

Cited as "1 ERA Para. 70,649"

Carlyle Energy, Inc. (ERA Docket No. 86-24-NG), May 29, 1986.

DOE/ERA Opinion and Order No. 126

Order Granting Blanket Authorization To Import Natural Gas from Canada

I. Background

On April 4, 1986, Carlyle Energy, Inc. (Carlyle) filed an application for blanket authorization to import up to 100 Bcf of Canadian natural gas over a two-year period beginning on the date of first delivery. Carlyle, a Montana corporation, is a wholly-owned subsidiary of Carlyle Energy Ltd., a Canadian company.

Carlyle would import for U.S. markets volumes of gas produced by Carlyle Energy Ltd. as well as natural gas from other Canadian suppliers for its own account or as agent on behalf of either a supplier or purchaser of such volumes. Carlyle proposes to file quarterly reports on the specifics of each transaction within a month following each calendar quarter.

The ERA published a notice of the application on April 21, 1986, inviting protests, motions to intervene, notices of intervention, and comments to be filed by May 21, 1986.^{1/}

Motions to intervene were filed by Southern California Gas Company, Northwest Pipeline Corporation, and Pacific Gas Transmission Company. El Paso Natural Gas Company filed a motion to intervene two days late. No delay in the proceeding or prejudice to any party will result from granting intervention to the late movant. None of the intervenors expressed an opinion on the merits of the import proposal, nor requested any further proceedings. This order grants intervention to all movants.

II. Decision

The application filed by Carlyle has been evaluated in accordance with the Administrator's authority to determine if the proposed import arrangement meets the public interest requirements of Section 3 of the Natural Gas Act. Under Section 3, an import is to be authorized unless there is a finding that it "will not be consistent with the public interest."^{2/} The Administrator is guided in this determination by the DOE's natural gas policy guidelines.^{3/} Under these guidelines the competitiveness of an import arrangement in the

markets served is the primary consideration for meeting the public interest test.

The import authorization sought would provide the applicant with blanket approval, within prescribed limits, to negotiate and transact individual, short-term sales arrangements without further regulatory action.

Carlyle's proposed arrangement for the import of Canadian gas, as set forth in the application, is consistent with the DOE policy guidelines. No party objected to the proposed import. The fact that each sale will be voluntarily negotiated, short-term, and market-responsive provides assurance that the transactions will be competitive. Thus, this, like other similar blanket imports^{4/} approved by the ERA, will enhance competition in the market place.

After taking into consideration all of the information in the record of this proceeding, I find that granting Carlyle blanket authority to import up to 100 Bcf of Canadian natural gas over a term of two years is not inconsistent with the public interest.^{5/}

ORDER

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

A. Carlyle Energy Inc. (Carlyle) is authorized to import up to 100 Bcf of Canadian natural gas over a two-year period beginning on the date of first delivery.

B. This natural gas may be imported at any point on the international border where existing pipeline facilities are located.

C. Carlyle shall notify the ERA in writing of the date of the first delivery of natural gas imported under Ordering Paragraph A above within two weeks after date of such delivery.

D. With respect to the imports authorized by this Order, Carlyle shall file with the ERA within 30 days following each calendar quarter, quarterly reports indicating whether sales of imported gas have been made, and if so, giving, by month, the total volume in MMcf of the imports and the average purchase and sales price per MMBtu at the border. The reports shall also provide the details of each transaction, including the names of the sellers and purchasers, estimated or actual duration of the agreements, transporters,

points of entry, markets served, and if applicable, any demand/commodity charge breakdown of the contract price, any special contract price adjustment clauses, and any take-or-pay or make-up provisions.

E. The motions to intervene, as set forth in this Opinion and Order, are hereby granted, provided that participation of each intervenor shall be limited to matters specifically set forth in its motion to intervene and not herein specifically denied, and that the admission of each intervenor shall not be construed as recognition that it might be aggrieved because of any order issued in these proceedings.

Issued In Washington, D.C. on May 29, 1986.

--Footnotes--

1/ 51 FR 13553, April 21, 1986.

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

3/ 49 FR 6684, February 22, 1984.

4/ See e.g., Northeast Gas, Inc., 1 ERA Para. 70,613 (December 20, 1985); Petro-Canada Hydrocarbons Inc., 1 ERA Para. 70,618 (January 3, 1986); PGC Marketing Inc., 1 ERA Para. 70,639 (March 28, 1986); Natgas (U.S.) Inc., 1 ERA Para. 70,640 (April 14, 1986); and Community Gas Acquisition, Inc., 1 ERA Para. 70,642 (May 15, 1986).

5/ Because the proposed importation of gas will use existing pipeline facilities, the 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.