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DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

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OFFICE OF FOSSIL ENERGY
U.S. DEPARTMENT OF ENERGY

CONTSTELLATION NEWENERGY-GAS DIVISION, LLC

DOCKET NO. 05-96-NG

ORDER GRANTING BLANKET AUTHORIZATION TO
IMPORT NATURAL GAS FROM CANADA

DOE/FE ORDER NO. 2152

NOVEMBER 22, 2005

I. DESCRIPTION OF REQUEST

On October 25, 2005, Constellation NewEnergy-Gas Division, LLC (Constellation NewEnergy), filed an application with the Office of Fossil Energy of the Department of Energy (DOE), under section 3 of the Natural Gas Act (NGA),¹ for blanket authorization to import up to 10 billion cubic feet of natural gas from Canada. Constellation NewEnergy requests the authorization be granted for a two-year term beginning on August 1, 2005. Constellation NewEnergy is a Kentucky corporation with its principal place of business in Louisville, Kentucky.

II. FINDING

The application has been evaluated to determine if the proposed import arrangement meets the public interest requirement of section 3 of the NGA, as amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486). Under section 3(c), the import of natural gas from a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas is deemed to be consistent with the public interest and must be granted without modification or delay. The authorization sought by Constellation NewEnergy to import natural gas from Canada, a nation with which a free trade agreement is in effect, meets the section 3(c) criterion and, therefore, is consistent with the public interest. This Order authorizes transactions with terms of no longer than two years.

¹/ 15 U.S.C. § 717b. This authority is delegated to the Assistant Secretary for Fossil Energy pursuant to Redelegation Order No. 00.002.04A (April 13, 2005).

ORDER

Pursuant to section 3 of the Natural Gas Act, it is ordered that:

A. Constellation NewEnergy-Gas Division, LLC (Constellation NewEnergy) is authorized to import up to 10 billion cubic feet of natural gas from Canada. The term of the authority began on August 1, 2005, and will extend through July 31, 2007.

B. This natural gas may be imported at any entry point on the border of the United States and Canada.

C. **Monthly Reports:** With respect to the imports of natural gas authorized by this Order, Constellation NewEnergy shall file with the Office of Natural Gas Regulatory Activities, within 30 days following each calendar month, a report indicating whether imports of natural gas have been made. Monthly reports must be filed whether or not initial deliveries have begun. If imports of natural gas have not been made, a report of "no activity" for that month must be filed. If imports of natural gas have occurred, the report must give the following details: (1) country of origin; (2) point(s) of entry; and (3) total volume at each import point in Mcf for the month.

[OMB NO.: 1901-0294]

D. The first monthly report required by this Order is due not later than December 30, 2005, and should cover the reporting period November 1, 2005, through November 30, 2005.

E. **Quarterly Reports:** With respect to the natural gas imports authorized by this Order, Constellation NewEnergy shall file with the Office of Natural Gas Regulatory Activities, within

30 days following each calendar quarter, reports indicating whether imports of natural gas have been made. Quarterly reports must be filed whether or not initial deliveries have begun. If imports of natural gas have not been made, a report of "no activity" for that calendar quarter must be filed. If imports of natural gas have occurred, the report must give details of each transaction, including: (1) the total monthly volumes in thousand cubic feet (Mcf); (2) the average purchase price of gas per million British thermal units (MMBtu) at the international border; (3) the name of the seller(s); (4) the name of the purchaser(s); (5) the estimated or actual duration of the agreement(s); (6) the name of the United States transporter(s); (7) the point(s) of entry; and (8) the geographic market(s) served. [OMB No.: 1901-0294]

F. The first quarterly report required by this Order is due not later than January 30, 2006, and should cover the period from October 1, 2005, until the end of the fourth calendar quarter, December 31, 2005.

G. The quarterly reports shall be filed with the U.S. Department of Energy, Office of Natural Gas Regulatory Activities, FE-34, P.O. Box 44375, Washington, D.C. 20026-4375.

Issued in Washington, D.C., on November 22, 2005.



R.F. Corbin
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Office of Oil and Gas Global Security and Supply
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