

119 FERC ¶ 61,016
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.

Greenbrier Pipeline Company, LLC

Docket No. CP02-396-000

ORDER VACATING CERTIFICATE AUTHORIZATION

(Issued April 4, 2007)

1. On January 24, 2007, in Docket No. CP02-396-000, Greenbrier Pipeline Company, LLC (Greenbrier) filed a motion requesting that the Commission vacate the certificate authorization issued in this docket on April 9, 2003,¹ authorizing Greenbrier to construct and operate approximately 279 miles of pipeline, two compressor stations and related facilities to provide up to 600,000 dekatherms per day of firm transportation services.
2. The April 9, 2003 Order required that the pipeline facilities be constructed and placed into service by November 11, 2005. However, the April 9, 2003 Order also required that prior to commencing services, Greenbrier must submit evidence that it has executed firm, long-term service agreements for 90 per cent of the project's firm transportation capacity. Also, the April 9, 2003 Order's environmental condition no. 6 required that Greenbrier file an implementation plan describing how it would address the required mitigation measures.
3. On November 26, 2003, and again on April 30, 2004, the Commission granted extensions of time to file the implementation plan. In the April 30, 2004 Order, the Commission also extended Greenbrier's in-service date to November 1, 2007. These extensions were granted to allow Greenbrier additional time to assess the demand for the project's firm transportation services and to secure the required long-term firm transportation commitment.

¹ *Greenbrier Pipeline Company, LLC*, 103 FERC ¶ 61,024 (2003).

4. Greenbrier states in its January 24 motion that the project does not appear to be economically feasible, and that Greenbrier has been unable to secure sufficient firm, long-term market commitments. Greenbrier states that it has not performed any construction activities and it has no present intention to construct the facilities. Greenbrier also states that subject to state law requirements, it intends to retain right-of-way easement agreements it has received for possible future purposes consistent with its easements.

5. Since Greenbrier no longer plans to construct and operate the facilities approved by the April 9, 2003 Order, it no longer requires certification authorization. Therefore, the Commission will grant Greenbrier's motion.

The Commission orders:

The certificate authorization issued on April 9, 2003, in Docket No. CP02-396-000 is vacated.

By the Commission.

(S E A L)

Philis J. Posey,
Acting Secretary.