

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

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AECTRA REFINING AND MARKETING, INC.) FE DOCKET NO. 91-89-NG
_____)

ORDER GRANTING BLANKET AUTHORIZATION
TO EXPORT NATURAL GAS TO MEXICO

DOE/FE OPINION AND ORDER NO. 577

JANUARY 24, 1992

I. BACKGROUND

On October 28, 1991, Aectra Refining and Marketing, Inc. (Aectra), filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE), pursuant to section 3 of the Natural Gas Act (NGA) and DOE Delegation Order Nos. 0204-111 and 0204-127, requesting blanket authorization to export from the United States to Mexico up to 146 Bcf of natural gas on a short-term or spot market basis over a two-year period beginning on the date of first delivery. Aectra intends to use existing U.S. pipeline facilities at various points on the U.S./Mexico border. Aectra states that it will advise FE of the date of first delivery and submit quarterly reports detailing each transaction.

Aectra, a Texas corporation with its principal place of business in Houston, Texas, intends to purchase the gas from U.S. producers on the spot market and export it to Petroleos Mexicanos (Pemex), Mexico's national oil company. Aectra maintains that this gas would be surplus to domestic need, and that all export sales would result from arms-length negotiations with the prices determined by market conditions. In addition, no new pipeline facilities would be required to implement the proposed exports.

A notice of the application was issued on November 26, 1991, inviting protests, motions to intervene, notices of intervention,

and comments to be filed by January 3, 1992. 1/ No comments were received.

II. DECISION

The application filed by Aectra 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.

Aectra's uncontested export proposal, as set forth in the application, is consistent with section 3 of the NGA and 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 Aectra 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, Aectra's proposal, like other blanket export proposals that have

1/ 56 FR 63510, December 4, 1991.

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

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 Mexico. Thus, Aectra'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 Aectra blanket authority to export a total of up to 146 Bcf of natural gas from the U.S. to Mexico 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/

ORDER

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

A. Aectra Refining and Marketing, Inc. (Aectra), is authorized to export a total of up to 146 Bcf of natural gas from the United States to Mexico during a two-year period beginning on the date of the first export.

3/ E.g., Valero Industrial Gas, L.P.; 1 FE Para. 70,485

(October 23, 1991); Cibola Corporation, 1 FE Para. 70,480

(September 9, 1991); and Shell Gas Trading Company, 1 FE Para.

70,479 (September 9, 1991).

4/ Because the proposed exportation of gas will use existing facilities, 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).
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B. Aectra is authorized to export this gas from any point on the international boundary line which does not require construction of new border facilities.

C. Within two weeks after deliveries begin, Aectra 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 that the first delivery of natural gas authorized in Ordering Paragraph A above occurs.

D. With respect to the exports authorized by this Order, Aectra 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, and if applicable, the per unit (MMBTU) demand/commodity/reservation charge breakdown of the contract price; any special contract price adjustments clauses; and any take-or-pay or make-up provisions. If no exports have been made, a reports of "no activity" for that calendar quarter must be filed. Failure to file quarterly reports may result in termination of this authorization.

E. The first quarterly report required by paragraph D of this order is due not later than April 30, 1992, and should cover the period from the date of this order until the end of the current calendar quarter March 31, 1992.

Issued in Washington, D.C., on January 24, 1992.

Clifford P. Tomaszewski
Acting Deputy Assistant Secretary
for Fuels Programs
Office of Fossil Energy