

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

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OFFICE OF FOSSIL ENERGY
U.S. DEPARTMENT OF ENERGY

DARTMOUTH POWER ASSOCIATES)
LIMITED PARTNERSHIP)
_____)

DOCKET NO. 05-22-NG

ORDER GRANTING BLANKET AUTHORIZATION TO
IMPORT NATURAL GAS FROM CANADA

DOE/FE ORDER NO. 2088

APRIL 27, 2005

I. DESCRIPTION OF REQUEST

On April 19, 2005, Dartmouth Power Associates Limited Partnership (Dartmouth) 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 11.68 billion cubic feet of natural gas from Canada. The applicant requests the authorization be granted for a two-year term beginning on May 7, 2005. Dartmouth is a Massachusetts corporation with its principal place of business in Houston, Texas.

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 Dartmouth 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 Redefinition Order No. 00-002.04 (January 8, 2002).

ORDER

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

A. Dartmouth Power Associates Limited Partnership (Dartmouth) is authorized to import up to 11.68 billion cubic feet of natural gas from Canada. The term of the authority will begin on May 7, 2005, and extend through May 6, 2007.

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

C. With respect to the natural gas imports authorized by this Order, Dartmouth 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; (8) the geographic market(s) served; and, if applicable, (9) the per unit (MMBtu) demand/commodity/reservation charge breakdown of the contract price. [OMB No.: 1901-0294]

D. The first quarterly report required by this Order is due not later than July 30, 2005, and should cover the period from May 7, 2005, until the end of the second calendar quarter, June 30, 2005.

E. 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 April 27, 2005.



R. F. Corbin
Manager, Natural Gas Regulatory Activities
Office of Oil and Gas Global Security and Supply
Office of Fossil Energy

Mark C. Williams
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APR 19 2005

April 19, 2005

Via Hand Delivery

Office of Natural Gas and Petroleum
Import and Export Activities
Fossil Energy
U.S. Department of Energy
Forrestal Building, Room 3E-042, FE-34
1000 Independence Avenue, S.W.
Washington DC 20585

**Re: Application of Dartmouth Power Associates Limited
Partnership for Blanket Authorization to Import Natural Gas
from Canada, FE Docket No. ~~03-18-NG~~**

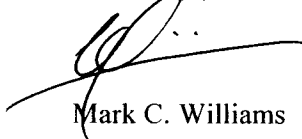
Ladies and Gentlemen:

Please find enclosed for filing an original and fifteen (15) copies of the Application of Dartmouth Power Associates Limited Partnership for Blanket Authorization to Import Natural Gas from Canada. This Application seeks only a renewal of Dartmouth's existing authorization, which was granted in Docket No. 03-18-NG, DOE/FE Order No. 1865 on April 28, 2003. Also enclosed is a check in the amount of \$50.00, made payable to the Treasurer of the United States, for the filing fee.

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5-7-05
5-6-07

Please date-stamp the enclosed sixteenth copy of the Application and return it to us via our messenger. Thank you for your assistance.

Very truly yours,



Mark C. Williams

Enclosures

Bingham McCutchen LLP
Suite 800
1120 20th Street, NW
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20036-3406

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UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

RECEIVED
APR 19 2005
DOE/FE/DOE

IN THE MATTER OF)

DARTMOUTH POWER ASSOCIATES)
LIMITED PARTNERSHIP)

FE Docket No. 05-22NG

**APPLICATION OF DARTMOUTH POWER
ASSOCIATES LIMITED PARTNERSHIP
FOR BLANKET AUTHORIZATION
TO IMPORT NATURAL GAS FROM CANADA**

Pursuant to Section 3 of the Natural Gas Act, 15 U.S.C. § 717b, the regulations of the Department of Energy (“DOE”), 10 C.F.R. §590.201, *et. seq.*, and DOE Delegation Order Nos. 0204-111 and 0204-127, Dartmouth Power Associates Limited Partnership (“Dartmouth”) hereby applies to DOE’s Office of Fossil Energy (“OFE”) to renew its blanket authority to import natural gas from Canada.

Dartmouth holds a blanket license to import up to a total of 11.68 Bcf of natural gas from Canada over a two-year term beginning on May 7, 2003 and extending through **May 6, 2005**.¹ Dartmouth now applies for a new grant of blanket authority pursuant to Section 3 of the NGA to import from Canada up to a total of 11.68 Bcf of natural gas during a period of two years, beginning on May 7, 2005.

In support of its application, Dartmouth states the following:

I.

¹ On April 28, 2003, DOE/FE issued DOE/FE Order No. 1865 in Docket No. 03-18-NG granting this import authorization to Dartmouth.

The exact legal name of Dartmouth is Dartmouth Power Associates Limited Partnership. Dartmouth is a **Massachusetts limited partnership**, with its principal office located at 2929 Allen Parkway, Suite 2200, **Houston, Texas 77019**. Dartmouth owns and operates a cogeneration unit located in North Dartmouth, Massachusetts. As stated in the attached opinion of counsel, the proposed natural gas importation is within the partnership powers of Dartmouth. Communications regarding the application should be directed to:

Direct Energy Marketing Limited
25 Sheppard Avenue, Suite 1500
Toronto, Ontario
Canada M2N 6S6
(416) 221-4441 x. 3230 (tel.)
(416) 250-2982 (fax)

Jeffery Moore
Northern Star General Services Company LLC, as agent for
Dartmouth Power Associates Limited Partnership
2929 Allen Parkway, Suite 2200
Houston, TX 77019
(713) 580-6375 (tel.)
(713) 580-6390 (fax)

Mark C. Williams
Heather L. Feingold
Bingham McCutchen LLP
1120 Twentieth Street NW, Suite 800
Washington, D.C. 20036
(202) 778-6181 (tel.)
(202) 778-6155 (fax)

II.

Dartmouth requests blanket import authorization identical to its current blanket authorization which will expire on May 6, 2005: to import from Canada up to a total of 11.68 Bcf of natural gas over a two-year period commencing on May 7, 2005. The gas to be imported would be purchased from Canadian suppliers by Dartmouth. The terms of any import arrangement are expected to be negotiated to be competitive with market conditions existing at the time or expected to prevail for the duration of the arrangement.

Dartmouth requests authority to import the gas at any point on the international border at which existing United States transportation facilities accessible to Dartmouth are located. Dartmouth will make all U.S. transportation arrangements for the gas imported under the requested blanket authority. No new pipeline facilities subject to federal regulation will be required for the imports and no potential environmental impact is anticipated.

Dartmouth will comply with all reporting requirements deemed necessary by the Department of Energy, including filing initial notification within two weeks after the commencement of deliveries and quarterly reports thereafter.

III.

Section 3 of the Natural Gas Act provides that an import or export of natural gas must be authorized unless there is a finding that it “will not be consistent with the public interest.” 15 U.S.C. §717b(a) (1993). As amended by Section 201 of the Energy Policy Act of 1992, P.L. 102-486, 106 Stat. 2866 (1992), 15 U.S.C. §717b(c) (1993), the importation and exportation of natural gas from and to “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. 15 U.S.C. §717b(c). This authorization, sought by Dartmouth, is to import natural gas from Canada, a nation with which a free trade agreement is in effect. It therefore meets the Section 3(c) criterion, and should be approved as consistent with the public interest.

WHEREFORE, Dartmouth respectfully requests renewed blanket authorization to import up to 11.68 Bcf of natural gas from Canada for a two-year period beginning May 7, 2005.

Respectfully submitted,



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Dated: April 19, 2005

**Northern Star Generation
Services Company LLC**

April 14, 2005

Office of Natural Gas and
Petroleum Import and Export Activities
Fossil Energy
U.S. Department of Energy
Forrestal Building, Room SE-042, FE-34
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Ladies and Gentlemen:

This opinion is furnished to you pursuant to Section 590.202(c) of the Department of Energy Regulations, 10 C.F.R. §590.202(c) and the Application of Dartmouth Power Associates Limited Partnership for Blanket Authorization to Import Natural Gas from Canada. I am general counsel to the indirect parent of Dartmouth Power Associates Limited Partnership ("Dartmouth") and to the service company which administers Dartmouth, and as such am familiar with its corporate organization and documents. Based upon the foregoing, and for the purposes of the Application to the Office of Fossil Energy, my opinion is that the proposed imports described in the Application are within the corporate powers of Dartmouth Power Associates Limited Partnership.

This opinion is being delivered in my capacity as Vice President and General Counsel of the indirect parent of Dartmouth, and not in my individual capacity.

Very truly yours,

A handwritten signature in black ink, appearing to read "David R. Roth". The signature is stylized with a large, sweeping initial "D" and a long, horizontal flourish extending to the right.

David R. Roth