

Cited as "1 ERA Para. 70,550"

Boundary Gas, Inc. (ERA Docket No. 81-04-NG), October 7, 1982

DOE/ERA Opinion and Order No. 45A

Order Denying Applications for Rehearing and Denying Other Requested Relief

#### Discussion

Pursuant to its authority under section 3 of the Natural Gas Act (NGA), on August 9, 1982, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued DOE/ERA Opinion and Order No. 45 in ERA Docket No. 81-04-NG conditionally authorizing Boundary Gas, Inc. to import natural gas from Canada. Under section 19(a) of the NGA and section 1.34 of our procedural rules,<sup>1/</sup> applications for rehearing of an order may be filed within 30 days after its issuance.

On September 8, 1982, the ERA received requests for further action in this docket from Transcontinental Gas Pipe Line Corporation (Transco), Texas Eastern Transmission Corporation (Texas Eastern), and Algonquin Gas Transmission Company (Algonquin), who are joint applicants for authorization to import Canadian gas in ERA Docket No. 81-02-NG, currently pending before the ERA. Transco filed a petition for clarification or, alternatively, application for rehearing of Order 45. Texas Eastern and Algonquin each filed applications for rehearing, and Algonquin also filed a motion to include additional written material in the record.<sup>2/</sup>

Following a thorough review of these applications for rehearing, the ERA has determined that none of the matters discussed in the applications are new to this proceeding, present any new information, or otherwise convince us to reconsider our findings. These matters, which concern the issues of comparative hearings and direct purchases by natural gas distribution companies, were raised early in this proceeding,<sup>3/</sup> received extensive comment, and were addressed fully by the ERA in Order 45.

Transco's petition for clarification does not, in fact, request clarification of the ERA's findings in Order 45. Rather, it seeks an express commitment by the ERA to hold comparative hearings if the Canadian government determines the volume of gas available for export is not sufficient to permit authorization of all pending export license applications. The ERA did not choose to make such a commitment in Order 45. Rather, Order 45 clearly sets

forth our position on this issue (see Slip Op., pp. 15-17). Transco has not shown any reason for us to "clarify" our position, and we do not believe further elaboration of our position is necessary.

The ERA also denies Algonquin's motion to lodge, which we reviewed in connection with its application for rehearing. Algonquin has not demonstrated how this material is relevant to the ERA's findings in Order 45 or how it would otherwise be helpful at this late date in the proceeding. The record has closed, and we do not believe this material warrants its reopening.

Accordingly, this order denies each of the applications for rehearing, the petition for clarification, and the motion to lodge.

### Order

For the reasons set forth above, pursuant to section 3 of the Natural Gas Act, the ERA hereby orders:

A. The applications for rehearing of Transcontinental Gas Pipe Line Corporation, Texas Eastern Transmission Corporation, and Algonquin Gas Transmission Company are hereby denied.

B. The petition for clarification of Transcontinental Gas Pipe Line Corporation and the motion to lodge of Algonquin Gas Transmission Company are hereby denied.

Issued in Washington, D.C. on October 7, 1982.

### --Footnotes--

1/ The ERA follows the requirements that are specified in the regulations that were in effect on October 1, 1977, in 18 CFR Para. 1, et seq.

2/ Algonquin's "Motion of Algonquin Gas Transmission Company to Lodge Transcript for Inclusion in the Record" requests the ERA to include in the record of ERA Docket No. 81-04-NG certain testimony of officials of Boundary Gas, Inc. in proceedings before the Canadian National Energy Board in the Gas Energy Omnibus Hearing, Order No. GH-6-81, Phase II, August 3, 1982. Because of the length of the transcript, Algonquin did not serve copies on the parties but rather requested we waive their obligation to do so. In view of our denial of this motion, this request is moot.

3/ See the ERA's "Order Granting Interventions, Requesting Written

Comments on the Principal Issues in this Proceeding, and Convening a Conference," issued August 12, 1981.