

123 FERC ¶ 61,250
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Vector Pipeline L.P.

Docket No. CP08-29-000

ORDER ISSUING CERTIFICATE

(Issued June 6, 2008)

1. On November 30, 2007, Vector Pipeline L.P. (Vector) filed an application in Docket No. CP08-29-000 under section 7(c) of the Natural Gas Act (NGA)¹ and Part 157 of the Commission's regulations. Vector requests a certificate of public convenience and necessity authorizing it to (i) construct, own, and operate a new mainline compression facility, with appurtenances, on Vector's existing mainline system in Athens Township, Calhoun County, Michigan and (ii) make certain minor facility adjustments at its existing compressor stations located at Highland, Michigan and Springville, Indiana in order to accommodate increased long-haul gas flow capacity on its transportation service system (Athens Compressor Expansion Project). Vector also seeks a preliminary determination that the costs of the Athens Compressor Expansion Project may be rolled in with its existing facility costs in its next general section 4 rate case.

2. We find that Vector's proposal is in the public interest since it will permit Vector to meet increasing shipper demand for long-haul transportation to its markets in Michigan and Canada. We further find that the proposed project is environmentally acceptable, subject to this order's mitigation conditions. Therefore, we will grant Vector's requested authorizations.

I. Background and Proposal

3. Vector's existing natural gas pipeline system consists of a 42-inch pipeline extending approximately 270 miles through Illinois, Indiana and Michigan.² Its system commences and receives gas at the Joliet Hub near Joliet, Illinois, where it interconnects

¹ 15 U.S.C. § 717f(c) (2000).

² See *Vector Pipeline L.P.*, 85 FERC ¶ 61,083 (1998), *order on reh'g*, 87 FERC ¶ 61,225, *order on reh'g*, 89 FERC ¶ 61,242 (1999).

with Alliance Pipeline L.P., Northern Border Pipeline Company, and Guardian Pipeline L.L.C., and terminates at the United States-Canadian international border at an interconnection with Vector Pipeline Limited Partnership.³ Vector's system also interconnects with ANR Pipeline Company near St. Clair, Michigan.

4. On November 13, 2007, Vector placed into service two new compressor stations, located in Joliet, Illinois and Romeo, Michigan, increasing its system's annual long-haul (i.e., summer) capacity to 1,170,600 Dth per day, as authorized by Commission order issued October 4, 2006.⁴ Vector states that it found market demand for additional long-haul transportation service to the international border, above its currently effective design level, based on operational experience and recent indications from current and prospective shippers. Accordingly, Vector proposes to construct one new compressor station adjacent to its 42-inch mainline transmission facilities in Calhoun County, Michigan. The proposed compressor station, referred to as the Athens Compressor Station (Athens station), would have a single 15,000 horsepower (hp) natural gas-driven compressor unit, increasing Vector's mainline capacity by approximately 105,000 Dth per day. Vector's Athens station proposal includes a compressor building, a motor control building, an office building for operating personnel and storage, and related appurtenances and piping. Vector states that it has options to purchase the Athens station property and an easement for an access road.

5. Based on executed precedent agreements, Vector states that its proposal will increase its existing annual long-haul capacity by 105,000 Dth per day, to 1,275,600 Dth per day. The long-haul winter design capacity will also be 1,275,600 Dth per day, with approximately 285,000 Dth per day of short-haul transport capacity available from Michigan to Dawn, Ontario.

³ Vector Pipeline Limited Partnership, which is regulated by the National Energy Board of Canada, transports natural gas approximately 15 miles from the border to the natural gas hub at Dawn, Ontario, where its system terminates at an interconnection with Union Gas Limited.

⁴ *Vector Pipeline L.P.*, 117 FERC ¶ 61,018 (2006). The order also amended Vector's Presidential Permit authorizing Vector to increase the maximum capacity of its border-crossing facilities. The authorized modification to the Presidential Permit covers the new capacity certificated herein. *Id.* 117 FERC at 61,091, app. B, art. 2.

6. To accommodate the additional capacity created by the new Athens station, Vector also proposes to make certain adjustments to the facilities at two of its existing compressor stations in Highland, Michigan and Springville, Illinois. Vector proposes to reconfigure these existing stations to accommodate parallel operation of the two natural gas-driven compressor units located at each station. Vector states that all such changes will take place on-site without disturbing, disrupting, or affecting abutting properties. Vector contends that its proposal is designed to respond to market demands for long-haul service beyond that which Vector can currently achieve. The proposed facilities have a projected in-service date of November 1, 2009, and a projected cost of \$36.6 million.

7. In response to a binding open season held between June 1 and June 28, 2007, three shippers signed precedent agreements for firm long-haul transportation service on Vector's system. According to Vector, BP Canada Energy Marketing Corporation (BP Canada), Nexen Marketing U.S.A. Inc. (Nexen), and Merrill Lynch Commodities, Inc. each made commitments for 60,000, 25,000, and 20,000 Dth per day, respectively, for a total of 105,000 Dth per day of new capacity. Vector plans to use the proposed new capacity to provide service under its existing, generally applicable rate schedules. Vector contends that the information in its application demonstrates that annual revenues from the expansion capacity will exceed the project's costs, and that rolling in the costs of the project therefore would result in a rate decrease for Vector's existing customers. Thus, Vector requests that the Commission make a predetermination that the costs of the proposed project may be rolled into Vector's existing rates in its next NGA section 4 rate proceeding.

II. Notice and Interventions

8. Notice of Vector's application was published in the *Federal Register* on December 12, 2007 (72 Fed. Reg. 71883). Timely, unopposed motions to intervene were filed by Michigan Consolidated Gas Company and Nexen.⁵ BP Canada filed an untimely motion to intervene. BP Canada has demonstrated an interest in this proceeding and has shown good cause for intervening out of time. Further, its untimely motion will not delay, disrupt, or otherwise prejudice this proceeding and is therefore granted. Nexen

⁵ Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214 (2007).

and BP Canada filed comments supporting Vector's proposal. In addition, various landowners filed comments in opposition to Vector's proposal.⁶

III. Discussion

9. Since Vector's proposed facilities will be used to transport natural gas in interstate commerce subject to the jurisdiction of the Commission, Vector's proposal is subject to the requirements of subsections (c) and (e) of section 7 of the NGA.⁷

A. Application of the Certificate Policy Statement

10. On September 15, 1999, the Commission issued the Certificate Policy Statement to provide guidance as to how we will evaluate proposals for certificating major new construction.⁸ The Certificate 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 Certificate Policy Statement explains that in deciding whether to authorize the construction of major new pipeline facilities, the Commission balances 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.

11. 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 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

⁶ Comments received prior to the Environmental Assessment (EA) were addressed in Vector's EA and comments received since are addressed in the environmental analysis section of this order.

⁷ 15 U.S.C. § 717f (2000).

⁸ *Certification of New Interstate Natural Gas Pipeline Facilities* (Certificate Policy Statement), 88 FERC ¶ 61,227 (1999), *order on clarification*, 90 FERC ¶ 61,128, *order on clarification*, 92 FERC ¶ 61,094 (2000).

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, the Commission 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 the Commission proceed to complete the environmental analysis where other interests are considered.

12. As noted above, the threshold requirement is that the new facilities must be prepared to financially support the project without relying on subsidization from its existing customers. Here, Vector demonstrates that projected revenues from the new compression facilities will exceed projected costs; thus, there will be no subsidization by existing customers. Approval of Vector's proposed project is also consistent with the other considerations identified in the Certificate Policy Statement. The expansion will not have any adverse effect on the applicant's existing shippers or services. Since the proposed expansion project involves increasing services to serve incremental market demand, existing pipelines and their customers will not be impacted. Finally, we find that any impacts on landowners and communities near the new facilities will be minimal because the Athens Compressor Expansion Project will be built on land owned in fee by Vector. Additionally, Vector designed the compressor stations to reduce visual impacts and incorporated appropriate sound and air quality mitigation measures. Further, our staff performed an environmental review and concluded that Vector's proposal can be approved without unacceptable environmental impacts.

13. Vector's proposed facilities will enable the company to meet expanded market demand and will facilitate the transportation of gas between the United States and Canada. For these reasons, and based on the benefits Vector's proposal will provide to the market and the lack of adverse effects on existing customers, other pipelines, landowners, or communities, the Commission finds, consistent with the Certificate Policy Statement and section 7 of the NGA, that the public convenience and necessity requires approval of the Athens Compressor Expansion Project, subject to this order's environmental conditions.

B. Rolled-in Rate Treatment

14. The Certificate Policy Statement provides that rolled-in pricing is appropriate in the following circumstances: (1) the pipeline improves service to existing customers by replacing existing facilities, improving reliability, or providing additional flexibility; (2) the pipeline combines an expansion with improvements in service to existing

customers; or (3) the inexpensive expansion of facilities is made possible because of prior construction and rolled-in pricing would result in lower rates for existing customers.⁹ Further, under the Certificate Policy Statement, the threshold requirement in establishing the public convenience and necessity for existing pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from existing customers.¹⁰

15. This case falls into the third category of circumstances for which rolled-in pricing is appropriate. Vector's proposed compression facilities would permit a relatively inexpensive expansion of capacity, made possible by Vector's previous construction of its now-existing facilities. Further, rolled-in pricing would result in lower rates for existing customers. Exhibit N to Vector's application shows that estimated annual revenues from the expansion capacity will exceed the estimated project costs and the costs of providing the expansion services. Specifically, based on its existing precedent agreements, Vector estimates a total of \$26.19 million in firm revenues for the expansion services over the first three years of operation and a total three-year cost of service of about \$22.98 million, resulting in excess revenue of \$3.21 million over the first three years of operation. Accordingly, we make a predetermination that, absent a material change in circumstances, Vector's costs for this project should receive rolled-in rate treatment in Vector's next rate case.¹¹

C. Environmental Analysis

16. On January 3, 2008, the Commission issued a Notice of Intent to Prepare an Environmental Assessment for the proposed Athens Compressor Expansion Project and Request for Comments on Environmental Issues (NOI). On January 25, 2008, the Commission issued a Notice of Site Visit for the Proposed Athens Compressor Expansion Project (Site Visit Notice) and the site visit was conducted on February 11, 2008. The NOI and the Site Visit Notice were sent to affected and adjoining landowners; federal,

⁹ 90 FERC ¶ 61,128 at 61,392.

¹⁰ 88 FERC ¶ 61,227 at 61,745.

¹¹ We note that fuel use on Vector's system is provided for in-kind by shippers, and that annual fuel use has been slightly below one percent on average since Vector commenced operation in 2000. Vector states in its application, and clarifies in its May 5, 2008 response to a staff data request, that it projects that with the Athens station in service its fuel usage would decrease on an annualized basis. Staff's analysis confirms this projection.

state, and local government agencies; elected officials; Native American tribes; environmental and public interest groups; and local libraries and newspapers. Fourteen comments were received during the scoping period.

17. Comments were submitted by nine individuals, the United States Fish and Wildlife Service (FWS), the Michigan Department of Environmental Quality (MIDEQ), the Athens Township Board of Trustees, the Little Traverse Bay Bands of Odawa Indians, and the Saginaw Chippewa Indian Tribe. The comment letters expressed concern about property values, visual and noise impacts, threatened and endangered species, alternatives to the proposal, public safety, migratory birds and other wildlife, and wetlands.

18. To satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA),¹² our staff prepared an environment assessment (EA) which was issued and placed in the record on March 31, 2008. The EA included analysis of the project's purpose and need, geology, soils, water resources, wetlands, vegetation, fish and wildlife, federally listed species, land use, recreation, visual resources, cultural resources, air quality and noise, safety, socioeconomics, cumulative impacts, and alternatives to the proposal. The EA also addressed all substantive comments from individuals, agencies, and local authorities who provided written comments. Before the EA comment period ended on April 30, 2008, we received comment letters from Michael Robert Klein, the MIDEQ, Little Traverse Bay Bands of Odawa Indians, and James Noland, on behalf of Athens Township. Vector also submitted comments concerning the environmental recommendations in the EA.

19. The Little Traverse Bay of Odawa Indians provided a Site Reference Form to use in the event of any inadvertent discovery of Native American human remains or burial objects and Vector agreed to notify the tribe in the event of a discovery.

20. Similar to his previous comments, which were addressed in the EA, Mr. Klein expressed concern about impacts on wetlands from the proposed Athens station access road and noise pollution from the assumed constant 55 decibels on the A-weighted scale (dBA) output from the completed facility. The MIDEQ also expressed concern regarding the adequacy of Vector's wetland delineation.

21. As noted in the EA, Vector completed wetland delineations in accordance with the 1987 United States Army Corps of Engineers Wetlands Delineation Manual and the 2001 MIDEQ Wetland Identification Manual: A Technical Manual for Identifying Wetlands in Michigan. One forested/emergent wetland is located north of, and adjacent

¹² 42 U.S.C. §§ 4321-4370f (2000).

to, the proposed access road to the new compressor station. In the EA, however, staff found that no wetlands would be impacted by the Athens Compressor Expansion Project and that all work areas were located in upland areas. Vector's implementation of the Commission's Wetland and Waterbody Construction and Mitigation Procedures would include installing erosion control devices along the edge of the work area near the wetland to prevent wetland sedimentation impacts. The land immediately adjacent to the proposed access road is farmland, and no direct impacts would occur to the wetland from construction of the access road.

22. In its comments on the EA, Athens Township amended its original list of recommendations sent in response to the NOI, to recommend a noise limit of 39 decibels, the use of berms and trees to minimize visual impacts, and the construction of a dust proof driveway. The EA includes a thorough review of noise quality impacts resulting from the new compressor station. In the EA, staff found that Vector has proposed a significant level of noise control mitigation and the proposed noise levels at all noise sensitive areas (NSA) near the Athens station would be significantly below the 55 dBA day-night sound level (L_{dn}) which is the Commission's criterion for the protection of the public from indoor and outdoor activity interference.¹³ The projected increase above the ambient noise levels, which ranges from 0.9 to 2.4 dBA, would either be unnoticeable or right at the threshold of a noticeable difference (3 dBA) at all NSAs; therefore, staff concludes in the EA that no additional noise mitigation is necessary.

23. In the EA, staff addressed Athens Township's initial request to limit noise levels to 28 dBA and indicated that the basis for this limit was unsubstantiated in the record with an arbitrary distance of 1,300 feet. While Athens Township's request for a noise limit of 39 dBA continues to be unsupported, we note that noise levels attributed to the Athens station are estimated to be 39 dBA L_{dn} at the nearest NSA. Further, as recommended in the EA and adopted in this order, Environmental Condition 10 requires Vector to (i) make all reasonable efforts to ensure that predicted noise levels from the Athens station are not exceeded at nearby NSAs and (ii) complete noise surveys within 60 days after the Athens station is placed in service to ensure that an L_{dn} of 55 dBA is not exceeded. We believe this condition will ensure that the noise levels resulting from the operation of the Athens station do not significantly impact residences in the surrounding area.

24. In response to Athens Township's concerns, Vector agreed to enhance the original site plan to include architectural treatments (such as designing the building to resemble a barn-like structure) and landscaping features (such as fencing and plantings) to help the

¹³ 18 C.F.R. § 380.12(k)(4)(v)(A) (2007).

facility blend into its surroundings. Further, Vector designed the compressor station access road, in consultation with Athens Township, to minimize dust and proposes to plant trees in order to reduce visual impacts. As discussed in the EA, the township's recommended setbacks and berms might actually require the station to be constructed closer to existing residences. In the EA, staff thoroughly addressed the visual and land use impacts of the Athens station, and found that no additional screening mitigation would be warranted. After reviewing the analysis in the EA, we agree with staff's conclusion.

25. Vector commented on the EA stating that Environmental Conditions 6, 7, and 8 are not necessary or appropriate for the small scale of the Athens Compressor Expansion Project, and thus requested that those provisions be withdrawn or modified. We disagree. These environmental conditions would ensure that Vector complies with the mitigation measures it proposed and would allow the Commission to verify that restoration is proceeding satisfactorily prior to our approval of placing the facilities in service. Further, the level of public interest in the project is substantial. Consequently, the conditions are included in this order without modification.

26. Based on the discussion in the EA, we conclude that approval of this proposal, if constructed in accordance with Vector's application and supplements, and the conditions imposed herein, would not constitute a major federal action significantly affecting the quality of the human environment.

27. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages 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 and replacement of facilities approved by this Commission.¹⁴

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

¹⁴See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *National Fuel Gas Supply v. Public Service Comm'n*, 894 F.2d 571 (2d Cir. 1990); *Iroquois Gas Transmission System, L.P.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Vector in Docket No. CP06-29-000 authorizing it to construct, own, operate, and maintain natural gas facilities, as described and conditioned herein, and as more fully described in the application.

(B) The certificate authority issued in Ordering Paragraph (A) is conditioned as discussed in this order and on the following:

- (1) Completion of the authorized construction within 18 months of this order;
- (2) Compliance with paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations; and
- (3) Compliance with the environmental conditions listed in Appendix A to this order.

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

(D) Vector must execute firm contracts equal to the level of service and in accordance with the terms of service represented in its precedent agreements prior to commencement of construction.

(E) Vector may roll in the costs of the facilities proposed in its application and approved by this order into its system-wide cost of service in its next NGA section 4 rate proceeding, unless there has been a significant change from the facts and circumstances, as considered in this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

APPENDIX A

Environmental Conditions

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

1. Vector shall follow the construction procedures and mitigation measures described in its application and supplements including responses to staff data requests and as identified in the EA, unless modified by the order. Vector must:
 - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (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 delegation authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the project. This authority shall allow:
 - a. the modification of conditions of the 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 any construction**, Vector shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector's authority and have been or will 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**, Vector 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 all facilities approved by the order. All requests for modifications of

environmental conditions of the order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

Vector's exercise of eminent domain authority granted under Natural Gas Act (NGA) section 7(h) in any condemnation proceedings related to the order must be consistent with these authorized facilities and locations. Vector's right of eminent domain granted under NGA section 7(h) does not authorize it to increase the size of its natural gas pipeline to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. Vector 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, and 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 of OEP **before construction in or near that area.**

This requirement does not apply to route variations required herein or extra workspace allowed by the Upland Erosion Control, Revegetation, and Maintenance Plan, 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:

- (i) implementation of cultural resources mitigation measures;
 - (ii) implementation of endangered, threatened, or special concern species mitigation measures;
 - (iii) recommendations by state regulatory authorities; and
 - (iv) agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.
6. **At least 60 days before start of construction,** Vector shall file an initial Implementation Plan with the Secretary for review and written approval by the

Director of OEP describing how Vector will implement the mitigation measures required by the order. Vector must file revisions to the plan as schedules change. The plan shall identify:

- a. how Vector will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
 - b. the number of environmental inspectors assigned per spread, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
 - c. company personnel, including environmental inspectors and contractors, who will receive copies of the appropriate material;
 - d. the training and instructions Vector will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);
 - e. the company personnel (if known) and specific portion of Vector's organization having responsibility for compliance;
 - f. the procedures (including use of contract penalties) Vector will follow if noncompliance occurs; and
 - g. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
 - (i) the completion of all required surveys and reports;
 - (ii) the mitigation training of onsite personnel;
 - (iii) the start of construction; and
 - (iv) the start and completion of restoration.
7. Vector shall file updated status reports prepared by the head environmental inspector with the Secretary on a **biweekly** basis **until all construction and restoration activities are complete**. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:
- a. the current construction status of each spread, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
 - b. a listing of all problems encountered and each instance of noncompliance observed by the environmental inspector(s) during the reporting period (both for the conditions imposed by the Commission and any

- environmental conditions/permit requirements imposed by other federal, state, or local agencies);
- c. corrective actions implemented in response to all instances of noncompliance, and their cost;
 - d. the effectiveness of all corrective actions implemented;
 - e. a description of any landowner/resident complaints which may relate to compliance with the requirements of the order, and the measures taken to satisfy their concerns; and copies of any correspondence received by Vector from other federal, state or local permitting agencies concerning instances of noncompliance, and Vector's response.
8. Vector must receive written authorization from the Director of OEP **before commencing service** from the project. Such authorization will only be granted following a determination that rehabilitation and restoration of the areas affected by the project are proceeding satisfactorily.
9. **Within 30 days of placing the certificated facilities in service**, Vector shall file an affirmative statement with the Secretary, certified by a senior company official:
- a. that the facilities have been constructed/installed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
 - b. identifying which of the certificate conditions Vector has complied with or will comply with. This statement shall also identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.
10. Vector shall make all reasonable efforts to assure its predicted noise levels from the Athens station are not exceeded at nearby NSAs and file the results of noise surveys showing this with the Secretary **no later than 60 days** after placing the Athens station in service. If the noise attributable to the operation of the Athens station at full load exceeds an L_{dn} of 55 dBA at any nearby NSAs, Vector shall file a report on what changes are needed and should install additional noise controls to meet the level **within 1 year** of the in-service date. Vector shall confirm compliance with this requirement by filing the results of a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.