

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
William L. Massey, and Nora Brownell.

Nicole Gas Production Ltd

Docket Nos. RP03-243-000  
RP03-243-002

ORDER GRANTING REHEARING FOR  
FURTHER CONSIDERATION AND DENYING REQUEST FOR STAY

(Issued August 11, 2003)

Rehearing has been timely requested of the Commission's order issued on June 11, 2003, in this proceeding. Nicole Gas Production Ltd., 103 FERC ¶ 61,328 (2003). In the absence of Commission action within 30 days, the request for rehearing (and any timely requests for rehearing filed subsequently)<sup>1</sup> would be deemed denied. 18 C.F.R. § 385.713 (2003).

In order to afford additional time for consideration of the matters raised or to be raised, rehearing of the Commission's order is hereby granted for the limited purpose of further consideration, and timely-filed rehearing requests will not be deemed denied by operation of law. Rehearing requests of the above-cited order filed in this proceeding will be addressed in a future order. As provided in 18 C.F.R. § 385.713(d), no answers to the rehearing requests will be entertained.

On June 20, 2003, Columbia Natural Gas Transmission Corporation filed a request for stay of the Commission's June 11, 2003 order. The standard for Commission review of a request for stay of a Commission order is whether "justice so requires."<sup>2</sup> The

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<sup>1</sup>See San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange, et al., 95 FERC ¶ 61,173 (2001) (clarifying that a single tolling order applies to all rehearing requests that were timely filed).

<sup>2</sup>Administrative Procedure Act, 5 U.S.C. § 705. See, e.g., East Tennessee Natural Gas Co., 101 FERC ¶ 61,188 at P 9 (2002).

Commission finds that justice does not require that a request for stay of the June 11, 2003 order be granted under the circumstances presented. Accordingly, the request for stay of the June 11, 2003 order is denied.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.

