

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

October 11, 2011

In Reply Refer To:

Michigan Consolidated Gas Company
and Dawn Gateway Pipeline, LLC
Docket No. CP11-521-000
Presidential Permit

The Honorable Leon E. Panetta
Secretary of Defense
Washington, DC 20301

Dear Mr. Secretary:

Pursuant to the provisions of Executive Order Nos. 10485 and 12038 of September 1, 1953, and February 3, 1978, respectively, and the Secretary of Energy's Delegation Order No. 00-004.00A, effective May 16, 2006, enclosed herewith for your information and consideration is a copy of an application jointly filed by Michigan Consolidated Gas Company (MichCon) and Dawn Gateway Pipeline, LLC (Dawn Gateway), with the Federal Energy Regulatory Commission on July 26, 2011, in Docket No. CP11-521-000, to (1) permit MichCon to relinquish its existing Natural Gas Act (NGA) section 3 authorization and Presidential Permit issued on September 13, 1989 for the Belle River-St. Clair Pipeline and (2) issue a new NGA section 3 authorization and Presidential Permit to Dawn Gateway to reflect its anticipated lease from MichCon of the Belle River-St. Clair Pipeline. The existing authorizations allow MichCon to operate border facilities between Canada and the United States, near St. Clair, Michigan, at a point designated as the United States-Canadian boundary under the St. Clair River.

In its July 26, 2011 filing, MichCon requests that both the relinquishment of its existing NGA section 3 authorization and Presidential Permit and the issuance of the new NGA section 3 authorization and Presidential Permit to Dawn Gateway, become effective on the date the lease of the Belle River-St. Clair Pipeline takes effect. Dawn Gateway's lease of the Belle River-St. Clair Pipeline facilities will permit Dawn Gateway to utilize the Belle River-St. Clair Pipeline as part of the Dawn Gateway Pipeline—an international gas transmission system that will allow the bi-directional transportation of natural gas

between Michigan and the Dawn Hub in Ontario, Canada. The incorporation of the Belle River-St. Clair Pipeline into the Dawn Gateway Pipeline will require minor station modifications.

Also enclosed for your consideration is a draft of the proposed Presidential Permit to be issued to Dawn Gateway if the Commission approves its application. The proposed Presidential Permit incorporates terms and conditions you and the Secretary of State have heretofore required in similar cases. Consistent with current Commission policy, Article 9 of the draft proposed permit differs from Article 9 of the original permit. Article 9 is revised to state that the permittee is required to defer to the Commission's finding and requirement regarding which authorized facilities should be removed and which should remain in place, in the event that they are no longer used.

A similar letter, together with a draft of the amended Presidential Permit and a copy of the application, is being sent to the Secretary of State. If the Secretary of State should make an unfavorable recommendation or propose any material change in the draft of the Permit, the Commission will immediately advise you.

The Commission would appreciate receiving your views regarding issuance of the proposed Presidential Permit at an early date. Please do not hesitate to contact me at (202) 502-8400, Annie Jones at (202) 502-6453, or Thomas Sharp at (202) 502-6461, if you need any further information.

By direction of the Commission. Commissioner Spitzer is not participating.

Kimberly D. Bose,
Secretary

cc: The Honorable Hilary Rodham Clinton
Secretary of State

Attachments:

Joint Application of Michigan Consolidated Gas Company and Dawn Gateway Pipeline, LLC
Draft of Amended Presidential Permit

DRAFT

**PERMIT AUTHORIZING DAWN GATEWAY PIPELINE, LLC (DAWN
GATEWAY)
TO OPERATE, MAINTAIN, AND CONNECT NATURAL GAS FACILITIES
AT THE INTERNATIONAL BOUNDARY
BETWEEN THE UNITED STATES AND CANADA**

**FEDERAL ENERGY REGULATORY COMMISSION
Docket No. CP11-521-000**

(Issued)

Dawn Gateway Pipeline, LLC (Dawn Gateway), a limited liability corporation organized under the laws of the State of Delaware, filed on July 26, 2011, in Docket No. CP11-521-000, an application pursuant to Executive Order Nos. 10485 and 12038 and the Secretary of Energy's Delegation Order No. 00-004.00A, requesting that the Commission issue an order under section 3 of the NGA and a Presidential Permit authorizing Dawn Gateway to operate and maintain export facilities at the international boundary between the United States and Canada to accommodate the importation and exportation of natural gas from the United States to Canada.

By letter dated 2011, the Secretary of State, and by letter dated 2011, the Secretary of Defense, favorably recommended that this Permit be granted. The Federal Energy Regulatory Commission finds that the issuance of this Permit, allowing the import and export permissions requested by Dawn Gateway, is appropriate and consistent with the public interest.

Pursuant to the provisions of Executive Order Nos. 10485 and 12038, dated September 3, 1953, and February 3, 1978, respectively, the Secretary of Energy's Delegation Order No. 00-004.00A effective May 16, 2006, and the Commission's regulations, permission is granted to Dawn Gateway (Permittee) to operate and maintain the natural gas facilities described in Article 2 below, upon the terms and conditions of the Permit.

Article 1. It is expressly agreed by the Permittee that the facilities herein described shall be subject to all provisions and requirements of this Permit. This Permit may be modified or revoked by the President of the United States or the Federal Energy Regulatory Commission and may be amended by the Federal Energy Regulatory Commission, upon proper application therefor.

Article 2. The following facilities are subject to this Permit:

That portion of the 24-inch diameter Belle River-St. Clair natural gas pipeline, which is located in the United States, immediately adjacent to the United States-Canada international boundary in the St. Clair River, all in St. Clair County, Michigan.

Article 3. The natural gas facilities subject to this permit, or which may subsequently be included herein by modification or amendment, may be utilized for the importation and exportation of natural gas between the United States and Canada only in the amount, at the rate, and in the manner authorized under section 3 of the Natural Gas Act.

Article 4. The operation and maintenance of the aforesaid facilities shall be subject to the inspection and approval of representatives of the United States. The Permittee shall allow officers and employees of the United States, showing proper credentials, free and unrestricted access to the land occupied by the facilities in the performance of their official duties.

Article 5. If in the future it should appear to the Secretary of the Defense that any facilities or operations permitted hereunder cause unreasonable obstruction to the free navigation of any of the navigable waters of the United States, the Permittee may be required, upon notice from the Secretary of the Defense, to remove or alter the same so as to render navigation through such waters free and unobstructed.

Article 6. The Permittee shall be liable for all damages occasioned to the property of others by the operation or maintenance of the facilities, and in no event shall the United States be liable therefor. The Permittee shall do everything reasonable within its power to prevent or suppress fires on or near land occupied under this Permit.

Article 7. The Permittee agrees to file with the Commission, under oath and in such detail as the Commission may require, such statements or reports with respect to the natural gas exported, imported, or the facilities described herein, as the Commission may, from time to time, request. Such information may be made available to any federal, state, or local agency requesting such information.

Article 8. Neither this Permit nor the facilities, nor any part thereof, covered by this Permit shall be voluntarily transferred in any manner, but the Permit shall continue in effect temporarily for a reasonable time in the event of the involuntary transfer of the facilities by operation of law (including transfer to receivers, trustees, or purchasers under foreclosure or judicial sale) pending the making of an application for a permanent Permit and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the facilities authorized by this Permit remain substantially the same as before the involuntary transfer. The Permittee shall maintain

the facilities in a condition of repair for the efficient transportation of natural gas and shall make all necessary renewals and replacement.

Article 9. Upon the termination, revocation, or surrender of this Permit, the Commission shall determine which of the authorized facilities shall be removed and which shall remain in place. The facilities authorized shall be removed within such time as the Commission may specify, and at the Permittee's expense. Upon failure of the Permittee to comply with the Commission's direction to remove any authorized facilities, or any portion thereof, the Commission may direct that possession of the same be taken and the facilities be removed at the Permittee's expense, and the Permittee shall have no claim for damages by reason of such possession or removal.

Article 10. The Permittee agrees that when, in the opinion of the President of the United States, evidenced by a written order addressed to it as holder of this Permit, the safety of the United States demands it, the United States shall have the right to enter upon and take possession of any of the facilities, or parts thereof, maintained or operated under this Permit, and all contracts covering the transportation or sale of natural gas by means of said facilities, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the Permittee; and in the event that the United States shall exercise such right it shall pay the Permittee just and fair compensation for the use of said facilities upon the basis of a reasonable profit in time of peace, and the cost of restoring said facilities to as good condition as existed at the time of taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the Permittee.

Article 11. This Permit is subject to any action which the Government of the United States may in the future deem expedient or necessary to take in case any part of the aforesaid facilities comes into the control of any foreign government.

Article 12. The Government of the United States shall be entitled to the same or similar privileges as may by law, regulation, agreement, or otherwise, be granted by the Permittee to any foreign government.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

IN TESTIMONY OF ACCEPTANCE of all the provisions, conditions and requirements of this Permit, the Permittee this day of __, 2011 has caused its name to be signed by __, [pursuant to a resolution of its Board of Directors duly adopted] on the __ day of __, 2011, a certified copy of the record of which is attached hereto.

Dawn Gateway Pipeline, LLC

By _____

(Attest)

Executed in triplicate