

Nornew, Norse's affiliate, to provide service to the Jamestown Board of Public Utilities (JBPU) using newly constructed facilities and the Norse system appears to be interstate natural gas transportation service.

Distribution contends that Norse was put on notice by the Commission that future flows of interstate gas onto its system would obviate Norse's non-jurisdictional status and require Norse to apply for Section 7 authorization. Nornew, its affiliate, has entered business commitments different from that described in the order, above. Because of Norse's gathering system status. Distribution says Norse appears to have entered into affiliated entity transactions that would strictly be prohibited for a jurisdictional pipeline. Distribution states that Norse's affiliate, Nornew is committing to construct a pipeline through which interstate gas will flow, which may require either certification under the NGA or state regulations as a "Hinshaw" pipeline.

Therefore, Distribution submits that Norse is offering to operate as an unregulated but jurisdictional interstate pipeline by providing transportation for a supplier (its affiliate, Nornew) to a newly-connected power station and that such operation have placed Distribution at a significant disadvantage in the New York marketplace. Both Distribution and Nornew bid for the transportation contract for JBPU. Distribution says Nornew won by using Norse's transportation service.

Distribution wants the Commission to answer the following questions:

1. Would Norse's transportation to JBPU of interstate natural gas supplies delivered from an interstate pipeline (such as Tennessee at Mayville) trigger the requirement that Norse obtain a certificate under Section 7 of the NGA?
2. Would Norse be required to obtain its Section 7 certificate before providing interstate service as contemplated under the JBPU service proposal?
3. Would Nornew become an interstate natural gas pipeline by building and operating a pipeline that is engaged in the transportation of interstate natural gas supplies, as contemplated by the JBPU proposal? and,
4. If Norse or Nornew were to become an interstate pipeline as a consequence of the JBPU transaction, would the Commission's regulations and standards applicable to interstate pipelines (including affiliated marketer restrictions) apply to contracts executed before the commencement of interstate service but which would require interstate transportation?

Distribution wants the Commission to act quickly on these questions as it will guide all the parties in the development of service to the power plant. Distribution believes Norse and Nornew show no signs of complying with any NGA jurisdictional regulations and that there is a significant possibility that affiliate preferences are being granted in ways completely contrary to the policies of the Commission.

Any questions regarding this petition may be directed to Christopher J. Barr, Esq., Morgan, Lewis & Bockius, LLP, 1800 M Street, NW, Washington, DC 20036 (202) 467-7142 or Alice A. Curtiss, Senior Regulatory Attorney, National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203 (716) 857-7951.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 13, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and 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.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ES99-50-000]

#### New York Independent System Operator, Inc.; Notice of Application

August 23, 1999.

Take notice that on August 18, 1999, the New York Independent System Operator, Inc. (NYISO) withdrew its July 28, 1999 application under Section 204 of the Federal Power Act for authorization to assume short-term indebtedness in the above-referenced docket.

Any person desiring to be heard or to protest such filing should file a motion

to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions and protests should be filed on or before September 2, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP99-604-000]

#### Southern Natural Gas Company; Notice of Request Under Blanket Authorization

August 23, 1999.

Take notice that on August 19, 1999, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed a request with the Commission in Docket No. CP99-604-000, pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a new direct delivery point for service to Interconn Resources, Inc. (Interconn), authorized in blanket certificate issued in Docket No. CP82-406-000, all as more fully set forth in the request on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Southern Natural Gas Company proposes to construct and operate certain measurement and other appurtenant facilities in order to provide transportation service to Interconn at a new delivery point for service at the Beaulieu of America Plant. Such delivery point would be located at approximately Mile Post 97.7 on Southern's 12" Cleveland Branch Line in Whitfield County, Georgia. The