

Cited as "1 ERA Para. 70,526"

Natural Gas Pipeline Company of America, Michigan Wisconsin Pipe Line Company, Tennessee Gas Pipeline Company, A Division of Tenneco Inc., Texas Eastern Transmission Corporation (ERA Docket No. 79-15-NG), March 10, 1981.

Order Granting Intervention and Suspending Consideration of Petition for Temporary Authorizations

[Opinion and Order]

## I. Background

On January 23, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and Texas Eastern Transmission Corporation (Tetco) filed a joint petition with the Economic Regulatory Administration (ERA) of the Department of Energy requesting temporary authorizations to import natural gas from Canada.<sup>1/</sup> Tennessee and Tetco state in the petition "that emergencies exist on their pipeline systems, in part due to the prolonged cold spell in Northeastern areas of the United States served by them." Therefore, Tennessee and Tetco ask that ERA grant temporary approval for the importation of 75,000 Mcf per day each (a total of up to 150,000 Mcf per day) of Canadian natural gas supplied by ProGas Limited (ProGas) as fully described in the application and supplement currently before the ERA in ERA Docket No. 79-15-NG.<sup>2/</sup>

In a letter dated February 6, 1981, we asked Tennessee and Tetco to submit detailed data on their current and projected storage inventories, as well as projected availability of emergency purchases from domestic natural gas sources and any additional useful data. On February 19, 1981, and February 20, 1981, we received responses from Tetco and Tennessee respectively. Both responses show that the pipelines have access to sufficient quantities of emergency purchase gas to avoid any curtailments through the end of this winter under normal weather conditions. However, they also show that curtailments <sup>3/</sup> may be necessary should the severe cold weather of December-January occur again or should the emergency purchases be interrupted.

## II. Intervention

We received thirteen petitions to intervene and one notice of intervention in response to our notice of the original ProGas application.<sup>4/</sup> Due to the substantial changes contained in the supplemental filing, we invited additional petitions to intervene, and received two additional petitions.<sup>5/</sup> In our notice of the instant petition, we again invited comments

or petitions to intervene. No additional parties came forward and no party that had already filed for intervention status submitted any comments or protests. In the absence of any opposition to the petitions to intervene, intervention is granted in ERA Docket No. 79-15-NG.6/

### III. Decision

Based on the additional data submitted by the applicants and the information contained in the petition, there is not sufficient evidence of an imminent emergency situation on either pipeline that would justify the extraordinary action of approving the import on a temporary basis before our consideration of the entire ProGas import proposal is completed. Both Tennessee and Tetco are currently making emergency purchases of domestic gas and are avoiding curtailments. They expect to be able to continue such emergency purchases through this winter.

However, we are convinced by Tennessee's and Tetco's filings that continued monitoring of their gas storage situation is warranted. Should there be a resumption of the extremely cold weather experienced during December and January or an interruption of emergency purchases of domestic gas, we would be prepared to reconsider issuing an authorization without delay. For this reason, we are not denying the petition outright, but are suspending consideration of the petition for temporary authorizations pending receipt of notice from Tennessee or Tetco that weather or other conditions are about to create an emergency situation or a request for a hearing on the action taken here. If no such notice or request for hearing is received prior to March 31, 1981, however, the petition will be moot and should be considered denied. Additionally, any final action on the original application before March 31, 1981, would also render the petition for temporary authorizations moot. Suspension of consideration of the petition for temporary approval in no way affects or influences our continuing consideration of the original application by the four ProGas purchasers in this docket.

### Order

For the reasons stated herein, ERA hereby orders that pursuant to Section 3 of the Natural Gas Act:

A. Consideration of the petition of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Texas Eastern Transmission Corporation for temporary authorizations to import natural gas from Canada is suspended until either a further order is issued in this docket or March 31, 1981, whichever occurs first.

B. In the event that no further order is issued in this docket prior to March 31, 1981, the petition for temporary authorization shall be considered denied as of that date.

C. The petitions for leave to intervene, as set forth in the Appendix to this 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.

Issued in Washington, D. C. on March 10, 1981.

--Footnotes--

1/ Notice of the petition appeared in the Federal Register on February 12, 1981 (46 FR 12052). In our notice we stated that a hearing would not be held unless a motion for a hearing was made by any party or persons seeking intervention and was granted by ERA or if the ERA on its own motion believed that a hearing was required. No party or person seeking intervention requested a hearing and none was held.

2/ See ERA Docket No. 79-15-NG, Natural Gas Pipeline Company of America; Michigan Wisconsin Pipeline Company; Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Texas Eastern Transmission Corporation (jointly called the ProGas purchasers). The original application was noticed in the Federal Register on July 19, 1979 (44 FR 42307), and a supplemental filing was noticed on February 11, 1981 (46 FR 11860).

3/ Neither company specified the degree of these curtailments.

4/ Northwest Alaskan Pipeline Company

Wisconsin Fuel and Light Company

Iowa Electric Light and Power Company

Midwestern Gas Transmission Company

Iowa-Illinois Gas and Electric Company

Foothills Pipelines (Yukon) Ltd.

Great Lakes Transmission Company

TransCanada Pipe Lines Ltd.

New Jersey Natural Gas Company

Algonquin Gas Transmission Company

Public Service Electric and Gas Company

Peoples Gas Light and Coke Company

Northern States Power Company (Out of Time)

Public Service Commission of Wisconsin (Notice of Intervention)

5/ Northern Natural Gas Company, Division of InterNorth, Inc. Process Gas Consumers Group and the American Iron and Steel Institute.

6/ The "Statement of Illinois Power Company in Support of Joint Petition of ProGas Purchasers to Expedite Decision by Shortened Procedures," dated January 9, 1980, does not constitute a petition for intervention according to Section 1.8 of the Rule of Practice and Procedures. Such filing did not include a justification of intervenor status, good cause for late intervention or a certificate of service.

## APPENDIX

### OFFICIAL SERVICE LIST

ERA DOCKET NO. 79-15-NG

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