

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

THE BROOKLYN UNION GAS COMPANY)

DOCKET NO. 04-26-NG

ORDER GRANTING AUTHORIZATION TO
IMPORT NATURAL GAS FROM CANADA

DOE/FE ORDER NO. 1960

MARCH 30, 2004

I. DESCRIPTION OF REQUEST

On February 27, 2004, Brooklyn Union Gas Company (Brooklyn Union) 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 authorization to import natural gas from Canada, over a term that begins on April 1, 2004, and extends through April 1, 2007, under a gas sales agreement with BP Canada Energy Company (BP) effective on February 4, 2004. Brooklyn Union, along with six other customers,² has entered into a management services agreement with Northeast Gas Markets, L.L.C. (NEGM), also effective on February 4, 2004, under which NEGM will act as Brooklyn Union's (and the six other customers') agent for all purposes of the gas sales agreements.

Under its gas sales agreement with BP, Brooklyn Union is entitled to purchase a daily contract quantity (DCQ) of up to 15,283 million cubic feet (Mcf) of natural gas per day plus additional volumes of gas not purchased by the other customers under their gas sales agreements with BP. In theory, therefore, if the other BP customers do not purchase their DCQ, Brooklyn Union is permitted by contract to purchase (1) up to 24,369 Mcf per day of natural gas for an initial period commencing on April 1, 2004, or the date of first delivery under this requested import authorization, to April 1, 2005, and (2) up to 37,225 Mcf per day from April 1, 2005, to

¹/ 15 U.S.C. § 717b. This authority is delegated to the Assistant Secretary for Fossil Energy pursuant to Redelegation Order No. 00-002.4 (January 8, 2002).

²/ These other six customers include KeySpan Gas East Corporation d/b/a/ KeySpan Energy Delivery Long Island; EnergyNorth Natural Gas, Inc. d/b/a/ KeySpan Energy Delivery New England; Essex Gas Company d/b/a/ KeySpan Energy Delivery New England; Boston Gas Company d/b/a/ KeySpan Delivery New England; Bay State Gas Company; and Northern Utilities, Inc.

April 1, 2007. At no time under the gas sale agreements with BP may the sum of the volumes purchased by Brooklyn Union and the other customers exceed the aggregate DCQs. The price of the gas is based on a monthly index to ensure that the price paid for the gas will remain competitive over the life of the gas sales agreement.

Brooklyn Union, a local distribution company, is a New York corporation with its principal place of business in Brooklyn, New York, and does business as KeySpan Energy Delivery New York. Brooklyn Union will use the imported gas as system supply to serve its customers. The imported gas will enter the United States through the existing facilities of TransCanada PipeLines Limited and Tennessee Gas Pipeline Company at or near Niagara Falls, Ontario.

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 Brooklyn Union 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.

ORDER

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

A. Brooklyn Union is authorized to import up to 24,369 million cubic feet (Mcf) per day of natural gas from Canada, from April 1, 2004, to April 1, 2005, and up to 37,225 Mcf per day from April 1, 2005, to April 1, 2007, in accordance with its February 4, 2004, gas sales agreement with BP Canada Energy Company.

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

C. With respect to the natural gas imports authorized by this Order, Brooklyn Union shall file with the Office of Natural Gas & Petroleum Import & Export 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 no imports of natural gas have been made, a report of "no activity" for that calendar quarter must be filed. If imports 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 per unit (MMBtu) demand/commodity/management fee breakdown of the contract price; and (4) the amount sold to each of its customers. [OMB No.: 1901-0294]

D. The first quarterly report required by this Order is due not later than July 31, 2004, and should cover the period from April 1, 2004, until the end of the second calendar quarter, June 30, 2004.

E. The quarterly reports shall be filed with the U.S. Department of Energy, Office of Natural Gas & Petroleum Import & Export Activities, FE-34, P.O. Box 44375, Washington, D.C. 20026-4375.

Issued in Washington, D.C., on March 30, 2004.

Sally Kornfeld
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