

Cited as "1 ERA Para. 70,126"

Pacific Indonesia LNG Company; Western LNG Terminal Associates (ERA Docket No. 77-001-LNG), October 23, 1985.

DOE/ERA Opinion and Order No 8A

Order Granting Applicants' Uncontested Motion to Vacate Authorization to Import Liquefied Natural Gas from Indonesia

This case pertains to the authorizations issued by the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) concerning a project in which Pacific Indonesia LNG Company (Pac Indonesia) and Western LNG Terminal Associates (Terminal Associates) proposed to import liquefied natural gas (LNG) from Indonesia into the United States at Oxnard, California, or Point Conception, California.^{1/} The case is presently before us on remand from the United States Court of Appeals for the District of Columbia Circuit.^{2/}

On August 20, 1985, the project sponsors filed a motion which, in effect, requests the ERA to vacate Opinion Nos. 1, 2, 6, and 8 without prejudice to the sponsors' filing of another application to import Indonesian LNG at a future date.^{3/} The motion is uncontested.

This is an import project under which no gas has flowed and no facilities have been constructed. No longer is there a sponsor who wishes to pursue the authorization granted by the ERA in this docket. In view of these particular circumstances in this case and given the uncontested motion to vacate, the ERA finds on the basis of the record that the authorization orders should be vacated. The ERA hereby vacates the authorization granted to Pac Indonesia and Terminal Associates in Opinion Nos. 1, 2, 6, and 8 without prejudice to the filing of another application in the future to import LNG from Indonesia.^{4/} Accordingly, no further proceedings on remand are necessary or appropriate.

Order

For the reasons set forth above, pursuant to Section 3 of the Natural Gas Act, it is ordered that:

DOE/ERA Opinion Nos. 1, 2, 6, and 8 are hereby vacated without prejudice to the filing of an application at a future date to import Indonesian LNG by Pacific Indonesia LNG Company and Western LNG Terminal Associates.

Issued in Washington, D.C., on October 23, 1985.

--Footnotes--

1/ See DOE/ERA Opinion No. 1, 1 ERA Para. 70,101 (December 30, 1977); DOE/ERA Opinion No. 2, 1 ERA Para. 80,102 (September 29, 1978); DOE/ERA Opinion No. 6, 1 ERA Para. 70,106 (April 24, 1979); DOE/ERA Opinion No. 8, 1 ERA Para. 70,108 (September 26, 1979).

2/ Hollister Ranch Owner's Association v. Department of Energy, No. 78-2207 (D.C. Circuit, remanded June 10, 1983).

3/ Although the sponsors' motion also spoke in terms of "withdrawal of the application," it is not appropriate to withdraw an application after final agency action has been taken on it.

4/ Should a new application be filed, the ERA will consider in that later proceeding whether to incorporate by reference any or all of the record in this case.