

Cited as "1 FE Para. 70,388"

Poco Petroleum, Inc. (FE Docket No. 90-82-NG), November 29, 1990.

DOE/FE Opinion and Order No. 460

Order Granting Blanket Authorization to Export Natural Gas to Canada

I. Background

On September 21, 1990, Poco Petroleum, Inc. (Poco) filed an application pursuant to section 3 of the Natural Gas Act (NGA) and DOE Delegation Order Nos. 0204-111 and 0204-127 for blanket authorization to export from the United States to Canada up to 100,000 MMBtus (approximately 100,000 Mcf) per day and up to a total of 70,000,000 MMBtus (approximately 70 Bcf) of natural gas over a two-year period commencing with the date of first delivery. Poco intends to use existing pipeline facilities within the United States and at the international border for transportation of the exported gas. Poco states that it will advise the DOE of the date of first delivery and submit quarterly reports detailing each export transaction.

Poco, a Delaware corporation, is a wholly owned subsidiary of Poco Petroleum Ltd., an Alberta corporation headquartered in Calgary, Alberta. Poco requests authorization to export for its own account as well as for the accounts of its U.S. suppliers and Canadian purchasers. Poco states that the contractual arrangements will be the product of arms-length negotiations with an emphasis on competitive prices and contract flexibility.

A notice of the application was issued on October 15, 1990, inviting protests, motions to intervene, notices of intervention, and comments to be filed by November 23, 1990.^{1/} No comments were received.

II. Decision

The application filed by Poco has been evaluated to determine if the proposed export arrangement meets the public interest requirements of section 3 of the NGA. Under section 3, an export must be authorized unless there is a finding that it "will not be consistent with the public interest."^{2/} In reviewing natural gas export applications, domestic need for the gas to be exported is considered, and any other issues determined to be appropriate in a particular case.

Poco's uncontested export proposal, as set forth in the application, is

consistent with section 3 of the NGA and the DOE's international gas trade policy. The current supplies of domestic gas, coupled with the short-term, market-responsive nature of the contracts into which POCO proposes to enter, indicate that it is unlikely that the proposed export volumes will be needed domestically during the term of the authorization. In addition, POCO's proposal, like other blanket export proposals that have been approved by the DOE,^{3/} will further the Secretary's policy goals of reducing trade barriers by encouraging market forces to achieve a more competitive distribution of goods between the U.S. and Canada. Thus, POCO's export arrangement will enhance cross-border competition in the marketplace.

After taking into consideration all of the information in the record of this proceeding, I find that granting POCO blanket authority to export a total of up to 70,000,000 MMBtu (70 Bcf) of natural gas from the U.S. to Canada during a period of two years, under contracts with terms of up to two years, is not inconsistent with the public interest and should be approved.^{4/} Consistent with our treatment of similar blanket applications and in order to maximize flexibility, there will be no restriction on the daily or annual volume that may be exported.

ORDER

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

A. POCO Petroleum, Inc. (POCO), is authorized to export a total of up to 70,000,000 MMBtu (70 Bcf) of natural gas from the United States to Canada during a two-year period commencing on the date of the first delivery.

B. Within two weeks after deliveries begin, POCO shall provide written notification to the Office of Fuels Programs, Fossil Energy, Room 3F-056, FE-50, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, of the date when the first delivery of natural gas authorized in Ordering Paragraph A above occurs.

C. With respect to the exports authorized by this Order, POCO shall file within 30 days following each calendar quarter, quarterly reports indicating whether sales of exported natural gas have been made, and if so, giving by month, the total volume of the exports in Mcf and the average price for exports per MMBtu at the international border. The reports shall also provide the details of each export transaction, including the names of the seller(s), and the purchaser(s), estimated or actual duration of the agreements, transporter(s), points of exit, and market(s) served.

Issued in Washington, D.C., on November 29, 1990.

--Footnotes--

1/ 55 FR 42765, October 23, 1990

2/ 15 U.S.C. Sec. 717b.

3/ See e.g., Kimball Energy Corporation, 1 FE Para. 70,330 (June 26, 1990); Unicorp Energy Inc., 1 FE Para. 70,307 (March 9, 1990); and Dynasty Gas Marketing, Inc., 1 FE Para. 70,306 (February 26, 1990).

4/ Because the proposed exportation of gas will use existing facilities, the DOE has determined that granting this application is clearly not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (42 U.S.C. 4321, et seq.) and therefore an environmental impact statement or environmental assessment is not required. See 40 CFR Sec. 1508.4 and 54 FR 12474 (March 27, 1989).