

REG-PREAMBLE, FERCSR 1977-1981 ¶30,110, **Order Granting Rehearing for the Purpose of Further Consideration and Further Staying of Order No. 45 and Order No. 31-A, November 30, 1979, Docket No. RM79-19, 18 CFR 2, 18 CFR 271, 44 FR 69935**

Order Granting Rehearing for the Purpose of Further Consideration and Further Staying of Order No. 45 and Order No. 31-A, November 30, 1979, Docket No. RM79-19, 18 CFR 2, 18 CFR 271, 44 FR 69935

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44 F. R. 69935 (December 5, 1979)

18 CFR Parts 2 and 271

[Docket No. RM79-19; RM78-12]

Order Granting Rehearing for the Purpose of Further Consideration and Further Staying of Order No. 45 and Order No. 31-A

Issued November 30, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Staying Effective Date.

SUMMARY: On October 19, 1978 the Commission stayed the effective date of Orders 45 (Docket No. RM79-19) and 31-A (Docket No. RM78-12) until December 5, 1979 [44 FR 61327, October 25, 1979]. Order No. 45 [44 FR 51554, September 4, 1979] addressed the issue of producer responsibility for production-related costs incurred in first sales of natural gas produced at Prudhoe Bay, Alaska for transport through the Alaska Natural Gas Transportation System by amending Commission regulations under the Natural Gas Policy Act and providing a policy statement under the Natural Gas Act. Order No. 31-A [44 FR 41681, September 4, 1979] implemented the policy of Order No. 45. Petitions to rehear both orders were received. In addition, the Secretary of Energy requested rehearing to permit time for certain actions by the Department of Energy which will relate to Order No. 45. In light of these requests, and because of the complexity of the issues involved it is appropriate to further stay the effective date for both orders.

DATE: Effective dates of Order No. 45 and Order No. 31-A stayed until December 21, 1979.

FOR FURTHER INFORMATION CONTACT: John Conway, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8100-K, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8150.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

In the matter of treatment of certain production-related costs for natural gas to be sold and transported through the Alaska natural gas transportation system, [Docket No. RM79-19](#); and determination of incentive rate of return, tariff and related issues, [Docket No. RM78-12](#). Order Granting Rehearing for the Purpose of Further Consideration and Further Staying of [Order No. 45](#) and [Order No. 31-A](#).

On August 24, 1979, the Commission issued final regulations respecting the treatment of production-related costs under the Natural Gas Policy Act for natural gas produced at Prudhoe Bay Alaska for transport through the Alaska Natural Gas Transportation System (ANGTS). These were issued as [Order No. 45](#) in

Docket No. RM79-19. On the same day the Commission issued Order No. 31-A in Docket No. RM78-12 which applied the policy of Order 45. On September 21, 1979, the Atlantic Richfield Company, the Sohio Natural Resources Company, and the Phillips Petroleum Company filed separate applications for rehearing of these two orders. On September 24, 1979, the State of Alaska and the Exxon Corporation filed separate applications for rehearing of the two orders. On October 15, 1979, the Commission was informed by letter from the Secretary of Energy that a formal filing by the Department of Energy will be made which will reflect discussions held by the Department and

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North Slope producers on the impact of producer financing commitments for the ANGTS on Order 45. The Secretary's letter therefore requested rehearing to reconsider Order No. 45.

On October 18, 1979, the Commission granted rehearing of Order No. 45 and Order No. 31-A solely for purposes of further consideration. This was done in response to the request of the Secretary of Energy and to conclude deliberations of the issues raised in the applications for rehearing. In that order the Commission found that it was appropriate to stay the effective date of Order No. 45 and Order No. 31-A until a fixed date, December 5, 1979. Due to the complexity of the issues involved, and in the absence of any further filing by the Department of Energy, it is appropriate to extend that stay until December 21, 1979.¹

The Commission orders:

(A) The petitions for rehearing of Order No. 45 and Order No. 31-A, filed in this proceeding, are granted solely for the purpose of affording further time for consideration of the petitions and to afford further time for relevant filings on the part of the Department of Energy. This action does not constitute a grant or denial of the petitions on their merits in whole or in part. As provided by §1.34(d) of the Commission's Regulations, no answer to the applications filed in this proceeding will be entertained by the Commission since this order does not grant rehearing on any substantive issues.

(B) Ordering Paragraph (1) of Order No. 45, issued August 24, 1979, under Docket No. RM79-19 and Ordering Paragraph (B) of Order No. 31-A, issued August 24, 1979, under Docket No. RM78-12 are stayed until December 21, 1979.

By the Commission.

Kenneth F. Plumb,

Secretary.

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¹ As with the initial stay of October 18, 1979, this order does not apply to Order No. 31 or Order No. 31-B, issued under Docket No. RM78-12. Orders 31 and 31-B are formal orders now in effect.