

Cited as "1 FE Para. 70,484"

TransCanada PipeLines Limited, Great Lakes Gas Transmission Limited Partnership (FE Docket No. 91-34-NG), October 22, 1991.

DOE/FE Opinion and Order No. 536

Order Granting Long-Term Authorization to Import Natural Gas from Canada and Granting Intervention

## I. Background

On May 10, 1991, as supplemented on May 13, 1991, and May 23, 1991, TransCanada PipeLines Limited (TransCanada), applied to the Office of Fossil Energy (FE) of the Department of Energy (DOE) for authorization to import up to 98.35 MMcf per day and up to 30.854 Bcf annually of natural gas from Canada beginning on June 1, 1991, through October 31, 2005. The imported gas would be furnished to Great Lakes Gas Transmission Limited Partnership (Great Lakes) to be used primarily as compressor fuel required to transport gas that Great Lakes imports from Canada and exports back to Canada on behalf of TransCanada. The gas TransCanada seeks authority to import will not be sold in the United States, but rather will be consumed by Great Lakes in providing transportation services for TransCanada.

TransCanada is a Canadian natural gas transmission company extending from Alberta to Quebec that purchases, transports, and sells natural gas to customers in Canada and the United States.<sup>1/</sup> The requested authorization would replace authority currently held by Great Lakes to purchase and import volumes of compressor fuel and other company use gas from TransCanada in rendering its transportation services.

A notice of receipt of the application was issued on July 3, 1991 <sup>2/</sup> inviting protests, motions to intervene, notices of intervention, and comments to be filed by July 25, 1991. A motion to intervene was filed by Great Lakes supporting TransCanada's application. This order grants intervention to Great Lakes.

## II. Decision

Under section 3 of the NGA, an import must be authorized unless there is a finding it will not be consistent with the public interest.<sup>3/</sup> The competitiveness of an import, which generally guides DOE's public interest determination, is not a consideration in this proceeding because no natural gas will be sold in the United States. <sup>4/</sup> The application seeks only to substitute TransCanada for Great Lakes with respect to gas imports previously authorized under section 3.

TransCanada asserts the requested import authority will assure supplies of compressor fuel necessary for Great Lakes' transportation of gas which Great Lakes imports and exports on behalf of TransCanada under separate but integrally related DOE authorizations. The compressor fuel is subject to reimbursement in kind provisions in the transportation service agreements between TransCanada and Great Lakes, which in turn are subject to the jurisdiction of the Federal Energy Regulatory Commission. After considering this and all other information in the record of this uncontested proceeding, I find that granting TransCanada authorization to import up to 98.35 Mcf per day of natural gas from Canada through October 31, 2005, is not inconsistent with

the public interest.<sup>5/</sup>

ORDER

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

A. TransCanada PipeLines Limited (TransCanada) is authorized to import at Emerson, Manitoba, up to 98.35 MMcf per day of Canadian natural gas, not to exceed 30.854 Bcf annually, in accordance with the transportation service agreement dated September 19, 1990, between Great Lakes Gas Transmission Limited Partnership (Great Lakes) and TransCanada.

B. The authorizations that provided the compressor fuel and other company use gas Great Lakes previously needed to transport TransCanada's gas volumes, as most recently amended in Ordering Paragraph D of DOE/FE Opinion and Order No. 416 issued August 8, 1990, and Ordering Paragraph B of DOE/FE Opinion and Order No. 487, issued March 21, 1991, are hereby vacated. Effective this date, Great Lakes has no remaining authority to import natural gas either for resale or company use.

C. The authorization is effective immediately and shall continue through October 31, 2005.

D. TransCanada shall notify the Office of Fuels Programs (OFP), Fossil Energy, FE-50, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585, in writing of the date of initial deliveries of natural gas imported under Ordering Paragraph A above within two weeks after deliveries begin.

E. With respect to the imports authorized by this Order, TransCanada shall file with OFP, within 30 days following each calendar quarter, quarterly reports showing by month, the total volume of natural gas imports in Mcf.

F. The motion to intervene, filed by Great Lakes, is hereby granted, provided that its participation shall be limited to matters specifically set forth in its motion to intervene and not herein specifically denied, and that the admission of this intervenor shall not be construed as recognition that it might be aggrieved because of any order issued in this proceeding.

Issued in Washington, D.C., on October 22, 1991.

--Footnotes--

1/ One of the general partners comprising Great Lakes is TransCanada GL, Inc. a subsidiary of TransCanada PipeLines, U.S.A., Ltd., which in turn is a subsidiary TransCanada.

2/ 56 FR 31399 July 10, 1991.

3/ 15 U.S.C. Sec. 717b.

4/ See 49 FR 6684, February 22, 1984.

5/ Because the proposed importation of gas will use existing facilities, DOE has determined that granting this application is 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).