

[Docket No. CP97-102-000, et al.]

**Northwest Pipeline Corporation, et al.;
Natural Gas Certificate Filings**

November 27, 1996.

Take notice that the following filings have been made with the Commission:

1. Northwest Pipeline Corporation

[Docket No. CP97-102-000]

Take notice that on November 18, 1996, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in the above docket a request pursuant to Sections 157.205, 157.211 and 157.216 of the Regulations (18 CFR Sections 157.205, 157.211 and 157.216) for authorization to upgrade its Kalama II Meter Station in Cowlitz County, Washington, by abandoning certain facilities and constructing and operating upgraded replacement facilities to accommodate a request by Cascade Natural Gas Corporation (Cascade) for additional delivery capacity at the Kalama II delivery point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that the Kalama II Meter Station was originally constructed by its predecessor, El Paso Natural Gas Company, under certificate authorization received in Docket No. CP69-55. A subsequent modification to this station was authorized in Docket No. CP93-752. The meter station currently consists of a four-inch tap, two-inch inlet piping, one four-inch turbine meter, two one-inch regulations, a relief valve and appurtenances. The meter station has a maximum design delivery capacity of 3,903 Dth per day at the contractual delivery pressure of 400 psig from Northwest's Astoria Lateral into Cascade's distribution system.

Specifically, Northwest proposes to upgrade the Kalama II Meter Station by:

- Installing an additional four-inch turbine meter,
- Replacing the two-inch inlet piping with new four-inch piping,
- Replacing the two existing one-inch regulators with two-inch large port Mooney regulators, and
- Replacing the existing relief valve with a three-inch by four-inch relief valve and appurtenances.

Northwest states that as a result of this proposed upgrade, the maximum design delivery capacity of the meter station will increase from approximately 3,903 Dth per day to approximately 12,057 Dth per day at 400 psig.

Northwest states that the total cost of the proposed meter station upgrade is

estimated to be approximately \$320,800. Pursuant to a Facilities Agreement between Northwest and Cascade dated August 1, 1996, Northwest will construct the upgraded facilities and Cascade will reimburse Northwest for the cost of the meter station upgrade.

Comment date: January 13, 1997, in accordance with Standard Paragraph G at the end of this notice.

2. Natural Gas Pipeline Company of America

[Docket No. CP97-107-000]

Take notice that on November 19, 1996, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP97-107-000, an application pursuant to Section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Federal Energy Regulatory Commission's (Commission) regulations, for a certificate of public convenience and necessity authorizing Natural to increase the certificated maximum daily deliverability at its Cooks Mills Storage Field (Cooks Mills) from 80 MMcf per day to 150 MMcf per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural states that it is not proposing to construct jurisdictional facilities to effectuate the increase in deliverability. Moreover, Natural states that it is not requesting authority to increase the reservoir capacity, storage inventory level, or seasonal working volume at Cooks Mills. Natural says that Cooks Mills can operate at a higher level than the currently certificated maximum daily deliverability of 80 MMcf per day as a direct result of a recently completed well performance improvement program.

Comment date: December 18, 1996, in accordance with Standard Paragraph F at the end of this notice.

Florida Gas Transmission Company

[Docket No. CP97-110-000]

Take notice that on November 20, 1996, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP97-110-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a new city gate station in Hillsborough County, Florida to accommodate delivery of natural gas to Peoples Gas Systems, Inc. (Peoples) under FGT's blanket certificate issued in Docket No.

CP82-553-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

FGT proposes to construct and operate a new city gate station in Hillsborough County, Florida to serve as an additional point of delivery under existing firm and interruptible gas transportation service agreements. The proposed new city gate station will consist of a 4-inch tap and valve at or near mile post 83.6 on FGT's existing St. Petersburg Lateral, minor 4-inch connecting pipe, electronic flow measurement equipment and other appurtenant facilities to enable FGT to deliver natural gas to Peoples of up to 717 MMBtu per day and 261,705 MMBtu per year at the subject city gate station. FGT states that Peoples would reimburse it for all construction costs which is estimated to be \$66,000. FGT states that Peoples has elected to construct, operate and own the metering and regulation facilities and related appurtenant facilities.

FGT states that the proposed construction and operation of the new city gate station will not result in an increase in FGT's contractual gas deliveries to Peoples under the existing agreements. Therefore, the proposed construction and operation will not impact FGT's peak day delivery requirements nor its annual gas deliveries.

Comment date: January 13, 1997, in accordance with Standard Paragraph G at the end of this notice.

4. Florida Gas Transmission Company

[Docket No. CP97-112-000]

Take notice that on November 21, 1996, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in the above docket, a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act for authorization to abandon and sell a measurement facility, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Specifically, FGT proposes to abandon and transfer by sale to City Gas Company of Florida, a Division of NUI Corporation (City Gas) the Goulds measurement facility which is located on the 4-inch Homestead Lateral in Dade County, Florida. Upon receiving the authority requested herein, FGT indicates that it will sell the Goulds measurement facility concurrently with the Homestead Lateral to City Gas. FGT states that it received an order

authorizing the abandonment and sale of the Homestead Lateral on October 21, 1996 in Docket No. CP96-221-000.

FGT states that this proposed activity is not prohibited by its existing tariff and that it has sufficient capacity to continue all services without detriment or disadvantage to its other customers.

Comment date: January 13, 1997, in accordance with Standard Paragraph G at the end of this notice.

5. Florida Gas Transmission Company [Docket No. CP97-113-000]

Take notice that on November 21, 1996, Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP97-113-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a delivery point located in Dade County, Florida, for City Gas Company of Florida, a Division of NUI Corporation (City Gas), under FGT's blanket certificate issued in Docket No. CP82-553-000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

FGT proposes to construct, operate, and own the new Cutler Ridge Meter Station to be used as a transportation delivery point by FGT to City Gas, located at the interconnection of their existing Turkey Point Lateral and the 4-inch Homestead Lateral in Dade County, Florida.

FGT advises the proposed new Cutler Ridge Delivery Point will include a rotary meter, approximately 150 feet of 4-inch connecting line, and other related minor facilities. FGT estimates the cost for the construction of the proposed delivery point to be \$130,000, including Federal income tax gross-up. FGT states City Gas will reimburse them for all costs directly and indirectly incurred by FGT.

FGT states the present gas quantities delivered at the old Cutler Ridge Delivery Point are 7,096 MMBtu daily and 2,288,501 MMBtu annually, and the proposed gas quantities delivered at the new Cutler Ridge Delivery Point to be the same. FGT advises the end use of the gas deliveries will be primarily industrial.

Comment date: January 13, 1997, in accordance with Standard Paragraph G at the end of this notice.

6. CNG Transmission Corporation

[Docket No. CP97-114-000]

Take notice that on November 21, 1996, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP97-114-000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct a new Measuring and Regulation (M&R) station and appurtenant facilities in Wetzel County, West Virginia, under CNG's blanket certificate issued in Docket No. CP82-537-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

CNG states that these facilities will serve as a new point of interconnection with Eastern States Oil & Gas Inc. (Eastern). CNG states that an M&R station must be constructed near Pine Grove, Wetzel County, West Virginia so CNG can deliver Eastern's gas supplies. The auxiliary installations will be a meter, regulator, various valves and piping. The facility will be an interconnection with CNG's TL-413 line. Eastern has agreed to reimburse CNG for its costs and that CNG will be the owner of the M&R station. CNG states it will maintain and operate the M&R station and that the maximum daily design capacity will be 500 Mcf.

Comment date: January 13, 1997, in accordance with Standard Paragraph G at the end of this notice.

7. Colorado Interstate Gas Company

[Docket No. CP97-117-000]

Take notice that on November 21, 1996, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP97-117-000, a petition to amend the authorizations issued on November 17, 1959, October 14, 1969 and June 19, 1973, in Docket Nos. G-19452, CP96-333 and CP73-174, respectively, pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Federal Energy Regulatory Commission's (Commission) regulations to change the Maximum Allowable Operating Pressure (MAOP) of approximately 34.1 miles of the Trinidad Lateral located in Otero and Las Animas Counties, Colorado, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Specifically, CIG seeks to increase the MAOP of 34.1 miles of the 8-inch looped Trinidad Lateral from 820 psig to

1067 psig. CIG states that the proposed change in MAOP will increase the operational capacity of this portion of the Trinidad Lateral from approximately 26,000 Mcf/d to approximately 43,000 Mcf/d. CIG says that this increase in capacity would be used to transport potential gas supplies from the Raton Basin Area.

CIG states that the regulators at the delivery points are currently being evaluated to determine if any change to these above ground facilities will be required. CIG proposes to make any regulator change if any is required pursuant to Section 2.55 of the Commission's Regulations.

Comment date: January 13, 1997, in accordance with Standard Paragraph G at the end of this notice.

8. Indicated Land Owners v. Riverside Pipeline Company, L.P.

[Docket No. CP97-118-000]

Take notice that on November 19, 1996, the Indicated Land Owners¹ filed a "Motion to Intervene Out-Of-Time and Protest" in Riverside Pipeline Company, L.P.'s (Riverside) proceeding in Docket No. CP96-152-000. In their pleading, the Indicated Land Owners ask the Commission to issue an order to show cause why Riverside's proposed KPOC 700 Line Expansion under section 311 of the Natural Gas Policy Act (NGPA) in Docket No. CP96-746-000 should not be subject to Section 7(c) of the Natural Gas Act (NGA). The Commission is treating this pleading as a complaint under the NGPA and Section 5 of the NGA, in the above-captioned new docket.

On August 26, 1996, Riverside and Kansas Pipeline Partnership filed in Docket No. CP96-746-000 a section 284.11 Notice of Construction for its KPOC 700 Line, also known as its Linchpin 2 Project.² Riverside indicates that it intends to construct these facilities as non-jurisdictional natural gas facilities to be used exclusively for NGPA Section 311(a)(1) transportation.

Indicated Land Owners note that the cost of the proposed NGPA section 311 expansion is estimated to be at least \$36.5 million. The Indicated Land Owners contend that the cost of the expansion is substantial and cannot be accomplished without reflecting the cost of the facilities in Riverside's rate base. The Indicated Land Owners

¹ The Indicated Land Owners are Harry J. Lloyd, Loch Lloyd, Inc., Bill Southerland and JoAnn Farb.

² This certificate application was filed as a result of the Commission's order in Docket No. RP95-212-000, which found that KansOk Partnership and Kansas Pipeline Partnership operated as a single interstate pipeline system. See KansOk Partnership, *et al.*, 73 FERC ¶ 61,160 (1995).

complain that, nonetheless, Riverside is professing that these facilities will be used exclusively for NGPA Section 311 transportation and that the costs of these facilities will not be added to Riverside's jurisdictional rate base.

Indicated Land Owners state that although the Commission has conducted programmatic environmental assessments from time to time with respect to its automatic authorization of NGPA Section 311 transportation, those assessments were based on the assumption that the facilities involved would be relatively small and would not create major environmental impacts. Indicated Land Owners contend that such environmental assessments did not contemplate an interstate pipeline's attempting deliberately to evade jurisdiction by linking substantial segments held by intrastate pipeline affiliates with nominal segments held by an interstate pipeline at the state line. Nor did the assessments contemplate an interstate pipeline's attempting to evade environmental consideration of the "no action" alternative by using a two step process of first constructing a NGPA Section 311-only pipeline and then subsequently seeking to convert it to NGA Section 7(c) status after the facility becomes a fait accompli.

Indicated Land Owners complain that Riverside is attempting to circumvent the requirements of the National Environmental Policy Act (NEPA) by its jurisdictional maneuvers. They argue that if the Commission delays its environmental review until after Riverside seeks to convert the proposed KPOC 700 Line to a NGA Section 7(c) pipeline, important NEPA requirements, such as consideration of the "no action" alternative and possible alternative routing, will be evaded.

Indicated Land Owners complain that Riverside is seeking state condemnation of the proposed right-of-way for the KPOC 700 Line, and is erroneously asserting that because the *transportation* is authorized under NGPA Section 311, federal law preempts a state law inquiry into the public need for the facilities. Indicated Land Owners allege that, as a result, Riverside is attempting to create a jurisdictional gap where it will be able to secure condemnation under state law, without a prior determination of public necessity for the facilities under either state or federal law.

Indicated Land Owners ask the Commission to issue a show cause order as to why Riverside's proposed KPOC 700 Line should not be subject to NGA Section 7(c). Alternatively, Indicated Land Owners ask the Commission to conduct a full environmental assessment of the proposed expansion,

including a consideration of the "no action" alternative.

Comment date: December 27, 1996, in accordance with the first paragraph of Standard Paragraph F at the end of this notice. Answers to the complaint shall also be due on or before December 27, 1996.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the

day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96-30922 Filed 12-4-96; 8:45 am]

BILLING CODE 6717-01-P

Office of Energy Efficiency and Renewable Energy

[Case No. DH-007]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver from the Vented Home Heating Equipment Test Procedure to HEAT-N-GLO Fireplace Products, Inc.

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. DH-007) granting a Waiver to HEAT-N-GLO Fireplace Products, Inc. (HEAT-N-GLO) from the existing Department of Energy (DOE or Department) test procedure for vented home heating equipment. The Department is granting HEAT-N-GLO's Petition for Waiver regarding pilot light energy consumption in the calculation of Annual Fuel Utilization Efficiency (AFUE) for its models AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE, R5500RH, SL-3000, SL-32S, TOWNSEND I, TOWNSEND II, and 6000XLS vented heaters.

FOR FURTHER INFORMATION CONTACT:

William W. Hui, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-9145.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103, (202) 586-9507.

SUPPLEMENTARY INFORMATION: In accordance with Title 10 CFR 430.27(j), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, HEAT-N-GLO has been granted a Waiver for its models AT-SUPREME, BAY-GDV, BAY-STOVE, DVT-INSERT, DVT-STOVE,