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December 13, 2016

SENT VIA EMAIL

Patricia Van Gerpen, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501

Re: Docket No. NG16-014
Response to South Dakota Public Utilities Commission Staff's Reply Brief

Dear Ms. Van Gerpen:

Northern Natural Gas Company ("Northern") hereby files the following comments in response to the Reply Brief of the staff of the South Dakota Public Utilities Commission ("Staff"), dated December 12, 2016, in the above referenced docket. Staff stated that Northern had not provided proof that "it is under a blanket [Federal Energy Regulatory Commission ("FERC")] certificate for the farm taps in South Dakota." This statement is not accurate. On August 17, 2016, in a response to an email from Staff, Northern documented that FERC has jurisdiction over the Northern facilities that serve the farm taps in South Dakota (Attachment A).

Northern explained in the August 17, 2016 email that Northern's facilities at farm taps are covered by the blanket certificate Northern received in FERC Docket No. CP82-401 ("Blanket Certificate") (Attachment B). Under the Blanket Certificate, Northern may construct, operate and abandon certain facilities, including farm taps (Subpart F of Part 157 of the Commission's Regulations – Interstate Pipeline Blanket Certificates and Authorization Under Section 7 of the Natural Gas Act for Certain Transactions and Abandonment (18 C.F.R. §§157.201 – 157.218)). Section 157.211 of the FERC's regulations governs the construction and operation of delivery points by interstate pipelines. Northern is able to install delivery points under its automatic blanket authorization, except in situations where the construction of a delivery point would result in a bypass of a local distribution company. Abandonment of a farm tap is governed by Section 157.216 of the FERC's regulations. Prior to Order No. 603¹ which was issued by the FERC in 1999, Section 157.211 specifically referenced "right-of-way grantor taps."

¹ *Revision of Existing Regulations Under Part 157 and Related Sections of the Commission's Regulations Under the Natural Gas Act*, 87 FERC ¶61,125 (1999).

§157.211. Sales Taps. (a) *Construction and operation—(1) Automatic authorization.* The certificate holder may construct and operate sales taps for the delivery of gas to an end-user, if: (i) The natural gas is ultimately delivered to, and consumed by, a right-of-way grantor; and (ii) Not more than 200 MMBtu of natural gas per day are to be delivered to the right-of-way grantor.

Pipelines were required to file a prior notice² for all delivery points except for taps where the gas was “ultimately delivered to, and consumed by, a right-of-way grantor.” Thus, it is clear from the FERC’s regulations, construction of taps for right-of-way grantors could be constructed under Northern’s automatic authorization. Following Order No. 603, Section 157.211 was broadened to provide automatic authorization to acquire, construct, replace, modify, or construct any delivery point, not just delivery points for right-of-way grantors.

Given the specific federal regulations that govern the construction, operation and abandonment of delivery points, including farm taps, and aided by the submission by Northern of evidence of its compliance with those regulations, Northern respectfully requests Staff’s comments that Northern has not proved its position be considered in light of the foregoing.

Northern trusts this information satisfies Staff’s desire for additional proof; however, if additional information is desired, please contact me.

Respectfully submitted,



J. Gregory Porter
Vice President, General Counsel

² 18 C.F.R. §157.205 sets forth the process for a prior notice filing before the FERC.

Attachment A

Talcott, Jim

From: Talcott, Jim
Sent: Wednesday, August 17, 2016 1:50 PM
To: Mary.Zanter@state.sd.us
Cc: Talcott, Jim
Subject: RE: Response to SDPUC April 26, 2016 Email
Attachments: 2011 South Dakota Farm Tap Abandonments.pdf

Mary-

To avoid any confusion, the "farm tap" assets that Northern Natural Gas owns and operates pursuant to exclusive FERC and PHMSA jurisdiction are the tap, riser, valves, regulator and meter that are part of Northern's interstate natural gas transmission facilities. At these delivery points, Northern delivers natural gas to a local distribution company at a custody transfer point immediately downstream of Northern's meter. In my communications with you concerning Northern's assets at these "farm tap" settings, I have not been referring to any facilities beyond, or downstream, of the custody transfer point to the local distribution company, which downstream facilities Northern does not own or operate, and for which Northern has no responsibility. Unfortunately, over time "farm tap" has been used to describe 1) Interstate facilities, 2) facilities downstream of the custody transfer point and 3) both Interstate facilities and facilities downstream of the custody transfer point, depending on the circumstances being addressed. Although the various uses of the term "farm tap" may have caused confusion, there is no confusion over the jurisdiction of the facilities owned and operated by Northern.

In your last email below you requested certificate or other evidence Northern's farm tap assets in South Dakota are subject to FERC jurisdiction. The answer to FERC's jurisdiction is found in the Natural Gas Act: Northern's facilities at farm tap settings (tap, riser, valves, regulator and meter) are subject to exclusive FERC jurisdiction because they are used in the transportation of natural gas in interstate commerce. (15 U.S.C. § 717(b)). Because Northern is a "natural gas company" as that term is defined in the Natural Gas Act, and Northern's "farm tap" assets (tap, valves, regulator and meter) are used in the transportation of natural gas in interstate commerce, they are subject to exclusive FERC jurisdiction. We cited several cases on this point in our May 6, 2016 letter to you and in our follow-up email, below.

Northern's farm tap assets in the state of South Dakota are no exception. As I mentioned in my May 6, 2016 email, many activities related to Northern's farm tap facilities are conducted under Northern's blanket authority in FERC Docket No. CP82-401. For "certificate documentation" the Northern "farm tap" facilities (tap, riser, valves, regulator and meter) in South Dakota are FERC-jurisdictional, I am enclosing a copy of the cover page, index, page 46, and page 55 of Northern's Annual Report For Blanket Certificate Activities 2011, Docket No. CP12-251-000, in which Northern reported the abandonment of three of its South Dakota farm tap settings. This filing reported the abandonment of FERC-jurisdictional assets, i.e. the meter and regulator as well as the riser to the first below-grade valve on the riser at three farm taps in South Dakota. The natural gas facilities downstream of the custody transfer point are not mentioned in the filing, because they are not owned or operated by Northern, and are not facilities subject to FERC jurisdiction.

It thus follows, these Northern owned and operated "farm tap" assets (tap, valves, regulator and meter) are also subject to the jurisdiction of PHMSA under the Pipeline Safety Act: "interstate gas pipeline facility" means a gas pipeline facility (A) used to transport gas; and (B) subject to the jurisdiction of the Commission under the Natural Gas Act (15 U.S.C. 717 et seq.) (49 U.S.C. §60101 (a)(6)). PHMSA's jurisdiction over Northern's facilities is exclusive. ("... A state authority may not adopt or continue in force safety standards for interstate pipeline facilities or interstate pipeline transportation...") (49 U.S.C. §60104(c)).

We hope this information is helpful to you in understanding the Northern owned and operated tap, valves, regulator and meter facilities up to the custody transfer point at "farm tap" settings in the state of South Dakota are subject to the exclusive jurisdiction of FERC and PHMSA.

Please let us know if you have any further questions.

Jim

James R. Talcott
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Northern Natural Gas Company
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From: Zanter, Mary [mailto:Mary.Zanter@state.sd.us]
Sent: Friday, August 12, 2016 3:44 PM
To: Talcott, Jim
Cc: Edwards, Kristen
Subject: [INTERNET] RE: Response to SDPUC April 26, 2016 Email

This message originated outside of Berkshire Hathaway Energy's email system. Use caution if this message contains attachments, links or requests for information. Verify the sender before opening attachments, clicking links or providing information.

Jim,

I've been looking on the FERC web site. I have looked at a number of things but seem to be at a loss. I have not found anything that lists the farm taps that are in South Dakota as being under FERC jurisdiction. I'm really looking for a certificate or another type of document that says "hey – this is what FERC has jurisdiction over with NNG". There must be something somewhere that has a list of farm taps and transmission lines that they have jurisdiction over. I need that document to clear up the confusion. Can you help me out?

Without that document we really don't have any proof and everyone I talk to has something different to say about it. Any help would be appreciated!

Mary Zanter
Pipeline Safety Program Manager
State of South Dakota Public Utilities Commission
500 E Capitol Ave.
Pierre, SD 57501
605-295-3375
Mary.Zanter@state.sd.us

From: Talcott, Jim [<mailto:Jim.Talcott@nngco.com>]
Sent: Wednesday, June 08, 2016 5:23 PM
To: Zanter, Mary
Cc: Talcott, Jim
Subject: RE: Response to SDPUC April 26, 2016 Email

Mary, the filing is on FERC's website.

Go to www.ferc.gov, click on "Documents & Filings", then "elibrary", then "General Search", identify "All" as the date range, check "Natural Gas" under Library and insert Docket Number CP16-207. "Submit" your request and that will take you to the complete filing.

Should you have any problems with the link or additional questions, please feel free to call me.

Jim

James R. Talcott
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From: Zanter, Mary [<mailto:Mary.Zanter@state.sd.us>]
Sent: Wednesday, June 08, 2016 2:57 PM
To: Talcott, Jim
Cc: Edwards, Kristen
Subject: [INTERNET] FW: Response to SDPUC April 26, 2016 Email

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Can you send me the other pages of this report?

From: Talcott, Jim [<mailto:Jim.Talcott@nngco.com>]
Sent: Friday, May 06, 2016 4:44 PM
To: Zanter, Mary
Cc: Talcott, Jim
Subject: Response to SDPUC April 26, 2016 Email

Mary –

Northern's facilities at farm tap settings (described in our letter earlier today) are subject to FERC jurisdiction because they are used in the transportation of natural gas in interstate commerce. There are many more cases than the ones we

cited in our letter, including a case involving Northern's farm tap facilities, *Northern Natural Gas Company*, Docket No. CP99-75-000, 87 FERC ¶ 62,307 (June 17, 1999), in which FERC recognizes the facilities owned and operated by an interstate pipeline at farm tap settings are subject to FERC's jurisdiction under the Natural Gas Act. In this 1999 Northern order approving abandonment, Northern's sixty (60) farm tap facilities are plainly listed in the description of facilities addressed by FERC.

For documentation related to FERC's exercise of jurisdiction over Northern's farm tap facilities, we explained in our letter earlier today Northern's farm tap facilities are installed, operated, and removed under FERC certificate authority, and many activities related to farm tap facilities are conducted under Northern's blanket authority in FERC Docket No. CP82-401. I am attaching several pages from Northern's most recent Annual Blanket Certificate Report with FERC in Docket No. CP16-207-000 (the entire filing is not provided because of its volume). This is the annual blanket certificate report referred to in our letter (see, 18 CFR 157.207(b)). In this year's filing, for blanket certificate activities in 2015, you will see the construction of new farm tap facilities reported on pages 28, 45, 46 and 48 of Section IV, and farm tap abandonments reported on pages 53-57 of Section IX.

If you have further questions, please contact me.

Also, would you please provide the name of the individual you spoke with at FERC?

Thank you,

Jim

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From: Zanter, Mary [<mailto:Mary.Zanter@state.sd.us>]
Sent: Friday, May 06, 2016 2:51 PM
To: Talcott, Jim
Cc: Edwards, Kristen
Subject: [INTERNET] RE: Response to April 26, 2016 Email

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Jim,

Would you please send me the FERC documentation that shows farm taps are included in their jurisdictions. As I had mentioned when I contacted FERC they had indicated that they were not in FERC jurisdiction and rather fell into state jurisdiction.

Thank you,
Mary

From: Talcott, Jim [<mailto:Jim.Talcott@nngco.com>]
Sent: Friday, May 06, 2016 1:16 PM
To: Zanter, Mary
Cc: Talcott, Jim; Correll, Thomas; Gormley, John
Subject: Response to April 26, 2016 Email

Mary, thank you for your time yesterday discussing the issues raised in your April 26, 2016 email correspondence to John Gormley. Attached you will find our response.

We look forward to discussing this with you further.

Regards,

Jim

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**ANNUAL REPORT
FOR
BLANKET CERTIFICATE
ACTIVITIES
2011**

DOCKET NO. CP12-251-000

NORTHERN NATURAL GAS COMPANY
ANNUAL REPORT FOR BLANKET ACTIVITY - DOCKET NO. CP82-401-000
JANUARY 1 - DECEMBER 31, 2011, ACTIVITY
IX. SECTION 157.216 - ABANDONMENT

INDEX

REPORT NO.	PROJECT NO.	PROJECT NAME	PAGE NO.
1	Iowa	Total 42 Iowa Farm Tap Removals. See Appendix A	41 of 57
2	Kansas	Total 20 Kansas Farm Tap Removals. See Appendix A	42 of 57
3	Minnesota	Total 26 Minnesota Farm Tap Removals. See Appendix A	43 of 57
4	Nebraska	Total 13 Nebraska Farm Tap Removals. See Appendix A	44 of 57
5	Oklahoma	Total 1 Oklahoma Farm Tap Removal. See Appendix A	45 of 57
6	South Dakota	Total 3 South Dakota Farm Tap Removals. See Appendix A	46 of 57
7	Texas	Total 10 Texas Farm Tap Removals. See Appendix A	47 of 57
8	21052803	Abandon Le Center #2 TBS - Le Sueur County, MN	48 of 57
9	21089713	Abandon Elkhorn branch line, TBS and two farm taps - Douglas County,	49 of 57
10	21090689	Abandon the New Hampton #1A TBS - Chickasaw County, IA	50 of 57
11	21092117	Abandon TXG25501 pipeline and interconnect - Carson County, TX	51 of 57
12	21092640	Abandon TXG14001 pipeline to Skellytown - Carson County, TX	52 of 57
13	21093597	Abandon Houston Pipeline interconnect - Refugio County, TX	53 of 57
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NORTHERN NATURAL GAS COMPANY
ANNUAL REPORT FOR BLANKET ACTIVITY - DOCKET NO. CP82-401-000
JANUARY 1 THROUGH DECEMBER 31, 2011
IX. SECTION 157.216 - ABANDONMENT

157.216(d)

PROJECT AUTHORIZATION NUMBER:

South Dakota

PROJECT TITLE:

Total 3 South Dakota Farm Tap Removals. See Appendix A

(1) DESCRIPTION OF FACILITIES:

Remove meter, regulator and/or piping to first below-grade valve.

(2) FERC DOCKET NUMBER:

Taps were installed pursuant to superseded 2.55 regulations, budget or blanket authority depending on the year the facility was placed in-service.

(3) ACCOUNTING TREATMENT:

ACCOUNT

DESCRIPTION

DEBIT

CREDIT

TO RECORD RETIREMENT OF FACILITIES				
108	Accumulated Provision for Depreciation of Gas Utility Plant	\$534		
101	Gas Plant in Service			\$534
TO RECORD REMOVAL COSTS OF FACILITIES				
108	Accumulated Provision for Depreciation of Gas Utility Plant	\$894		
131	Cash			\$894
TO RECORD SALVAGE				
131	Cash	\$0		
108	Accumulated Provision for Depreciation of Gas Utility Plant			\$0
TO RECORD DEFERRED INCOME TAX				
410.1	Federal Deferred Income Taxes, Utility Operating Income	\$329		
282	Federal Accumulated Deferred Income Taxes			\$329
410.1	State Deferred Income Taxes, Utility Operating Income	\$75		
282	State Accumulated Deferred Income Taxes			\$75
TO RECORD CURRENT INCOME TAX				
236	Federal Income Taxes Accrued	\$329		
409.1	Federal Income Taxes, Utility Operating Income			\$329
236	State Income Taxes Accrued	\$75		
409.1	State Income Taxes, Utility Operating Income			\$75

(4) DATE OF EARTH DISTURBANCE
DATE FACILITIES ABANDONED

See 157.216, Appendix A
See 157.216, Appendix A

(5) CONTACTS ENSURING COMPLIANCE WITH:
ENDANGERED SPECIES ACT (USF&W)
NATIONAL HISTORIC PRESERVATION ACT (SHPO)
COASTAL ZONE MANAGEMENT ACT

See 157.216, Appendix A
See 157.216, Appendix A
N.A.

NORTHERN NATURAL GAS COMPANY
ANNUAL REPORT FOR BLANKET ACTIVITY - DOCKET NO. CP82-401-000
JANUARY 1 THROUGH DECEMBER 31, 2011
IX. SECTION 157.217, FARM TAPS

APPENDIX A

Project No.	Item No.	Customer	Date		Contacts Ensuring Compliance With		Location	
			Earth Disturbance	Facilities Abandoned	Endangered Species Act (USF&W)	National Historic Preservation Act (SHPO)	County	Legal
21091920	20	Remove Parrish Oil Company FTP	(b) November 14, 2011	(c) November 14, 2011	(d) November 11, 2010	(e) March 16, 2011	Stafford	(f) Sec. 6, T21S, R12W
<u>STATE OF MINNESOTA FARM TAPS:</u>								
21086210	1	Remove Zion Lutheran Church FTP	October 10, 2011	October 10, 2011	September 6, 2011	August 16, 2011	Martin	Sec. 15, T103N, R31W
21086216	2	Remove James and Alice Hannegrefts FTP	October 10, 2011	October 10, 2011	September 6, 2011	August 16, 2011	Martin	Sec. 6, T101N, R32W
21086568	3	Remove Doug Smith FTP	November 14, 2011	November 14, 2011	September 19, 2010	September 14, 2010	Kandiyohi	Sec. 22, T11N, R8E
21086570	4	Remove Wayne Randall FTP	November 15, 2011	November 15, 2011	September 19, 2010	September 14, 2010	Todd	Sec. 19, T128N, R33W
21086574	5	Remove David Shodean FTP	November 11, 2011	November 11, 2011	September 19, 2010	September 14, 2010	Kandiyohi	Sec. 19, T119N, R34W
21087473	6	Remove Lloyd Wilkenson FTP	September 29, 2011	September 29, 2011	June 20, 2011	June 2, 2011	Blue Earth	Sec. 29, T108N, R25W
21087477	7	Remove Lyle Hodapp FTP	April 13, 2011	April 13, 2011	January 6, 2011	December 22, 2010	Blue Earth	Sec. 24, T108N, R25W
21087482	8	Remove Norman Eckhoff FTP	September 29, 2011	September 29, 2011	January 6, 2011	December 22, 2010	Blue Earth	Sec. 29, T108N, R25W
21087484	9	Remove Ray Lynch FTP	September 29, 2011	September 29, 2011	January 6, 2011	December 22, 2010	Blue Earth	Sec. 19, T108N, R25W
21087772	10	Remove Kenny Brown FTP	June 13, 2011	June 13, 2011	March 22, 2011	March 16, 2011	Chisago	Sec. 2, T37N, R21W
21087773	11	Remove Jeremy Harris FTP	June 14, 2011	June 14, 2011	March 22, 2011	March 16, 2011	Chisago	Sec. 3, T33N, R21W
21089026	12	Remove Edward Langer FTP	September 28, 2011	September 28, 2011	June 1, 2011	May 10, 2011	Morrison	Sec. 18, T40N, R30W
21089027	13	Remove Jack Poepping FTP	October 24, 2011	October 24, 2011	June 1, 2011	May 10, 2011	Morrison	Sec. 34, T41N, R30W
21089366	14	Remove Chris Latham FTP	October 11, 2011	October 11, 2011	July 28, 2011	July 26, 2011	Dakota	Sec. 20, T115N, R19W
21091455	15	Remove Elroy Hinz FTP	October 10, 2011	October 10, 2011	September 6, 2011	August 16, 2011	Martin	Sec. 15, T103N, R31W
21091456	16	Remove Robert Chamberlain FTP	October 12, 2011	October 12, 2011	July 28, 2011	July 26, 2011	Dakota	Sec. 17, T115N, R19W
21091457	17	Remove Lynette Cadwell FTP	October 10, 2011	October 10, 2011	July 28, 2011	July 26, 2011	Dakota	Sec. 17, T115N, R19W
21091458	18	Remove Gerald Boemer FTP	September 15, 2011	September 15, 2011	July 28, 2011	July 26, 2011	Scott	Sec. 36, T113N, R22W
21091459	19	Remove Eleanor Richter FTP	September 15, 2011	September 15, 2011	July 28, 2011	July 26, 2011	Le Sueur	Sec. 4, T111N, R23W
21091476	20	Remove Kaezwin #3 FTP	October 26, 2011	October 26, 2011	July 6, 2011	June 21, 2011	St. Louis	Sec. 29, T57N, R21W
21091477	21	Remove Floyd Aubol FTP	November 3, 2011	November 3, 2011	July 6, 2011	June 21, 2011	St. Louis	Sec. 24, T48N, R17W
21091612	22	Remove Norm Geusmer FTP	October 6, 2011	October 6, 2011	August 20, 2011	August 1, 2011	Anoka	Sec. 11, T32N, R25W
21093151	23	Remove Clyde Busse FTP	November 20, 2011	November 20, 2011	November 17, 2011	November 1, 2011	Scott	Sec. 14, T114N, R22W
21093155	24	Remove Barbara Kranz FTP	November 1, 2011	November 1, 2011	October 26, 2011	October 12, 2011	Chisago	Sec. 4, T35N, R21W
21093156	25	Remove Donald Skaar FTP	November 11, 2011	November 11, 2011	October 26, 2011	October 12, 2011	Chisago	Sec. 3, T35N, R21W
21093248	26	Remove Orin Solland FTP	November 28, 2011	November 28, 2011	November 4, 2011	October 25, 2011	Freeborn	Sec. 27, T101N, R22W
<u>STATE OF NEBRASKA FARM TAPS:</u>								
21089876	1	Remove Kurt Bond FTP	November 21, 2011	November 21, 2011	September 4, 2011	July 1, 2011	Cass	Sec. 7, T11N, R12E
21089877	2	Remove Ronald Sladky FTP	November 18, 2011	November 18, 2011	September 4, 2011	July 1, 2011	Saunders	Sec. 1, T14N, R7E
21089878	3	Remove Ardyen Malchow FTP	November 16, 2011	November 16, 2011	September 4, 2011	July 1, 2011	Saunders	Sec. 2 T14N, R7E
21089879	4	Remove Bryan Rithaler FTP	October 22, 2011	October 22, 2011	September 4, 2011	July 1, 2011	Saunders	Sec. 9, T16N, R8E
21091450	5	Remove Anderson Farms FTP	June 15, 2011	June 15, 2011	September 4, 2010	May 10, 2011	Dakota	Sec. 23, T28N, R8E
21091478	6	Remove Jim Paulson FTP	June 17, 2011	June 17, 2011	September 4, 2010	May 10, 2011	Dodge	Sec. 33, T18N, R8E
21093425	7	Remove Loren Holmbeck FTP	December 2, 2011	December 2, 2011	September 4, 2011	November 3, 2011	Cass	Sec. 33, T10N, R9E
21093426	8	Remove William Winters FTP	December 2, 2011	December 2, 2011	September 4, 2011	November 3, 2011	Butler	Sec. 26, T10N, R8E
21093427	9	Remove William Juranek FTP	December 1, 2011	December 1, 2011	September 4, 2011	November 3, 2011	Butler	Sec. 13, T15N, R2E
21093428	10	Remove Marilyn Hoffman FTP	December 1, 2011	December 1, 2011	September 4, 2011	November 3, 2011	Butler	Sec. 15, T14N, R1E
21093429	11	Remove Diana Gradoville FTP	December 12, 2011	December 12, 2011	September 4, 2011	November 3, 2011	Sarpy	Sec. 27, T13N, R13E
21093430	12	Remove Alice Asmussen FTP	December 19, 2011	December 19, 2011	September 4, 2011	November 3, 2011	Sarpy	Sec. 14, T13N, R12E
21093431	13	Remove Mike Hartman FTP	December 5, 2011	December 5, 2011	September 4, 2011	November 3, 2011	Johnson	Sec. 16, T5N, R11E
<u>STATE OF OKLAHOMA FARM TAPS:</u>								
21089964	1	Remove Bechtold FTP	September 2, 2011	September 2, 2011	April 4, 2011	December 28, 2010	Beaver	Sec. 24, T1N, R23E
<u>STATE OF SOUTH DAKOTA FARM TAPS:</u>								
21086096	1	Remove Chirs Nielsen FTP	July 26, 2011	July 26, 2011	April 29, 2011	May 3, 2011	Lincoln	Sec. 23, T100N, R50W
21086249	2	Remove Dell Rapids 2 FTP	September 29, 2011	September 29, 2011	April 29, 2011	May 3, 2011	Mitchaha	Sec. 7, T104N, R49W
21086260	3	Remove Loomer Montgomery Furniture FTP	September 28, 2011	September 28, 2011	May 3, 2011	May 10, 2011	Hanson	Sec. 4, T102N, R58W

Attachment B

20 FERC P 62410 (F.E.R.C.), 1982 WL 40871
**1 Office Director Orders

Northern Natural Gas Company, Division of InterNorth, Inc.

Docket No.

CP82

-

401

-000

Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity Authorizing Routine Activities, Permitting and Approving Abandonment, and Granting Petitions to Intervene
(Issued September 1, 1982)

*63687 Kenneth A. Williams, Director Office of Pipeline and Producer Regulation.

On July 6, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant),¹ filed in Docket No. CP82-401-000 an application pursuant to Section 7 of the Natural Gas Act to obtain a blanket certificate of public convenience and necessity authorizing certain routine activities and permission and approval to abandon certain service and facilities specified in Subpart F of Part 157 of the Commission's Regulations, as more fully set forth in the application.

Order No. 234 [*FERC Statutes and Regulations* P 30,368], established a blanket certificate and abandonment program which permits Applicant to obtain a one-time certificate of public convenience and necessity to authorize a variety of jurisdictional activities and permission and approval to abandon, which would otherwise require separate certificate or abandonment authority in each instance. Under the authorization issued to Applicant herein, Applicant will be authorized to conduct many routine activities and abandon facilities and service on a self-implementing basis without further authorization by the Commission.² For other categories of activities,³ which may potentially require more scrutiny and opportunity for public participation, this authorization is subject to the notice procedure specified in Section 157.205.⁴ Both categories of activities have been shown to serve the public interest, and for the reasons stated in Order No. 234, a certificate and abandonment authorization will be issued to the Applicant to authorize the specified activities, subject to the procedural and reporting requirements of that order.

Order No. 234 contemplated an orderly transition from the Commission's budget-type certificate program (18 C.F.R. §157.7) to the blanket certificate program. Accordingly, Applicant states that it will surrender the following certificates, effective upon its acceptance of this certificate:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The Commission does not deem the surrender of the budget-type certificate at the time of acceptance of the blanket certificate as revocation of the budget-type authorization for previously undertaken projects. We note that Applicant must still file a final report for the budget-type certificate, as provided by Section 157.7 of the Regulations.

Presently, Applicant does not perform a jurisdictional storage service. Therefore, before Order No. 234 storage service may be provided by Applicant, applicable rates must be established.

Applicant also certifies that it will design, install, inspect, test, construct, operate, replace, and maintain the facilities authorized under this certificate in accordance with Federal safety standards and plans for maintenance and inspection.

For the reasons discussed in Order No. 234, and in the Environmental Assessment issued on July 1, 1981, the activities authorized by this certificate do not constitute a major Federal action significantly affecting the quality of the human environment.

****2** After due notice by publication in the Federal Register on July 28, 1982 (47 Fed. Reg. 32580), petitions to intervene were filed by Minnegasco, Inc., Iowa Southern Utilities Company, and Iowa Public Service Company and a joint petition to intervene was filed by Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), and Lake Superior District Power Company. No further petitions to intervene, notices of intervention, or protests to the granting of the application have been filed.

***63688** At a hearing held on September 1, 1982, there was received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

It is found:

(1) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(2) The construction, acquisition, and operation of facilities and the transportation and sale of natural gas are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(3) The abandonment proposed by Applicant is permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(4) Participation by the petitioners to intervene in this proceeding may be in the public interest.
Pursuant to the authority delegated by 18 C.F.R. 375.307, *it is ordered:*

(A) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued authorizing Applicant to perform the activities specified in Subpart F of Part 157 of the Commission's Regulations, as amended from time to time.

(B) Upon the terms and conditions of this order, permission for and approval of the abandonment by Applicant of service and facilities specified in Subpart F of Part 157 of the Commission's Regulations, as amended from time to time, are granted.

(C) The certificate issued by paragraph (A) above, the abandonment authorized by paragraph (B) above, and the rights granted thereunder are conditioned upon Applicant's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly Section 157.206 and paragraphs (a) and (e) of Section 157.20 of such Regulations.

(D) The petitioners to intervene are permitted to intervene subject to the rules and regulations of the Commission, *Provided, however*, that participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(E) The construction authority included in the certificates issued in Docket Nos. CP80-148-000, CP81-509-000 and CP81-510-000 is hereby terminated effective upon the date of Applicant's acceptance of this certificate.

Federal Energy Regulatory Commission

Footnotes

¹ Applicant, a Delaware corporation having its principal place of business in Omaha, Nebraska, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by order issued April 6, 1943, in Docket No. G-280 (3 FPC 967).

² See 18 C.F.R. §157.203(b).

³ See 18 C.F.R. §157.203(c).

⁴ Persons having a potential interest in such transactions are on notice to monitor the *Federal Register*. Once a deadline established under Section 157.205(d) passes without a protest being filed, the proposed activity is authorized under this order without further action by the Commission.

20 FERC P 62410 (F.E.R.C.), 1982 WL 40871

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