

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suedeem G. Kelly.

Earle and Julie Smith

v.

Docket No. CP05-43-000

Portland Natural Gas Transmission System

ORDER DISMISSING COMPLAINT

(Issued January 19, 2005)

On January 3, 2005, Earle and Julie Smith filed a complaint with the Commission in Docket No. CP05-43-000 against Portland Natural Gas Transmission System (PNGTS) and the Commission concerning an alleged easement violation by PNGTS on September 21, 1998. The matter in controversy has been previously considered by the Commission in Docket Nos. CP99-539-000 and CP99-539-001,<sup>1</sup> in which proceeding the Commission took final action on this matter. Therefore, the complaint is dismissed.

The Commission orders:

The complaint filed in this docket is dismissed.

By the Commission.

( S E A L )

Linda Mitry,  
Deputy Secretary.

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<sup>1</sup> *Earle and Julie Smith v. Portland Natural Gas Transmission System*, 90 FERC ¶ 61,034 (2000), *order denying rehearing*, 91 FERC ¶ 61,231 (2001), *affirmed*, *Earle H. Smith III., Julie A. Smith v. Federal Energy Regulatory Commission*, No. 00-1785 (1<sup>st</sup> Cir. April 4, 2001).