

FDC date	State	City	Airport	FDC No.	SIAP
11/30/94 ...	PA	Harrisburg .....	Capital City .....	FDC 4/6737	ILS Rwy 8 Amdt 10A. VOR OR GPS Rwy 35, Amdt 17.
12/02/94 ...	NE	North Platte .....	North Platte Regional .....	FDC 4/6750	
12/02/94 ...	NE	North Platte .....	North Platte Regional .....	FDC 4/6751	ILS Rwy 30R, Amdt 5. VOR-A Amdt 2.
12/07/94 ...	MN	Maple Lake .....	Maple Lake Muni .....	FDC 4/6821	
12/07/94 ...	OH	Cincinnati .....	Cincinnati-Blue Ash .....	FDC 4/6820	NDB OR GPS Rwy 6 ORIG. NDB Rwy 31, Amdt 18.
12/08/94 ...	OR	Salem .....	Salem/McNary Field .....	FDC 4/6822	
12/08/94 ...	OR	Salem .....	Salem/McNary Field .....	FDC 4/6823	LOC BC Rwy 12, Amdt 6. ILS Rwy 31, Amdt 27. LOC/DME Rwy 31, Amdt 2.
12/08/94 ...	OR	Salem .....	Salem/McNary Field .....	FDC 4/6824	
12/08/94 ...	OR	Salem .....	Salem/McNary Field .....	FDC 4/6825	ILS Rwy 2 Amdt 22. VOR OR GPS-A, Amdt 6A. VOR/DME OR GPS Rwy 36, Amdt 4. ILS/DME-1, Rwy 11, Amdt 5C. ILS Rwy 2 Amdt 15.
12/09/94 ...	HI	Kahului .....	Kahului .....	FDC 4/6875	
12/12/94 ...	WY	Jackson .....	Jackson Hole .....	FDC 4/6904	VOR/DME OR GPS Rwy 36, Amdt 4. ILS/DME-1, Rwy 11, Amdt 5C. ILS Rwy 2 Amdt 15.
12/12/94 ...	WY	Jackson .....	Jackson Hole .....	FDC 4/6905	
12/13/94 ...	AK	Ketchikan .....	Ketchikan Intl .....	FDC 4/6916	ILS/DME-1, Rwy 11, Amdt 5C. ILS Rwy 2 Amdt 15.
12/14/94 ...	CT	New Haven .....	Tweed-New Haven .....	FDC 4/6944	

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

18 CFR Parts 154, 157, 270, 271, 272,  
273, 274 and 275

[Docket No. RM94-18-002; Order No. 567-  
B]

### Removal of Outdated Regulations Pertaining to the Sales of Natural Gas Production

Issued December 15, 1994.

**AGENCY:** Federal Energy Regulatory  
Commission; DOE.

**ACTION:** Final rule; order on rehearing.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is issuing an order on rehearing concerning the deletion of a section of the Commission's regulations implementing the Natural Gas Policy Act (NGPA). That section provided that any sale by an affiliate of an interstate pipeline, intrastate pipeline, or local distribution company (LDC) is a first sale under the NGPA unless the Commission determines not to treat it as such. The Commission finds that Congress eliminated the only statutory basis for defining pipeline and LDC affiliate marketers as first sellers and reaffirms the Commission's finding that, with the decontrol of wellhead pricing, no purpose is any longer served by the anti-circumvention rule deleted by the Commission's previous order.

**EFFECTIVE DATE:** December 15, 1994.

**FOR FURTHER INFORMATION CONTACT:** Sandra Elliott, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, (202) 208-0694.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3308, 941 North Capitol Street, N.E., Washington, D.C. 20426.

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Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J.

Hoecker, William L. Massey, and Donald F. Santa, Jr.

### Order on Rehearing

#### I. Introduction

This order addresses requests for rehearing or reconsideration of the Commission's October 17, 1994 order<sup>1</sup> on rehearing issued in the above referenced proceeding. The October 17, 1994 order denied rehearing of the Commission's July 28, 1994 final rule (Order No. 567),<sup>2</sup> which, in pertinent part, deleted section 270.203(c) of the Commission's regulations implementing the NGPA. That section provided that any sale by an affiliate of an interstate pipeline, intrastate pipeline, or local distribution company (LDC) is a first sale under the NGPA unless the Commission determines not to treat it as such. Enron Capital & Trade Resources Corporation (Enron), Coastal Gas Marketing Company (Coastal), and Designated Parties request rehearing.<sup>3</sup> The petitioners argue that the Commission erred and should reinstate section 270.203(c). For the reasons discussed below and in the October 17, 1994 order, the Commission denies rehearing and reconsideration.

#### II. Background

The Natural Gas Wellhead Decontrol Act of 1989 (Decontrol Act) eliminated

<sup>1</sup> 69 FERC ¶ 61,055 (1994).

<sup>2</sup> Removal of Outdated Regulations Pertaining to the Sales of Natural Gas Production, 59 FR 40,240 (August 8, 1994), III FERC Stats. & Regs. Preambles ¶ 30,999 (July 28, 1994).

<sup>3</sup> The Designated Parties consist of Amoco Energy & Trading Corp.; Aquila Energy Marketing Corp.; Chevron U.S.A., Inc.; Hadson Gas Systems, Inc.; Heartland Energy Services, Inc.; Natural Gas Clearinghouse; O&R Energy, Inc.; and Texaco, Inc.