

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

CONSTELLATION NEWENERGY-GAS)
DIVISION, LLC)
_____)

FE DOCKET NO. 09-54-NG

ORDER GRANTING BLANKET AUTHORIZATION TO
IMPORT NATURAL GAS FROM CANADA

DOE/FE ORDER NO. 2659

JUNE 18, 2009

I. DESCRIPTION OF REQUEST

On June 4, 2009, Constellation NewEnergy-Gas Division, LLC (Constellation NewEnergy) filed an application with the Office of Fossil Energy (FE) 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 (Bcf) of natural gas from Canada. The applicant requests the authorization be granted for a two-year term beginning on August 1, 2009.² 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 FE pursuant to Redesignation Order No. 00-002.04D (November 6, 2007).

²/ Constellation NewEnergy's blanket authorization to import natural gas from Canada granted in DOE/FE Order No. 2374 on June 22, 2007, extends through July 31, 2009 (2 FE ¶ 71,471).

ORDER

Pursuant to section 3 of the NGA, it is ordered that:

A. Constellation NewEnergy is authorized to import up to 10 Bcf 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, 2009, and extending through July 31, 2011.

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) the country of origin; (2) the point(s) of entry; (3) the volume in thousand cubic feet (Mcf); (4) the average purchase price of gas per million British thermal units (MMBtu) at the international border; (5) the name of the supplier(s); (6) the name of the U.S. transporter(s); (7) the estimated or actual duration of the supply agreement(s); and (8) the geographic markets(s) served (list State(s), U.S. Census Region(s), or general U.S. geographic area(s)). [OMB No.: 1901-0294]

D. The first monthly report required by this Order is due not later than September 30, 2009, and should cover the reporting period from August 1, 2009 through August 31, 2009.

E. All monthly report filings shall be made to U.S. Department of Energy (FE-34), Office of Fossil Energy, Office of Natural Gas Regulatory Activities, P.O. Box 44375, Washington, D.C. 20026-4375 Attention: Ms. Yvonne Caudillo. Alternatively, reports may be e-mailed to Ms. Caudillo at Yvonne.caudillo@hq.doe.gov or ngreports@hq.doe.gov, or may be faxed to Ms. Caudillo at (202) 586-6050.

Issued in Washington, D.C., on June 18, 2009.



Yvonne Caudillo
Acting Manager, Natural Gas Regulatory Activities
Office of Oil and Gas Global Security and Supply
Office of Fossil Energy