

Cited as "1 ERA Para. 70,562"

ANR Pipeline Company (ERA Docket No. 81-34-NG), Midwestern Gas Transmission Company (ERA Docket No. 81-32-NG), Natural Gas Pipeline Company of America (ERA Docket No. 82-01-NG), Northern Natural Gas Company (ERA Docket No. 82-11-NG), Northwest Alaskan Pipeline Company (Unnumbered), Northwest Pipeline Corporation (ERA Docket No. 83-06-NG), Texas Gas Transmission Corporation (ERA Docket No. 84-01-NG), Texas Gas Transmission Corporation (ERA Docket No. 84-02-NG), Texas Gas Transmission Corporation (ERA Docket No. 82-08-NG), Trunkline LNG Company (ERA Docket No. 84-03-LNG), April 3, 1984.

Order Consolidating Proceedings Transferred from the Federal Energy Regulatory Commission, Directing Texas Gas Transmission Corporation to Supplement Its Transferred Applications, Requiring Northwest Alaskan Pipeline Company to Report On Conformance of Import Arrangements With New Policy Guidelines, Granting Interventions and Terminating Transferred Trunkline LNG Company Proceeding

I. Background

On February 15, 1984, the Secretary of Energy issued new policy guidelines for the importation of natural gas into the United States.^{1/} The guidelines set forth a new policy designed to encourage greater participation of buyers and sellers of imported natural gas in establishing price and contract terms and to promote import arrangements that result in gas being imported on a competitive and market-responsive basis.

Simultaneously, the Secretary issued three delegation orders^{2/} superseding earlier delegations and clarifying the areas of jurisdiction of the Economic Regulatory Administration (ERA) and the Federal Energy Regulatory Commission (FERC) in authorizing imports and exports of natural gas. In Delegation Order No. 0204-110, the authority under Section 3 of the Natural Gas Act to approve the importation of natural gas transported through the Alaska Natural Gas Transportation System (ANGTS), which previously had been exercised by the FERC, was delegated to the ERA. Delegation Order Nos. 0204-111 and 0204-112 delineated the jurisdiction of the ERA and the FERC and gave the ERA responsibility under Section 3 that was formerly held by the FERC to approve the place of entry for imported natural gas (or exit for exports) when there are no new domestic facilities necessary for the imports or exports.

The ERA issued a procedural order on February 16, 1984,^{3/} implementing the new policy guidelines. The order directed all companies with pending

import applications, or applications to modify or extend existing authorizations, to report by April 16, 1984, whether these import arrangements presently conform to the guidelines, and whether they wish to proceed with the processing of their import authorization requests.

In addition, the order asked importers with existing authorizations to evaluate their arrangements and report by April 16, 1984, whether these arrangements are consistent with the new policy and, if not, the modifications deemed necessary to bring them into conformity with the policy. Additionally, these importers were requested to report any actions taken or planned toward this end.

These reporting requirements were limited to importers with existing ERA authorizations and with applications before the ERA. This order requires the ANGTS importers to file the same reports on or before June 4, 1984.

II. Transfer of Proceedings

On March 23, 1984, all proceedings pending before the FERC relating to the functions conferred on the ERA by the new delegation orders were transferred to the ERA.⁴ The proceedings (with the former FERC docket numbers) transferred were:

- (i) Michigan Wisconsin Pipe Line Company (now ANR Pipeline Company), Docket No. CP82-51-000;
- (ii) Midwestern Gas Transmission Company, Docket Nos. CP81-491-000, 001, and 002;
- (iii) Natural Gas Pipeline Company of America, Docket No. CP82-147-000;
- (iv) Northern Natural Gas Company, Docket No. CP80-22-003;
- (v) Northwest Pipeline Corporation, Docket No. CP83-501-000;
- (vi) Texas Gas Transmission Corporation, Docket No. CP82-403-000;
- (vii) Texas Gas Transmission Corporation, Docket No. CP82-418-000;
- (viii) Texas Gas Transmission Corporation, Docket No. CP82-419-000; and
- (ix) Trunkline LNG Company, Docket No. CP83-443-000.

III. Consolidation of Dockets

Those proceedings involving the importation of natural gas through existing pipeline facilities other than ANGTS that were pending before the FERC in Docket Nos. CP81-491-000, 001, and 002, CP82-51-000, CP82-417-000, CP82-419-000, and CP83-501-000 for approval of the point of entry are being consolidated with parallel on-going proceedings before the ERA. Therefore, all future filings with respect to Section 3 matters in those proceedings should reference only the ERA docket number identified in the ordering section of this order and be made to the ERA rather than to the FERC.

IV. ANGTS Proceedings

On August 9, 1982, Northern Natural Gas Company filed simultaneously with the FERC in Docket No. CP80-22-003 and the ERA in Docket No. 82-11-NG to amend and extend its existing import authorization. The volumes imported are currently authorized for entry through both ANGTS and non-ANGTS facilities. Inasmuch as the ERA is now responsible for authorizing imports through the ANGTS, these applications formerly pending at the FERC are being consolidated into ERA Docket No. 82-11-NG.

The applications of Texas Gas Transmission Corporation (Texas Gas) in FERC Docket Nos. CP82-403-000 and CP82-418-000 to import gas through the ANGTS are being assigned ERA Docket Nos. 84-01-NG and 84-02-NG, respectively, because there are no corresponding proceedings before the ERA. Texas Gas shall provide the ERA with the information for pending applications required by Section II of the February 16 order on or before June 4, 1984.

Similarly, Northwest Alaskan Pipeline Company (Northwest Alaskan) shall report on its previously authorized ANGTS-related import arrangements. With the new delegation orders in effect, Northwest Alaskan is requested to assess those arrangements for conformity with the new policy guidelines and to report the results to the ERA by June 4, 1984, consistent with the instructions contained in Section III of the February 16, 1984, order relating to existing authorizations.

The FERC on December 15, 1983, conditionally authorized Northwest Alaskan in Docket Nos. CP78-123-000 and CP78-123-021 to extend imports of Canadian gas through the ANGTS through October 31, 1992. This approval was specifically conditioned on Northwest Alaskan making a showing that the gas will be marketable and that the terms and conditions for its importation will not be inconsistent with the public interest. Since jurisdiction to issue final Section 3 import approval in these proceedings now rests with the

ERA, all contractual documents and marketability data that Northwest Alaskan submits under its conditional authorizations should be filed with the ERA. ERA docket numbers will be assigned upon such filings.

V. Trunkline LNG Company

On July 25, 1983, the Trunkline LNG Company (TLC) filed substantially identical applications with the ERA (ERA 83-04-LNG) and the FERC (CP83-443-000) to amend its existing import authorization. Subsequently, the ERA consolidated Docket No. 83-04-LNG with its on-going TLC proceeding in Docket No. 82-12-LNG. In Opinion and Order No. 50A5/ issued March 7, 1984, the ERA terminated the consolidated proceedings and dismissed TLC's application as moot.

TLC's Section 3 application in the above captioned FERC docket is being assigned ERA Docket No. 84-03-LNG. A number of petitions to intervene were filed in response to the FERC's notice of TLC's application.^{6/} One was filed late. There was no opposition to any of the petitions for intervention. Further, with regard to the late filing, no delay to the proceeding will result from our granting this unopposed petition. Accordingly, the ERA has determined that good cause exists for accepting the late filing, and this order grants all petitions for intervention.

In view of our dismissal of TLC's application in Order 50A, it is appropriate to dismiss the same application in Docket No. 84-03-LNG. Therefore, we are terminating this proceeding for the reasons set forth in Order 50A.

Order

In accordance with the delegation orders issued by the Secretary of Energy relating to natural gas imports, and for the reasons set forth above, it is hereby ordered pursuant to Section 3 of the Natural Gas Act that:

A. Applicants with natural gas import applications formerly pending in the following FERC dockets are consolidated for decision with the corresponding ERA dockets.

(i) ANR Pipeline Company (formerly Michigan Wisconsin Pipe Line Company), Docket No. CP82-51-000 with ERA Docket No. 81-34-NG;

(ii) Midwestern Gas Transmission Company, Docket Nos. CP81-491-000, 001, and 002, with ERA Docket No. 81-32-NG;

(iii) Natural Gas Pipeline Company of America, Docket No. CP82-147-000, with ERA Docket No. 82-01-NG;

(iv) Northern Natural Gas Company, Docket No. CP80-22-003, with ERA Docket No. 82-11-NG;

(v) Northwest Pipeline Corporation, Docket No. CP83-501-000, with ERA Docket No. 83-06-NG; and

(vi) Texas Gas Transmission Corporation, Docket No. CP82-419-000, with ERA Docket No. 82-08-NG.

B. Texas Gas Transmission Corporation is directed to supplement its application in ERA Docket Nos. 84-01-NG and 84-02-NG (formerly FERC Docket Nos. CP82-403-000 and CP82-418-000, respectively) by providing the information required by section II of the procedural order issued by the ERA on February 16, 1984, implementing new United States gas import policy guidelines. The supplemental filing should be made on or before June 4, 1984; copies should be served on all intervenors.

C. Northwest Alaskan Pipeline Company shall review its import arrangements and report as discussed in section III of the ERA's February 16, 1984 order on or before June 4, 1984.

D. All petitions for leave to intervene in the Trunkline LNG proceeding in ERA Docket No. 84-03-LNG are hereby granted, subject to such rules of practice and procedure as may be in effect.

E. The application of Trunkline LNG Company in ERA Docket No. 84-03-LNG is dismissed as moot and the proceeding is terminated.

Issued in Washington, D.C., April 3, 1984.

--Footnotes--

1/ 49 F.R. 6684 (February 22, 1984).

2/ Ibid.

3/ 1 ERA Para. 70,561, Federal Energy Guidelines.

4/ See Notice of Transfer of Dockets, issued by the FERC on March 23, 1984 (notice unpublished as of this date).

5/ DOE/ERA Opinion and Order No. 50A, issued March 7, 1984, in ERA Docket No. 82-12-LNG, Trunkline LNG Company (1 ERA Para. 70,119, Federal Energy Guidelines).

6/ The petitions to intervene were filed by Northern Indiana Public Service Company, Citizens Gas & Coke Utility, Indiana Gas Company, Inc., Kokomo Gas & Fuel Company, Association of Businesses Advocating Tariff Equity, The Process Gas Consumers Group, and The Indiana Industrial Energy Consumers Group, Consumers Power Company, Mississippi River Transmission Corporation, Illinois Power Company, Columbia Gas Transmission Company, State of Michigan and Michigan Public Service Commission, Boston Gas Company, Michigan Consolidated Gas Company, National Distillers and Chemical Corporation, General Service Customer Group, Central Illinois Light Company and Laclede Gas Company.