

Cited as "1 ERA Para. 70,759"

Bishop Pipeline Corporation, Inc. (ERA Docket No. 87-65-NG), February 24, 1988.

DOE/ERA Opinion and Order No. 226

Order Granting Blanket Authorization to Import Natural Gas from Canada and Granting Interventions

I. Background

On November 20, 1987, Bishop Pipeline Corporation, Inc. (Bishop Pipeline), filed an application with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE), pursuant to Section 3 of the Natural Gas Act (NGA), for blanket authority to import up to 50 MMcf per day of Canadian natural gas over a two-year period (or the aggregate equivalent of up to 36.5 Bcf) beginning on the date of first delivery. Bishop Pipeline, a Texas corporation with its principal place of business in Houston, Texas, plans to import Canadian natural gas for sale in the U.S. short-term and spot markets.

Under the import proposal, Bishop Pipeline would import gas from a variety of Canadian producers, marketers and pipelines. Bishop Pipeline intends to import the gas for local distribution companies, industrial end-users and other prospective U.S. purchasers, or act as broker or agent on behalf of a supplier or purchaser. The specific terms of each import and sale would be negotiated on an individual basis, including the price and volumes and would be based on competition in the marketplace. Bishop Pipeline intends to use existing pipeline facilities for the transportation of the imported volumes. Bishop Pipeline further states that it will notify the ERA of the date of first delivery of the gas and will file quarterly reports within 30 days following each calendar quarter.

In support of its application, Bishop Pipeline asserts that the gas to be made available under the proposed arrangement will enable it to increase and expand its market area while providing a competitively priced supply to consumers. Bishop Pipeline further asserts that the sales would be freely negotiated, thus ensuring that the import will reflect market conditions and remain competitive over the term of the authorization.

The ERA issued a notice of the application on December 21, 1987, inviting protests, motions to intervene, notices of intervention, and comments to be filed by January 28, 1988.¹ Motions to intervene without comment or

request for additional procedures were filed by Northwest Alaskan Pipeline Company, El Paso Natural Gas Company, Pacific Gas Transmission Company, and Northwest Pipeline Corporation. This order grants intervention to these movants.

II. Decision

The application filed by Bishop Pipeline has been evaluated to determine if the proposed import arrangement meets the public interest requirements of Section 3 of the NGA. 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 by the DOE's natural gas import policy guidelines.^{3/} Under these guidelines, the competitiveness of an import in the markets served is the primary consideration for meeting the public interest test.

Bishop Pipeline's proposed arrangement for importing gas, as set forth in the application, is consistent with the DOE policy guidelines. The import authorization sought would provide Bishop Pipeline with blanket import approval, within prescribed limits, to negotiate and transact individual, short-term purchase arrangements without further regulatory action, and, thus, is similar to other blanket authorizations approved by the ERA.^{4/}

The fact that each spot purchase will be voluntarily negotiated, short-term and market-responsive, as asserted in Bishop Pipeline's application, provides assurance that the transaction will be competitive. As proposed, Bishop Pipeline will only import gas to the extent the gas is needed and the price is competitive. Thus, this arrangement will enhance competition in the marketplace. Further, no party objected to the proposed import.

After taking into consideration all the information in the record of this proceeding, I find that granting Bishop Pipeline blanket authority to import up to 36.5 Bcf of Canadian natural gas over a term of two years is not inconsistent with the public interest.^{5/} Consistent with our recent treatment of similar blanket applications, there will be no restriction on the daily volume that may be imported. This increases the flexibility of spot market importers to provide gas supplies to meet customer demand.

ORDER

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

A. Bishop Pipeline Corporation, Inc. (Bishop Pipeline), is authorized to import up to 36.5 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. Bishop Pipeline shall notify the ERA in writing of the date of the first delivery of natural gas imported under Order Paragraph A above within two weeks after deliveries begin.

D. With respect to the imports authorized by this Order, Bishop Pipeline shall file with the ERA within 30 days following each calendar quarter, quarterly reports indicating whether purchases of imported gas have been made, and if so, giving, by month, the total volume of the imports in MMcf and the average purchase and sales price per MMBtu at the international border. The reports shall also provide the details of each transaction, including the names of the seller(s) and purchaser(s) including those other than Bishop Pipeline, estimated or actual duration of the agreement(s), transporter(s), points of entry, market(s) served and, if applicable, the per unit (MMBtu) 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 the intervenors shall be limited to matters specifically set forth in their motions to intervene and not herein specifically denied, and that admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order issued in these proceedings.

Issued in Washington, D.C., on February 24, 1988.

--Footnotes--

1/ 52 FR 49065, December 29, 1987.

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

3/ 49 FR 6684, February 22, 1984.

4/ Goetz Oil Corporation, 1 ERA Para. 70,727 (October 19, 1987); Williams Gas Marketing Company, 1 ERA Para. 70,736 (November 4, 1987); Victoria Gas Corporation, 1 ERA Para. 70,739 (November 30, 1987); Texas Gas

Marketing, Inc., 1 ERA Para. 70,740 (December 11, 1987); and Associated Natural Gas, Inc., 1 ERA Para. 70,741 (December 11, 1987).

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.