

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

April 5, 2013

In Reply Refer To:
Kinder Morgan Texas Pipeline LLC
Docket No. CP13-94-000
Amended Presidential Permit

The Honorable Chuck Hagel
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 filed by Kinder Morgan Texas Pipeline LLC (Kinder Morgan) with the Federal Energy Regulatory Commission on March 1, 2013, in Docket No. CP13-94-000.¹ In its application, Kinder Morgan seeks to amend its existing Natural Gas Act (NGA) section 3 authorization and Presidential Permit originally issued on November 26, 1996, and previously amended on December 17, 1997, September 24, 2002, and July 25, 2012, to increase the authorized design capacity of its border facilities from approximately 425 MMcf per day to 700 MMcf per day at the International Boundary between the United States and Mexico near Salineño, in Starr County, Texas. Kinder Morgan proposes no construction or modification to its previously approved facilities in this application.

In its November 26, 1996 and December 17, 1997 Presidential Permits, the Commission authorized Kinder Morgan to site, construct, operate, and maintain facilities at the International Border with Mexico. In the amended Presidential Permits issued on September 24, 2002, and July 25, 2012, the Commission, among other things, authorized Kinder Morgan to increase the design capacity of its border crossing facilities to 375 MMcf per day and to 425 MMcf per day, respectively. Kinder Morgan states that it has implemented a series of operational changes to its pipeline system upstream of the

¹ Kinder Morgan was formerly known as MidCon Texas Pipeline Operator, Inc. and Kinder Morgan Texas Pipeline, L.P.

border crossing facilities and as a result, expects to be able to export up to 700 MMcf per day to Mexico through the existing border facilities. In its March 1, 2013 application, Kinder Morgan requests an amendment to its existing Presidential Permit and NGA section 3 authorization to align Kinder Morgan's existing authorizations with the expected design capabilities of its cross border facilities. Moreover, the amendment would allow Kinder Morgan to continue to provide Pemex-Gas Y Petroquimica Basica, as well as other end users in the vicinity of Monterey, Mexico, with increased gas supplies.

Also enclosed for your consideration is a draft copy of the amended Presidential Permit to be issued to Kinder Morgan if the Commission approves its application. The amended Presidential Permit incorporates terms and conditions you and the Secretary of State have required in similar cases.

A similar letter, together with a draft of the proposed 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, or Thomas Sharp at (202) 502-6461, if you need any further information.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

cc: The Honorable John F. Kerry
Secretary of State

Attachments:

Application of Kinder Morgan Texas Pipeline LLC
Draft of Presidential Permit

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AMENDED PERMIT AUTHORIZING KINDER MORGAN TEXAS
PIPELINE LLC (KINDER MORGAN) TO OPERATE AND MAINTAIN
NATURAL GAS FACILITIES AT THE INTERNATIONAL BOUNDARY
BETWEEN THE UNITED STATES AND MEXICO

FEDERAL ENERGY REGULATORY COMMISSION
Docket No. CP13-94-000

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Kinder Morgan Texas Pipeline LLC (Kinder Morgan), a limited liability corporation organized under the laws of the State of Delaware, filed on March 1, 2013, in Docket No. CP13-94-000, 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 Natural Gas Act (NGA) and an amended Presidential Permit authorizing Kinder Morgan to increase the daily natural gas export capacity of its crossing facility at the international boundary between the United States and Mexico from 425 to 700 MMcf per day.

By letter dated _____, 2013 the Secretary of State, and by letter dated _____, 2013 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 increased export capacity requested by Kinder Morgan, is appropriate and consistent with the public interest.

Pursuant to the provisions of Executive Order Nos. 10485 and 12038, dated September 1, 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 Kinder Morgan (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 therefore.

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

A natural gas transmission facility located near Salineño, Starr County, Texas

consisting of approximately 878 feet of 30-inch diameter pipe extending from a connection with intrastate pipeline facilities operated by Kinder Morgan to the International Boundary. The authorized design capacity of the border facilities will be approximately 700 MMcf per day.

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 transportation of natural gas between the United States and Mexico 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 Defense, to remove or alter the same so as to render navigation through such water 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 therefore. 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 its 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.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

IN TESTIMONY OF ACCEPTANCE of all the provisions, conditions and requirements of this Permit, the Permittee this day of __, 2012 has caused its name to be signed by __, [pursuant to a resolution of its Board of Directors duly adopted] on the __ day of __, 2012, a certified copy of the record of which is attached hereto.

El Paso Natural Gas Company

By _____

(Attest)

Executed in triplicate