

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

Texas Eastern Transmission, LP

Docket No. CP05-392-000

ORDER ISSUING CERTIFICATE

(Issued February 22, 2006)

1. On July 6, 2005, Texas Eastern Transmission, LP, (Texas Eastern) filed an application under section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's regulations, for a certificate of public convenience and necessity authorizing it to construct and operate certain facilities at its Accident Storage Field (Accident field), located in Garrett County, Maryland. Texas Eastern states that its proposed project, known as the Accident Storage Enhancement Project, will enhance the overall operational performance capabilities of the Accident field by improving deliverability, expanding the working gas capacity by 3.0 Bcf, and increasing the injection capability.
2. Based on the discussion below, we find Texas Eastern's proposal to be in the public convenience and necessity and grant the requested certificate authorization. We also make a finding supporting a presumption of rolled-in rate treatment, subject to conditions set forth herein.

Background

3. Texas Eastern owns and operates an open access pipeline system extending from southern Texas and offshore Gulf of Mexico to the Mid-Atlantic and Northeast areas. In December 1963, Texas Eastern was granted a certificate of public convenience and necessity for the acquisition, conversion, development, and operation of the Accident field.¹ Subsequent orders in 1965 and 1966 authorized Texas Eastern to construct and

¹ *Texas Eastern Transmission Corp., et al.*, 30 FPC 1559 (1963).

operate additional wells and compression, increase peak day withdrawals, and increase the maximum inventory of the field.² At present, the maximum total inventory of the Accident field is 62.0 Bcf with a maximum daily deliverability of 400 MMcf.³

4. The Accident field is located immediately upstream of Texas Eastern's major markets in the Eastern United States, and numerous receipt and delivery points and major pipeline interconnections are located in the area. The field's location allows Texas Eastern to respond quickly and effectively to market area imbalances. Because of its location, the Accident field is critical to the operational reliability and flexibility of the Texas Eastern pipeline system. The Accident field is the only storage field entirely owned and operated by Texas Eastern, so Texas Eastern exercises complete operational control and relies on the field to conduct activities that cannot be performed at other storage facilities.

5. In Texas Eastern's Order No. 636 unbundling proceeding, the Commission found that Texas Eastern did not have adequate storage on its system to serve both firm transportation and firm storage without transportation customers borrowing storage from storage customers from time to time.⁴ Therefore, the Commission approved a mechanism whereby transportation customers can borrow storage capability in return for a credit to storage customers to compensate them for such use.⁵ Given the fact that Texas Eastern's resources, particularly its storage facilities, are insufficient to separately support each unbundled service, the Commission has also approved certain operating procedures, including operational flow orders (OFOs), which enable Texas Eastern to provide no-notice service and to manage its pipeline system more effectively.⁶ When these

² *Texas Eastern Transmission Corp.*, 34 FPC 572 (1965), 35 FPC 655 (1966).

³ In a letter order issued November 18, 2005, the Director, Division of Pipeline Certificates of the Office of Energy Projects, granted Texas Eastern a temporary waiver of the certificated maximum limit of the Accident field for the 2005-2006 winter heating season. The waiver grants Texas Eastern the authority to temporarily increase the maximum inventory by 0.5 Bcf in order to mitigate supply disruptions caused by the 2005 hurricane season.

⁴ *See Texas Eastern Transmission Corp.*, 93 FERC 61, 063 at p. 61,169 (2000).

⁵ *Texas Eastern Transmission Corp.*, 63 FERC 61,100 (1993).

⁶ *CNG Transmission Corp.*, 83 FERC 61,081 at 61,406 (recognizing the need for Texas eastern to issue OFOs in order to manage its system); *Texas Eastern Transmission* (continued)

procedures are implemented, however, the ability of Texas Eastern's customers to inject and withdraw gas is limited and their ability to utilize capacity consistent with their immediate needs is hampered. In light of the need for additional storage, Texas Eastern has proposed the Accident Storage Enhancement Project.

Texas Eastern's Proposal

6. Texas Eastern requests authority to construct new wells, rework existing wells and install other appurtenant facilities to enhance reliability and flexibility by improving deliverability at lower inventory levels, increasing working gas capacity, and increasing injection capability of the Accident field. Texas Eastern seeks authority to increase the maximum certificated capacity of the Accident field from 62.0 Bcf to 64.0 Bcf at 14.73 psia and expand the working gas capacity by 3 Bcf, from 15.3 Bcf to 18.3 Bcf.

7. To accomplish this increase in capacity, Texas Eastern proposes specifically to: 1) perform maintenance and reliability enhancements on 38 existing wells; 2) drill 7 re-entry horizontal injection/withdrawal (I/W) wells at existing locations, and two new I/W wells, and install electronic gas measurement equipment and 0.7877 miles of 8-inch diameter gathering lines; 3) install wellhead remote terminal unit communication and grounding/surge protection at 54 well sites; 4) install additional water handling facilities on all three field laterals entering the compressor station; and 5) replace wellhead valves on 15 wells.

8. Texas Eastern states that these proposed modifications will allow it to achieve the proposed 3.0 Bcf increase in working gas capacity by converting 1.0 Bcf of base gas to working gas and accessing 2.0 Bcf of previously inaccessible reservoir capacity. There will be no changes to the certificated maximum reservoir pressure of 3,265 psia.

9. Texas Eastern estimates the total cost for the proposed facilities will be \$20,547,000. Texas Eastern seeks a presumption supporting rolled-in rate treatment for the cost of the project, as the project is designed to improve service for existing

Corp., 65 FERC 61,135 at 61, 686 (1993) (explaining that "Texas Eastern must borrow storage gas from its customers and have the ability to issue OFOs in order to provide no-notice service. Hence, the reliability of Texas Eastern's no-notice service is dependent on the actions of its customers and those customers must act so as not to diminish the integrity of Texas Eastern's system. Order No. 636 recognized that in order for a pipeline to effectively manage its system, it must depend in part on shippers injecting gas into storage at the right place and time." (footnote omitted))

customers by enhancing existing capacity and improving reliability and flexibility in storage and transportation services. No new storage or transportation services are proposed.

Notice, Interventions, and Comments

10. Notice of Texas Eastern's application was published in the *Federal Register* on July 18, 2005 (70 *Fed. Reg.* 42316). Municipal Defense Group, New Jersey Natural Gas Company, Atmos Energy Corporation, Public Service Commission of the State of New York, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas Company (Elizabethtown Gas), The New England Local Distribution Companies,⁷ PSEG Energy Resources & Trade LLC, and The KeySpan Delivery Companies (KeySpan),⁸ filed timely unopposed motions to intervene. Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc. and Philadelphia Gas Works (collectively ConEd) also filed a timely, unopposed motion to intervene. Timely unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure.⁹

11. The pleadings of Elizabethtown Gas, KeySpan, and ConEd included comments which are addressed below.

Discussion

12. Because the proposed facilities will be used to transport natural gas in interstate commerce, subject to the jurisdiction of the Commission, the construction, and operation of the facilities are subject to the requirements of subsections (c) and (e) of section 7 of the NGA.

⁷ Bay State Gas Company, Connecticut Natural Gas Corporation, New England Gas Company, Northern Utilities, Inc., NSTAR Gas Company, The Southern Connecticut Gas Company, and Yankee Gas Services Company.

⁸ The KeySpan Delivery Companies include Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York, KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island, and Boston Gas Company, Colonial Gas Company, EnergyNorth Natural Gas, Inc., and Essex Gas Company.

⁹ 18 CFR § 385.214 (2005).

Public Convenience and Necessity

13. On September 15, 1999, the Commission issued a Policy Statement to provide guidance as to how we will evaluate proposals for certificating new construction.¹⁰ The Policy Statement established criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. The Policy Statement explained that in deciding whether to authorize the construction of major new pipeline facilities, we balance the public benefits against the potential adverse consequences. Our goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

14. Under this policy, the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, or landowners and communities affected by the route of the new pipeline. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, we will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will we proceed to complete the environmental analysis where other interests are considered.

15. The threshold requirement is that the pipeline must be prepared to financially support the project without relying on subsidization from its existing customers. However, we have stated that projects designed to improve existing service for existing customers by replacing existing capacity, improving reliability or providing flexibility are for the benefit of existing customers. Accordingly, increasing the rates of existing customers to pay for these improvements is not a subsidy, and rolling the cost of the project into existing rates is appropriate.¹¹

¹⁰ *Certification of New Interstate Natural Gas Pipeline Facilities* (Policy Statement), 88 FERC ¶ 61,227 (1999), *order on clarification*, 90 FERC ¶ 61,128, *order on clarification*, 92 FERC ¶ 61,094 (2000).

¹¹ *Id.* at p. 61,746.

16. Texas Eastern's project is designed to improve the flexibility and reliability of Texas Eastern's storage and transportation services for its existing customers by enhancing the Accident field's performance, improving deliverability at lower inventory levels, and increasing the working gas capacity of the storage facility by 3.0 Bcf. The improvements to existing wells and the addition of new wells, communication equipment and water handling facilities will improve late season deliverability to the benefit of existing customers, thereby enhancing the operational flexibility of the Accident field. The additional operating flexibility will support Texas Eastern's ability to provide hourly swings and no-notice services to all customers, allow Texas Eastern to decrease its reliance on existing storage OFOs, and assist in managing line pack, imbalances, and interruptible storage, all to the benefit of its existing customers. Therefore, we find that Texas Eastern's proposal meets the threshold no-subsidy test of the Commission's certificate policy.

17. The proposed facilities will not result in degradation of service to Texas Eastern's customers. Rather, as discussed above, the proposed facilities will benefit Texas Eastern's transportation and storage customers by enhancing the operational reliability and flexibility of the Accident field, reducing its reliance on OFOs and the borrowing of storage gas from its customers. Although improved working gas and injection/withdrawal capabilities resulting from this project may not wholly eliminate Texas Eastern's reliance on cushion storage and on OFOs, the improvements will significantly reduce Texas Eastern's need to borrow from cushion storage capacity inventory. The result will be a better utilization of existing assets to reduce Texas Eastern's overall system cost of service. In addition, since the storage proposal is designed to improve the operational reliability and flexibility of Texas Eastern's system for existing customers and services, there will be no adverse effect on other pipelines or their captive customers.

18. Texas Eastern has designed the project to minimize the impact on landowners and the environment. The Commission received no adverse comments from landowners. The effects on landowners will be minimal because the project requires only two new well sites and associated gathering lines. Work on the other 7 re-entry wells and the 38 existing wells will be performed within the original drill pad footprint. There are no proposed modifications to the associated compression facilities. Thus, we find that any adverse impacts on landowners and communities near the storage field will be minimal.

19. Because Texas Eastern's proposal will provide public benefits without significant adverse economic impacts on existing customers and pipelines or on landowners and the surrounding communities, we find Texas Eastern's proposal to construct and operate facilities, to increase the working gas capacity and total inventory, and improve injection

and late season withdrawal capability at the Accident field in order to improve the operational reliability and flexibility of its system is in the public convenience and necessity.

20. Elizabethtown Gas states that the application does not explain how Texas Eastern intends to dispose of the 1.0 Bcf of existing cushion gas that would be converted to working gas or what rate implications would be associated with this conversion. Elizabethtown Gas suggests that Texas Eastern offer this cushion gas to existing customers at a price equivalent to Texas Eastern's cost in lieu of revenue sharing. Texas Eastern is not here disposing of the 1.0 Bcf of base gas. Rather, Texas Eastern is converting the associated capacity to working gas capacity to improve operational reliability and flexibility for its system. Texas Eastern will have to address the reclassification of the 1.0 Bcf of gas supplies in a future rate proceeding.

21. KeySpan supports Texas Eastern's proposed project and Texas Eastern's request for a rolled-in rate presumption for the costs of the project in its next general rate proceeding. However, KeySpan requests that Texas Eastern's OFO and tariff scheduling provisions be examined in its next rate case to determine whether, as a result of the availability and operation of the project, Texas Eastern should modify any of those provisions in a manner that will benefit its customers. We find no need to condition Texas Eastern's certificate authorization in this proceeding to address KeySpan's concern because KeySpan will be free to raise such matters in Texas Eastern's next general rate proceeding.

22. ConEd filed what it calls a "conditional" protest with its intervention request. ConEd states that Texas Eastern has not demonstrated that the benefits from the project will exceed the costs. ConEd acknowledges that Texas Eastern has the right, in order to enable it to provide no-notice service and to manage its system, to impose OFOs which in turn limit the ability of contract storage customers to inject and withdraw gas, and to borrow storage gas, with storage customers receiving a credit. ConEd asserts, however, that Texas Eastern has not quantified these problems or explained how the proposal would address them. ConEd also states that Texas Eastern has not estimated the increased fuel cost which would be passed through to its customers. As indicated above, we find that this project will provide broad system benefits to existing customers, and we further find that these benefits are sufficient to justify a presumption supporting rolled-in rate treatment for the project's costs. However, when Texas Eastern files under section 4 of the NGA to recover its costs, ConEd or any other party may seek to rebut this presumption by arguing that the purported benefits of the project have failed to materialize. To the extent there are increased fuel costs, such increases are properly borne by the existing customers. The level of the increased costs may be examined in Texas Eastern's periodic fuel recovery filings.

Engineering

23. The Commission has analyzed Texas Eastern's application and December 13, 2005 data response and concluded that if constructed as proposed, the enhancements to the Accident field, as described above and in Texas Eastern's application, are technically sound and will improve injection and late season withdrawal. Further, the proposed facilities are appropriate to enable Texas Eastern to convert 1.0 Bcf of cushion gas to working gas capacity and access 2.0 Bcf of previously inaccessible reservoir capacity to improve the operational reliability of the field. The total inventory of the field will increase to 64.0 Bcf with a maximum shut-in reservoir pressure of 3,265 psia. The working gas capacity will increase to approximately 18.3 Bcf. The peak day withdrawal rate will remain at 400 MMcf per day and will be sustained at lower inventory levels.

Environmental Analysis

24. On October 17, 2005, we issued a Notice of Intent to Prepare an Environmental Assessment for the Accident Storage Enhancement Project and Request for Comments on Environmental Issues (NOI). We received a response to the NOI from the National Park Service that Commission staff addressed in the environmental assessment (EA) prepared for Texas Eastern's proposal. The EA addresses geology, mineral resources, soils, water resources, vegetation, wildlife, wetlands, federally listed threatened and endangered species, land use, cultural resources, air quality, noise quality, and alternatives.

25. Based on the discussion in the EA, we conclude that if constructed and operated in accordance with Texas Eastern's application and supplements, including responses to staff's data requests, approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.

26. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. We encourage cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.¹²

¹² See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *National Fuel Gas Supply v. Public Service Commission*, 894 F.2d 571 (2d Cir. 1990); and *Iroquois Gas Transmission System, L.P., et al.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

27. Texas Eastern shall notify the Commission's environmental staff by telephone or facsimile of any noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Texas Eastern. Texas Eastern shall file written confirmation of such notification with the Secretary of the Commission (Secretary) within 24 hours.

28. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission orders:

(A) In Docket No. CP05-392-000, a certificate of public convenience and necessity is issued to Texas Eastern authorizing it to construct and operate the facilities at the Accident Storage Field, as described more fully in this order and in the application.

(B) The certificate issued in ordering paragraph (A) is conditioned on Texas Eastern's compliance with all applicable Commission regulations under the NGA including, but not limited to, Parts 154 and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the regulations.

(C) This certificate authorization is conditioned upon Texas Eastern's compliance with the environmental conditions set forth in the appendix to this order.

(D) Texas Eastern's facilities shall be constructed and made available for service within eighteen months of the date of the order in this proceeding as required by section 157.20(b) of the Commission's regulations.

(E) Texas Eastern shall notify the Commission's environmental staff by telephone or facsimile of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Texas Eastern. Texas Eastern shall file written confirmation with the Secretary of the Commission within 24 hours.

(F) Texas Eastern's request for a finding for a presumption of rolled-in rate treatment is granted.

- (G) The certificate issued is further conditioned upon the following:
1. The maximum inventory of natural gas stored in the Accident field shall not exceed 64,000 MMcf at 14.73 psia and 60 degrees Fahrenheit, and the maximum reservoir pressure shall not exceed 3,265 psia without prior authorization of the Commission; and
 2. The Accident field shall be operated in such manner as to prevent/minimize gas loss or migration;
 3. For the Accident field, Texas Eastern shall submit semiannual reports (to coincide with the termination of the injection and withdrawal cycles) containing the following information (volumes shall be stated at 14.73 psia and 60 degrees Fahrenheit and pressures shall be stated in psia):
 - (a) The daily volumes of natural gas injected into and withdrawn from the storage reservoir.
 - (b) The volume of natural gas in the reservoirs at the end of the reporting period.
 - (c) The maximum daily injection and withdrawal rates experienced during the reporting period. Average working pressure on such maximum days taken at a central measuring point where the total volume injected or withdrawn is measured.
 - (d) Results of any tracer program by which the leakage of injected gas may be determined. If leakage of gas exists, the report should show the estimated total volume of gas leakage, the volume of recycled gas, and the estimated remaining inventory of gas in the reservoir at the end of the reporting period.
 - (e) Any surveys of pressures in gas wells, and the results of back-pressure tests conducted during the reporting period.
 - (f) The latest revised structural and isopach maps showing the locations of the wells and the location of the gas-water contact. These maps need not be filed if there is no material change from the maps previously filed.

- (g) For the reporting period, a summary of wells drilled, worked over, or recompleted with subsea depth of formation and casing settings. Copies of any new core analyses, back-pressure tests, or well log analyses.
- (h) Discussion of current operating problems and conclusions.
- (i) Such other data or reports which may aid the Commission in the evaluation of the storage project.
- (j) Reports shall continue to be filed semiannually until the storage inventory volume and pressure have reached or closely approximate the maximum permitted in the Commission's Order. Thereafter, the reports shall continue on a semiannual basis for a period of one year.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

Appendix

As recommended in the EA, this authorization includes the following conditions:

1. Texas Eastern shall follow the construction procedures and mitigation measures described in its application and supplements and as identified in the EA, unless modified by this Order. Texas Eastern must:
 - a. request any modifications to these procedures, measures, or conditions in a filing with the Secretary;
 - b. justify each modification relative to site-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
 - d. receive approval in writing from the Director of the Office of Energy Projects (OEP) before using that modification.
2. The Director of OEP has delegated authority to take whatever steps are necessary to insure the protection of all environmental resources during construction and operation of the project. This authority would allow:
 - a. the modification of conditions of this Order; and
 - b. the design and implementation of any additional measures deemed necessary (including stop work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.
3. Prior to construction, Texas Eastern shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors, and contractor personnel would be informed of the environmental inspector's authority and have been or would be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.
4. The authorized facility locations shall be as shown in the EA, as supplemented by filed alignment sheets. As soon as they are available, and before the start of construction, Texas Eastern shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station

positions for the facilities approved by this Order. All requests for modifications of environmental conditions of this Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

5. Texas Eastern shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director OEP before construction in or near that area.

This requirement does not apply to minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
 - b. implementation of endangered, threatened, or special concern species mitigation measures;
 - c. recommendations by state regulatory authorities, and agreements with individual landowners that affect other landowners or could adversely affect sensitive environmental areas.
6. Within 60 days of the acceptance of this certificate and before construction begins, Texas Eastern shall file an initial Implementation Plan with the Secretary for review and written approval by the Director of OEP describing how Texas Eastern would implement the mitigation measures required by this Order. Texas Eastern must file revisions to the plan as schedules change.
 7. Texas Eastern shall defer construction and use of facilities and staging, storage, and temporary work areas and new or to be improved access roads until:

- a. Texas Eastern files copies of correspondence to and from the State Historic Preservation Officer (SHPO), regarding its review of Goodwin's July 2005 inventory report, and the need for additional cultural resources investigations at any of the existing facilities where Texas Eastern proposes work;
- b. Texas Eastern files a revised Unanticipated Discovery Plan appropriate to the project, and the SHPO's comments on that plan;
- c. Texas Eastern files the results of its contact program with Indian tribes, including copies of any correspondence or communications to and from Indian tribes not previously filed;
- d. Texas Eastern files the results of any additional studies required by the SHPO, and the SHPO's review of all reports and plans; and
- e. the Director of OEP reviews and approves all reports and plans, and notifies Texas Eastern in writing that it may proceed.

All materials filed with the Commission containing location, character, and ownership information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: **"CONTAINS PRIVILEGED INFORMATION - DO NOT RELEASE."**

8. To ensure that noise sensitive areas (NSAs) are not exposed to excessive noise during nighttime drilling operations Texas Eastern should submit, prior to construction, a drilling noise analysis, mitigation and compliance plan for review and approval. This plan should demonstrate that noise generated by drilling operations is below 55 dBA Ldn at the nearest NSAs, and specify all noise mitigation equipment necessary to reduce noise below 55 dBA Ldn. Texas Eastern should detail the method by which they would ensure compliance and where ambient noise surveys indicate that noise attributable to drilling exceeds 55 dBA Ldn, Texas Eastern should:

- a. immediately stop drilling and mitigate the noise at the affected NSAs to reduce the noise levels at those NSAs to 55 dBA Ldn or below, or
- b. offer temporary housing until Ldn levels at the NSAs are 55 dBA or below.