However, Northern will have the right to recover this "Prepaid Gas" in any succeeding contract year after it has met its minimum purchase obligations for that contract year. In recovering prepaid

gas, Northern will be required to pay the difference between the price paid for the pre-paid gas and the price in effect at the time the gas is actually delivered. We note, however, that NEB export license GL-61 does not permit exports in a given year to exceed the maximum yearly amount of the equivalent of approximately 73,000,000 Mcf and that it appears to be NEB policy to limit "make-up" clauses in export contracts.<sup>4/</sup>

The natural gas is to be delivered by TransCanada Pipelines Limited (TransCanada) to Great Lakes Gas Transmission Company (Great Lakes) at an existing point of interconnection on the International Boundary near Emerson, Manitoba. Great Lakes will transport and redeliver the natural gas to Northern at a point of inter-connection between Great Lakes' system and Northern's system near Carlton, Minnesota and/or by mutual agreement of the parties at the points of inter-connection between the facilities of Great Lakes and Michigan Wisconsin Pipeline Company near Fortune Lake, Michigan and Farwell, Michigan. Alternate delivery points will be at the point of inter-connection of Great Lakes and Northern's facilities near Grand Rapids, Minnesota and Wakefield, Michigan. Great Lakes will transport Northern's gas through existing facilities.<sup>5/</sup>

On May 16, 1980, Northern filed an amendment to its original application to permit up to 100,000 Mcf per day of the daily quantity to be imported at a point on the international border near Monchy, Saskatchewan, beginning November 1, 1981.<sup>6/</sup> Northern states that it has agreed to take delivery of part of the import at Monchy in order to support timely completion of the Northern Border pre-build section of ANGTS. No other aspects of the Sales Contract were changed. Gas received at Monchy will be transported by Northern Border Pipeline Company (Northern Border) with redelivery to Northern at Ventura, Iowa. In April 1980, the NEB amended Consolidated's export license to authorize export at Monchy in addition to Emerson. In an order issued on June 27, 1980, in Docket No. CP80-22, the FERC authorized the portion of this application under its jurisdiction.<sup>7/</sup>

## II. Interventions And Comments

We received a Notice of Intervention from the Public Service Commission of Wisconsin and twelve petitions to intervene in response to Northern's original application in this proceeding.<sup>8/</sup> No additional petitions to intervene were received as a result of Northern's amended application. In its petition to intervene, Michigan Wisconsin Pipeline Company noted that since at the time it was not certain that the NEB or the government of Canada would authorize export of sufficient quantities of gas to allow all of its own pending export applications to be approved, Northern's application "may be

inconsistent with the applications with which Michigan Wisconsin is associated." However, since the time Michigan Wisconsin submitted its petition, its own export application has been approved by the NEB. Six intervenors (Northern Illinois Gas Company, Iowa Electric Power and Light Company, North Central Public Service Company, Iowa-Illinois Gas and Electric Company, Natural Gas Pipeline Company of America, and Great Lakes Transmission Company) stated their support for the application.

Comments (without petitions to intervene) supporting Northern's application were received from Interstate Power Company of Dubuque, Iowa; St. Croix Valley Natural Gas Company of River Falls, Wisconsin; the Minnesota Energy Agency (Minnesota); and Northern Border Pipeline Company. Minnesota submitted written comments citing the State's "tenuous supply position with respect to petroleum" and noting that the availability of additional supplies of Canadian natural gas "would help to alleviate the state's tight energy supply situation, helping bridge the gap until the Minnesota oil refineries obtain access to more non-Canadian crude oil." Minnesota cites the favorable price of gas, even at \$4.47, in comparison to oil products in Minnesota. Minnesota also submitted comments in response to the amended application, citing the recent challenge by Mobil Oil Company to the Priority I status enjoyed by certain major Minnesota refineries under the Canadian Allocation Program for crude oil. Minnesota claims that if Mobil's challenge is upheld and the state's refineries lose their Priority I status, the state will have a more precarious energy supply position, making the supply of Canadian gas even more crucial.

### III. Jurisdiction

The Department of Energy Organization Act 9/ established the Secretary of Energy's (Secretary's) authority to authorize the import or export of natural gas pursuant to Section 3 of the Natural Gas Act (NGA). The Secretary in DOE Delegation Order 0204-4 delegated this responsibility to the Administrator of the ERA (Administrator) on October 1, 1977 (42 F.R. 50726, November 29, 1977). In DOE Delegation Order No. 0204-8 (42 F.R. 61491, December 5, 1977), the FERC was given exclusive authority over all aspects of the ANGTS not otherwise given to the FERC by statute, including authority to approve imports of natural gas from Canada to the extent they are transported through the pre-build portion of ANGTS. Later, the Secretary issued two delegation orders further delineating the areas of delegated authority between ERA and the FERC in deciding applications to import and export natural gas (DOE Delegation Orders Nos. 0204-54 and 0204-55, 44 F.R. 56735, October 2, 1979). This later clarification continued to give the ERA Administrator primary authority with regard to non-ANGTS gas imports, but gave the FERC

authorization to decide issues relating to facility construction and siting and the point of entry of the import, as well as certain issues which are within the primary authority of the Administrator but which the Administrator may defer to the FERC for decision.

Therefore, this case involves the jurisdiction of both agencies. The FERC has exclusive authority to decide all issues relating to that portion of the import entering at Monchy through ANGTS and to approve or disapprove the point of entry of the non-ANGTS volumes (i.e., Emerson). (There are no new facilities necessary for the imports through Emerson, and therefore it is not necessary for the FERC to exercise its exclusive jurisdiction regarding facility construction or siting.) All other issues relating to the import through Emerson are in the first instance within the jurisdiction of the ERA, which is, in this Opinion and Order, exercising the full extent of that jurisdiction.

The FERC, in its June 27, 1980 Order in Docket CP80-22 authorizing Northern's ANGTS-related import, commented also on the question of its residual authority to approve or disapprove imports through Emerson:

"To the extent that gas approved for importation at Emerson falls within the Commission's jurisdiction in light of whatever order ERA may issue, we determine that such importation is not inconsistent with the public interest within the meaning of Section 3 of the Natural Gas Act, provided that ERA's order is not inconsistent with our order herein, and conditioned upon Northern obtaining the necessary authorization from ERA, as determined by ERA. We base our determination on the apparent relationship of the importation at Emerson to the importation at Monchy, and thus the apparent relationship to furthering the ANGTS, but recognizing that if ERA exercises its jurisdiction to the fullest extent it will render our determination substantially moot." 10/

#### IV. Decision

Upon review of Northern's application, we have determined that the importation of natural gas through existing facilities at Emerson should be authorized as conditioned below.

##### A. Price

Northern's Gas Sales Contract with Consolidated sets the price of the gas at the prevailing "international border price as set from time to time by the National Energy Board (NEB) of Canada" for natural gas exported to the

U.S. The border price established by the NEB for export sales of natural gas is based on the commodity value of the natural gas in terms of its energy replacement cost to Canada. The present border price is \$4.47 per MMBtu.

On May 15, 1980, we issued Opinion and Order No. 14B, in which we determined that the present border price of \$4.47 per MMBtu is reasonable, based on a comparison of the border price with selected alternate fuel prices in the United States between April 8 and May 8, 1980.<sup>11/</sup>

For the reasons stated in Opinion and Order No. 14B, we find that a price at the border of U.S. \$4.47 per MMBtu is reasonable and not inconsistent with the public interest within the meaning of Section 3 of the Natural Gas Act. This approval shall be effective only so long as the international border price upon which it is based does not exceed the current price of U.S. \$4.47 per MMBtu.

#### B. Need for the Gas

With respect to the need for the gas, Northern has asserted that approval of the application will help reduce curtailments and permit Northern to provide more reliable service to its customers. In its application, Northern states that it would be able to serve only a portion of its high-priority requirements during the early 1980's unless it is successful in acquiring additional assured gas supply.

ERA also notes the increased importance of natural gas in the applicant's market by virtue of the decisions of the NEB to reduce exports of crude oil to the U.S.<sup>12/</sup> The U.S. refineries most affected by these decisions are those which produce heating oil and other fuel oils for the northern tier of states served by Northern. For many consumers increased natural gas supplies from Canada can be used to displace reduced supplies of fuel oil that might result from Canada's crude oil export policies.

Furthermore, it must be recognized that none of the intervenors, many of whom are customers of Northern and are in a good position to know Northern's future supply requirements, oppose Northern's application. We also take notice that in Northern's recent application to import gas from Union Gas Limited,<sup>13/</sup> where need was also an important issue, Northern requested and received strong support from many of its customers on the question on need.

In addition, in view of our concerns about uneconomical reliance on imported natural gas as expressed elsewhere in this opinion, we have reviewed

recent gas supply projections filed by Northern in FERC Docket No. CP80-135 in order to determine Northern's potential supply requirements.<sup>14/</sup> After deducting volumes attributed to the now cancelled purchase of SNG from Union Gas Limited,<sup>15/</sup> we find that, without the volumes from this proposed import through Emerson, Northern projects winter heating season supply deficits for every heating season, except one, until Alaskan gas is projected to come on-stream in late 1986.

We conclude that the Emerson import will provide the supplemental supplies needed to avoid potential winter shortages and from a supply as well as a price stand-point is therefore not inconsistent with the public interest. But we also recognize that Northern from time to time may be required to take more Canadian gas than is needed for system requirements, backing out domestic supplies. Therefore, although we are approving the import at Emerson, we believe that it is necessary to continue this proceeding as outlined below.

#### V. Further Proceedings

Recent decisions by the FERC <sup>16/</sup> and ERA <sup>17/</sup> have examined the relationship of import contract take-or-pay provisions to the public interest and have concluded that take-or-pay obligations, such as that contained in the Sales Contract between Northern and Consolidated, raise serious questions as to whether they are necessary and consistent with the public interest. In Opinion and Order No. 14B, we stated that:

"[A]ll such clauses are tied to the escalating commodity price and operate to create an artificial market for costly Canadian gas. The contract provisions obligate U.S. purchasers to find a market for Canadian gas regardless of prices of domestic gas or alternative fuels, thus undermining the policies that imported natural gas should be priced competitively with alternative fuels and that natural gas imports constitute marginal gas supplies. [footnote omitted] Further, take-or-pay or demand/commodity charges that are tied to the cost of imported natural gas (which in turn escalate with the cost of Canadian oil imports) arguably go beyond their legitimate function of providing an assured minimum cash flow to Canadian gas producers and transporters."

Thus, while we approved in Opinion and Order No. 14B a new Canadian border price of U.S. \$4.47 per MMBtu, we also ordered further proceedings in the consolidated dockets covered by that decision (Dockets 80-01-NG, et al.) to examine the United States' dependence on natural gas imported from Canada and, in particular, to explore whether import authorizations should be

conditioned in order to create an economic environment that would tend to discourage uneconomic and unnecessary reliance on imported natural gas. One issue being considered in those further proceedings is the extent to which take-or-pay obligations create an artificial demand for Canadian gas.

In addition, the FERC conditioned its authorization of the portion of this import under its jurisdiction on a revised take-or-pay provision. In its opinion of April 28, 1980, in the Pan Alberta/Northern Border Case (Docket No. CP78-123, et al.), the FERC developed a formula to determine a ceiling for the value of gas that the U.S. importer would be required to purchase under take-or-pay type obligations, based on the prevailing export prices at the time the sales contract was executed. Such calculations are intended to assure the exporter minimum cash flow to maintain the financial feasibility of the project. However, due to the high-priority of the ANGTS, the FERC was willing, in the Pan Alberta/Northern Border case, to authorize a higher take-or-pay cap "if doing so would assure early action towards implementation of the project." 18/ In its Order of June 27, 1980, involving Northern's import application, the FERC noted the relationship of the Northern import to the pre-build portion of the ANGTS and ordered that Northern's take-or-pay provision, at least insofar as it related to that portion of the gas to be transported through the pre-build portion of the ANGTS, be consistent with that in the Pan Alberta/Northern Border case.

Our concerns and those of the FERC about possible undue reliance on Canadian gas bear on issues that are important in this case. Therefore, while we are approving this proposed import, we are also ordering further proceedings in this case, which will parallel the proceedings in Docket Nos. 80-01-NG, et al., and Docket No. 79-08-NG, et al.,<sup>19/</sup> to determine whether our approval of the import should be conditioned in such a way as to prevent unnecessary and uneconomic reliance by these applicants on high-priced Canadian gas supplies.<sup>20/</sup> In particular, we will consider whether the take-or-pay type provisions should be modified and, if so, whether the limitation adopted by the FERC on that portion of this import within its jurisdiction or some other limitations should be adopted. The parties are hereby placed on notice that any conditions subsequently adopted to limit operation of the take-or-pay provisions may be applied retroactively to the date of approval of the import if necessary and appropriate in the circumstances.

Further, if Northern's prevailing market conditions indicate that need for gas imported under this authorization through Emerson should decline, we would assume that the applicant would employ judicious management of its gas supplies in order to avoid unnecessary costs to its customers. We would hope



that it would avoid taking costly Canadian imports beyond what is required by the take-or-pay provision, as it currently exists in the sales contract or may be subsequently modified in further proceedings, when domestic supplies are available and can be taken without jeopardizing future domestic supply availability.

## VI. Issues To Be Explored In Further Proceedings

We have determined that the following issues shall be explored further in the manner outlined below:

A. What considerations support the conclusion that the supplies of Canadian natural gas authorized in this case are a secure and economic source of energy for the regions using gas imported by the applicants?

B. Should ERA, as a condition to its import authorization, limit the applicant's take-or-pay type obligation in the contract under review to a fixed dollar amount, determined by multiplying the minimum take required under the contract by the border price in effect when the contract was signed?

1. What is the purpose of the applicant's take-or-pay type obligations?

2. Would the take-or-pay type obligation in the contract be legally abrogated if the border price of Canadian gas were to increase? What effect will the Canadian National Energy Board's limitation on "make-up" provisions (in its Reasons for Decision in the Matter of Applications under Part VI of the National Energy Board Act (Nov. 1979), at 9-2) have on the take-or-pay provisions in the applicant's contract?

3. Does the applicant anticipate foregoing takes of domestic natural gas in order to take imported Canadian gas? If so, estimate the volumes of domestic natural gas that may not be taken for this reason.

4. Would the minimum revenue requirements of the applicant's suppliers be met if the import authorization is conditioned as described above? If not, demonstrate why the formula proposed above would be inadequate.

5. Should ERA decide to limit the applicant's take-or-pay type obligation in a way different from the limitation already imposed by the FERC for imports entering through Monchy, what effect, if any, would this have on the allocation of volumes between Emerson and Monchy?

6. If the ERA should limit the import authorization as described above

in Paragraph B, should the maximum dollar amount the applicant would be required to pay under the contract if gas is not taken be adjusted over time for inflation? If so, how should that adjustment be calculated?

C. Should ERA, as a condition to its import authorization, require that the applicant obtain from ERA approval of a contingency plan under which the applicant would take appropriate steps to obtain supplemental supplies of domestic natural gas in order to lessen dependence on Canadian gas and would take appropriate action to ensure continued service to high-priority customers in the event that currently authorized Canadian supplies are curtailed?

D. Should ERA require other means to ensure that use of Canadian imports is economic and in the public interest, viz:

1. Require, as a condition to the import authorization, that Northern sell the imported gas at issue here separately from its other pipeline supplies to Northern's distribution company and end-use customers who elect to purchase it, in order to send clearer price signals to purchasers regarding the true cost of Canadian imports;

2. Recommend to the FERC that a new, separate rate schedule reflecting actual costs of imported gas be applied to those customers of the applicant which elect to purchase natural gas imported from Canada, so that the true cost of the imports is conveyed.

In summary, in light of the policy set forth in Opinion and Order Nos. 14B and 17, we especially solicit specific comments on whether ERA should impose conditions that would tend to discourage uneconomic and unnecessary reliance on imported natural gas. In particular, and in addition to comments and evidence on other issues, the parties are asked to demonstrate why ERA should not follow the policy and precedent established by the FERC, as described above, in the Northern Border case, particularly in the April 28, 1980 order in that case.

### Order

For the reasons set forth above, ERA hereby orders that:

- A. Pursuant to Section 3 of the Natural Gas Act, authorization is hereby granted to Northern Natural Gas Company to import from Canada up to 200,000 Mcf per day (and daily volumes in excess thereof not to exceed 2 percent over the daily amount, if available, on a best efforts basis) and up to 73,000,000 Mcf per year of natural gas through October 31, 1981. From November 1, 1981,

through December 11, 1987, authorization is hereby granted to import up to 200,000 Mcf per day (and daily volumes in excess thereof not to exceed 2 percent over the daily amount, if available, on a best efforts basis) and 73,000,000 Mcf per year of natural gas, to the extent of the daily and annual volumes currently authorized by the National Energy Board of Canada for export to Northern (as set forth elsewhere in this Opinion) and minus the volumes Northern elects to import through the facilities of the Northern Border Pipeline Company at Monchy, Saskatchewan. All imports authorized by this paragraph shall be made through the existing point of interconnection of TransCanada Pipeline Limited and Great Lakes Gas Transmission Company near Emerson, Manitoba, or such other point of entry as the FERC may authorize.

B. Pursuant to Section 3 of the Natural Gas Act, Northern is hereby authorized to import the volumes authorized in paragraph A above at a unit price not to exceed U.S. \$4.47 per MMBtu (U.S. \$4.17 per GJ).

C. Pursuant to Section 3 of the Natural Gas Act, the authorization granted herein is subject to such conditions as may result from the further proceedings in this case ordered in Paragraph E of this Order. Applicants and intervenors in this proceeding shall be bound by opinions and orders issued in further proceedings in this case.

D. The petitions for leave to intervene, as set forth in the Appendix to this Opinion and Order, are hereby granted, subject to such rules of practice and procedure as may be in effect, provided that their participation shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene and that the admission of such intervenors shall not be construed as recognition by ERA that they might be aggrieved because of any order issued by ERA in this proceeding.

E. Relative to the further proceedings in this docket, ERA hereby orders:

1. Submissions

a. The parties may file and serve written initial and rebuttal submissions, including exhibits or prepared testimony where appropriate, discussing the factual, legal, and policy issues enumerated in the Decision section of this Opinion and Order.

b. Service shall be by mail or by personal delivery to all parties and by filing with the Division of Natural Gas, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461. Submissions shall be available for public inspection at this address.

c. All written submissions of an evidentiary nature shall be under oath. Submissions constituting argument on legal or policy issues need not be under oath.

d. Submissions shall be made in accordance with the following schedule:

i. All initial submissions shall be served and filed no later than 4:30 p.m. e.d.t., September 22, 1980.

ii. All rebuttal submissions shall be served and filed not later than 4:30 p.m. e.d.t., October 14, 1980.

## 2. Hearing

a. ERA may, upon its own motion or at the request of the parties, determine that an evidentiary hearing or an oral argument is required.

b. The parties may request an evidentiary hearing or an oral argument in either the initial or rebuttal submissions. A party making such a request shall provide specific reasons why such a hearing or oral argument is necessary, shall identify the factual issues which it believes are in dispute and require an evidentiary hearing, and shall provide a suggested schedule for such a hearing.

## 3. Procedures

a. These proceedings shall be conducted in accordance with the FERC Rules of Practice and Procedure, except where modified by ERA regulation or by order in this proceeding.

b. The staff of the Division of Natural Gas of the Economic Regulatory Administration and the Office of the General Counsel of the Department of Energy shall act in an advisory capacity to the decisionmaker and will not participate as parties to the proceeding.

Issued in Washington, D.C. on August 29, 1980.

--Footnotes--

1/ Notice of receipt of this application appeared in the Federal Register on January 21, 1980 (45 F.R. 3951).

2/ Canadian National Energy Board, Reasons for Decision in the Matter of Applications Under Part VI of the National Energy Board Act, November 1979.

3/ According to Article 4.01(b) of the Sales Contract, the "Minimum Annual Quantity" is calculated by multiplying the Daily Contract Quantity by the number of days in the contract year times .85.

4/ Canadian National Energy Board, *supra*, note 2, p. 9-2. The NEB's policy on make-up clauses is not entirely clear from its decision, but we assume that at a minimum it does not prevent make-up in a subsequent year within the contract term if the make-up volumes do not exceed the difference between the minimum and maximum amounts set forth in the contract for that year.

5/ Because no new facilities would be required, DOE has determined that granting authorization to import the requested volumes of natural gas is not a Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act. (42 U.S.C. 4321-4347). Therefore, an environmental impact statement or environmental assessment is not required.

6/ Notice of receipt of this amendment appeared in the Federal Register on June 11, 1980 (45 F.R. 39886).

7/ FERC Order of June 27, 1980, in Northern Natural Gas Company, Docket No. CP80-22. See discussion below for a description of the FERC's jurisdiction.

8/ Petitions to intervene were received from the following. In the absence of any opposition to the petitions, intervention is granted.

Michigan Wisconsin Pipeline Company

Iowa Power and Light Company

Iowa-Illinois Gas and Electric Company

Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)--Joint Petition

Minnesota Gas Company

Great Lakes Transmission Company

Metropolitan Utilities District of Omaha

Northern Illinois Gas Company

Iowa Electric Light and Power Company

Natural Gas Pipeline Company of America

Iowa Public Service Company

North Central Public Service Company

9/ Pub. L. 95-91, Sections 301, 402(f).

10/ FERC Order of June 27, 1980, *supra*, note 7.

11/ See DOE/ERA Opinion and Order No. 14B, Inter-City Minnesota Pipelines, Ltd., Inc., et al., ERA Docket No. 80-01-NG, et al., issued May 15, 1980.

12/ NEB Press Release of September 11, 1979, and September 19, 1979.

13/ See DOE/ERA Opinion and Order No. 13, Northern Natural Gas Company, Great Lakes Gas Transmission Company, ERA Docket No. 78-002-NG, et al., issued January 15, 1980.

14/ Letter dated February 8, 1980, from Northern to the FERC in response to FERC staff questions in Docket No. CP80-135, Data Response, Question No. 5.

15/ See DOE/ERA Opinion and Order No. 13.

16/ FERC Order of April 28, 1980, in Northwest Alaskan Pipeline Company, Docket No. CP78-123, et al., at pp. 55-64; FERC Order of June 20, 1980, in Northwest Alaskan Pipeline Company, Docket No. CP78-123, et al., at pp. 2-10; FERC Order of June 27, 1980, in Northern Natural Gas Company, Docket No. CP80-22, at p. 7.

17/ See DOE/ERA Opinion and Order No. 14B.

18/ FERC Order of April 28, 1980, Docket No. CP78-123, et al., at page 64.

19/ See DOE/ERA Opinion and Order No. 17, Transcontinental Gas Pipe

Line Corporation, Tennessee Gas Pipeline Company, ERA Docket No. 79-08-NG, et al., issued July 7, 1980.

20/ ERA issued on July 9, 1980, a prehearing order in Docket No. 80-01-NG, et al., establishing further procedural steps, including the imposition of deadlines for the filing of written materials relating to certain policy, legal and factual issues. On August 12, 1980, ERA issued a similar order in Docket No. 79-08-NG.