

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY



CONSTELLATION NEWENERGY-GAS DIVISION, LLC)
_____)

FE DOCKET NO. 07-56-NG

ORDER GRANTING BLANKET AUTHORIZATION TO
IMPORT NATURAL GAS FROM CANADA

DOE/FE ORDER NO. 2374

JUNE 22, 2007

I. DESCRIPTION OF REQUEST

On June 7, 2007, 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. The applicant requests the authorization be granted for a two-year term beginning on August 1, 2007.² 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 and export of natural gas, including liquefied natural gas (LNG), from and to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas and the import of LNG from other international sources are 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 Redlegation Order No. 00.002.04C (January 30, 2007).

² / Constellation NewEnergy's authorization to import natural gas granted by DOE/FE Order No. 2152, on November 22, 2005, extends through July 31, 2007 (2 FE ¶71,207).

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 pursuant to transactions that have terms of no longer than two years. This authorization shall be effective for a two-year term beginning on August 1, 2007, and extending through July 31, 2009.

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

C. **Monthly 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 the last day of 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 no imports have 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) the point(s) of entry; and (3) the total volume at each import point in thousand cubic feet (Mcf) for the month. [OMB No.: 1901-0294]

D. The first monthly report required by this Order is due not later than September 30, 2007, and should cover the reporting period from August 1, 2007 through August 31, 2007.

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 the last day of 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 no imports of natural gas have 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 the details of each transaction, including: (1) the total monthly volumes in Mcf; (2) the average purchase price of gas per million British thermal units (MMBtu) at the international border; (3) the name of the supplier(s); (4) the name of the purchaser(s); (5) the estimated or actual duration of the supply agreement(s); (6) the name of the United States transporter(s); (7) the point(s) of entry; and (8) the geographic market(s) served, by State.

[OMB No. 1901-0294]

F. The first quarterly report required by this Order is due not later than October 30, 2007, and should cover the reporting period for the third calendar quarter, commencing August 1, 2007 through September 30, 2007.

G. Both the monthly and 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 June 22, 2007.



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