

151 FERC ¶ 61,117
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;
Philip D. Moeller, Cheryl A. LaFleur,
Tony Clark, and Colette D. Honorable.

Impulsora Pipeline, LLC

Docket No. CP14-513-000

ORDER ISSUING PRESIDENTIAL PERMIT AND GRANTING AUTHORIZATION
UNDER SECTION 3 OF THE NATURAL GAS ACT

(Issued May 14, 2015)

1. On July 1, 2014, Colombia Pipeline, LLC¹ filed an application requesting a Presidential Permit and authorization pursuant to section 3 of the Natural Gas Act (NGA)² and Part 153 of the Commission's regulations³ to site, construct, and operate border-crossing facilities for the purpose of exporting natural gas to Mexico. The border-crossing facilities would be located at the international boundary between the United States in Webb County, Texas, and Mexico in the vicinity of Colombia, State of Nuevo León.⁴

¹ Effective August 21, 2014, Colombia Pipeline, LLC changed its name to "Impulsora Pipeline, LLC" and was issued a Certificate of Amendment from the State of Delaware confirming the name change.

² 15 U.S.C. § 717b(a) (2012); 18 C.F.R. pt. 153 (2014).

³ 18 C.F.R. pt. 153 (2014).

⁴ Authorization under section 3 of the NGA is necessary for the siting, construction, or operation of facilities to import or export natural gas. In addition, pursuant to Executive Order No. 10485, dated September 3, 1953 (18 Fed. Reg. 5397), as amended by Executive Order No. 12038, dated February 3, 1978 (43 Fed. Reg. 4957), a Presidential Permit also must be obtained for the portion of an import or export facility crossing one of the United States' international borders. In Delegation Order No. 00-004.00A, effective May 16, 2006, the Secretary of the U.S. Department of Energy (DOE) renewed the delegation of authority to the Commission to grant or deny authorization under section 3 of the NGA and, if applicable, a Presidential Permit for the construction, operation, maintenance, or connection of import and export facilities. The Commission

(continued ...)

2. For the reasons discussed below, the Commission grants the requested authorization, subject to conditions.

I. Background and Proposal

3. Impulsora Pipeline, LLC (Impulsora) is a limited liability company incorporated in Delaware and authorized to conduct business as a foreign limited liability company in Texas. Impulsora is a wholly-owned subsidiary of Howard Midstream Energy Partners, LLC, a midstream service provider focused primarily on the Eagle Ford Shale region of South Texas.

4. Impulsora seeks Commission authorization under section 3 of the NGA and a Presidential Permit to site, construct, operate, and maintain border-crossing facilities to transport natural gas that it, an affiliate, or shipper on its system has been authorized by DOE's Office of Fossil Energy to export to Mexico. The border-crossing facilities will consist of one 36-inch-diameter, 4,000-foot-long pipeline and one 12-inch-diameter, 2,500-foot-long pipeline that will run parallel to the 36-inch-diameter pipeline. The pipelines will be installed using two horizontal directional drills under the Rio Grande River from the Mexican side and will be approximately 20 to 40 feet apart. The export facilities will have a design capacity of approximately 1,120 million cubic feet (MMcf) per day⁵ and a maximum allowable operating pressure (MAOP) of 1,440 pounds per square inch gauge (psig). However, Impulsora expects the border crossing facilities will operate at approximately 700 psig. In addition to the two pipelines, Impulsora proposes to construct and operate a meter and pigging equipment, consisting of one 12-inch pig receiver and one 36-inch pig receiver that will be situated on 0.6 acre of land.

5. Pursuant to the jurisdiction of the Texas Railroad Commission, Texas Pipeline Webb County Lean System, LLC (TP Lean) contemplates constructing an intrastate pipeline, the Eagle Ford Gathering (EFG) Extension, to supply the border-crossing facilities with gas. The EFG Extension will consist of approximately 6.2 miles of 12-inch-diameter pipeline that will extend in a southerly direction from TP Lean's existing non-jurisdictional facilities in Webb County, Texas to the proposed border-crossing facilities. TP Lean's intrastate system consists of approximately 133.5 miles of pipeline with over 410 MMcf/d of transport capacity, designed for lean gas service in

has no authority to approve or disapprove applications to import or export natural gas. The Secretary of Energy has delegated such authority to DOE's Assistant Secretary for Fossil Energy.

⁵ The 12-inch and 36-inch-diameter pipelines will have design capacities of 120 MMcf per day and 1,000 MMcf per day, respectively.

Webb County. The EFG Extension is expected to initially transport solely Texas-sourced gas gathered from TP Lean's intrastate system.

6. A 0.48-mile-long pipeline will be constructed on the Mexico side of the international border on behalf of Impulsora LT, S.A.P.I. de C.V. This pipeline will deliver natural gas from the border-crossing facilities into a pipeline system owned by Con-Gas, S.A.P.I. de C.V. (Con-Gas), which will transport the gas to a power plant to be constructed near Colombia, Nuevo León, Mexico.

II. Public Notice, Interventions, and Comments

7. Notice of Impulsora's application was published in the *Federal Register* on July 22, 2014 (79 Fed. Reg. 42,506). Gasoductos De Anahuac S.A.P.I de C.V. (GdA) jointly with Con-Gas, and Gas Industrial De Monterrey S.A. de C.V. filed timely, unopposed motions to intervene.⁶ Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure.⁷

8. On September 22, 2014, Needmore Dolores LLC (Needmore) filed an untimely motion to intervene and protest. We will grant Needmore's late-filed motion to intervene because to do so at this stage of the proceeding will not unduly delay, disrupt, or otherwise prejudice the proceeding or other parties.⁸

9. On October 7, 2014, Impulsora filed an answer to Needmore's protest. Subsequently, answers were filed by Needmore on October 29, 2014, and Impulsora on November 12, 2014. Although the Commission's Rules of Practice and Procedure do not permit answers to protests or answers to answers,⁹ our rules do provide that we may, for good cause, waive this provision.¹⁰ We will accept the above-described responsive pleadings because they have provided information that assisted us in our decision-making process.

10. Impulsora's proposed facilities will be located on a 1.6-acre tract within the boundaries of the 14,000-acre Needmore Ranch. Needmore asserts that the proposed

⁶ GdA and Con-Gas also filed comments in support of the proposed project.

⁷ 18 C.F.R. § 385.214 (2014).

⁸ 18 C.F.R. § 385.214(d) (2014).

⁹ 18 C.F.R. § 385.213(a)(2) (2014).

¹⁰ 18 C.F.R. § 385.101(e) (2014).

project is too speculative and should not be approved because Impulsora has not yet acquired the property rights from Needmore necessary to construct the border-crossing facilities. Further, Needmore points out that the gas Impulsora will export is from yet-to-be-built gathering facilities and yet-to-be-drilled wells. Needmore also opposes the project because the non-jurisdictional EFG Extension proposed by TP Lean would be located within the boundary of Needmore Ranch.¹¹

III. Consultation with Secretaries of State and Defense

11. On August 15, 2014, the Commission sent copies of the application and a draft Presidential Permit to the Secretaries of State and Defense for their recommendations. Replies on behalf of the Secretary of Defense, filed October 7, 2014, and the Secretary of State, filed January 13, 2015, indicate no objection to the issuance of the requested Presidential Permit.¹² In addition, on October 29, 2014, Commission staff sent letters to the Secretaries of State and Defense, informing them that Colombia Pipeline, LLC changed its name to Impulsora.

IV. Discussion

A. Public Interest

12. Because the proposed facilities will be used to export natural gas across the Mexico/United States international border, the construction and operation of the facilities is subject to the Commission's jurisdiction under section 3 of the NGA.

13. Section 3 provides for the Commission's approval of an application under that section "unless it finds that the proposal will not be consistent with the public interest."¹³ Under its section 3 authority, the Commission may also apply terms and conditions as

¹¹ Needmore states it has been engaged in preliminary discussions for acquisition of easement rights with Impulsora, but has not yet reached an agreement. Needmore Protest at 3.

¹² Executive Order No. 10485, 18 Fed. Reg. 5397 (September 9, 1953), requires that the Commission obtain favorable recommendations of the Secretaries of State and Defense prior to issuing a Presidential Permit authorizing the construction of facilities at the borders of the United States for the exportation or importation of natural gas.

¹³ 15 U.S.C. § 717b(a) (2012).

necessary and appropriate to ensure that the proposed siting, construction, and operation are not inconsistent with the public interest.¹⁴

14. NGA section 3 further provides that the exportation and importation of natural gas between the United States and “a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, shall be deemed to be consistent with the public interest, and applications for such importation and exportation shall be granted without modification or delay.”¹⁵ The United States and Mexico are signatories to the North American Free Trade Agreement.¹⁶ The border-crossing facilities are needed to export gas that is being produced in the United States for sale to expanding energy and industrial markets in Mexico. Authorization for construction of the facilities will promote national economic policy by reducing barriers to foreign trade and stimulating the flow of goods and services between the United States and Mexico by facilitating the transportation of natural gas imports and exports authorized by DOE’s Office of Fossil Energy.¹⁷

15. The construction and operation of the border-crossing facilities will have minimal impact on landowners. The construction of the pipeline, metering station, and pig launchers and receivers in the United States would temporarily disturb an approximately 1.6-acre tract of open rangeland that is currently used for livestock grazing. Following the completion of construction, Impulsora would permanently maintain approximately 0.6 acres for operation of the meter and pigging equipment with the remaining land restored to its former use. After construction, Impulsora will restore the disturbed areas in accordance with Commission guidelines. Further, as discussed below, this order’s authorization is subject to conditions based on the Commission’s environmental review of Impulsora’s proposal to mitigate any adverse environmental impacts. Impulsora is involved in ongoing negotiations with Needmore, the only landowner impacted by the project, to obtain the property rights necessary for the construction and operation of the project. However, the lack of a finalized agreement for property rights between Impulsora and Needmore is not grounds for denying Impulsora a Presidential Permit or

¹⁴ *Id.*

¹⁵ 15 U.S.C. § 717b(c) (2012).

¹⁶ Pub. L. No. 103-82, 107 Stat. 2057 (1993); Implementation of the North American Free Trade Agreement Act, Executive Order No. 12889, 58 Fed. Reg. 69,681 (Dec. 27, 1993).

¹⁷ *See, e.g., NET Mexico Pipeline Partners, LLC*, 145 FERC ¶ 61,112, at P 14 (2013); *El Paso Natural Gas Company*, 140 FERC ¶ 61,174, at P 10 (2012).

section 3 authorization.¹⁸ We note that neither an authorization under NGA section 3, nor a Presidential Permit convey the right of eminent domain. Thus, notwithstanding our issuance of the requested authorizations, Impulsora will not be able to lawfully proceed with its project until it acquires the necessary property rights.

16. In view of the above considerations, the Commission finds that the approval of the proposed facilities for the exportation of natural gas is not inconsistent with the public interest. Therefore, the Commission will issue a Presidential Permit, set forth in Appendix B to this order, and an NGA section 3 authorization to site, construct, operate, and maintain the proposed facilities, subject to the environmental conditions in Appendix A to this order.

B. Environmental Analysis

17. On August 26, 2014, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Colombia [Impulsora] Crossing Project and Request for Comments on Environmental Issues* (NOI). The NOI was mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American tribes; local libraries and newspapers; and affected property owners.

18. Needmore, the only affected landowner, filed comments in response to the NOI, concerning the cumulative impacts of the non-jurisdictional facilities that would be constructed on Needmore's property.

19. To satisfy the requirements of the National Environmental Policy Act, our staff prepared an environmental assessment (EA) for Impulsora's proposal. The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, fisheries, wildlife, threatened and endangered species, land use, recreation, visual resources, cultural resources, air quality, noise, safety, and alternatives. All substantive comments received in response to the NOI were addressed in the EA. In response to Needmore, the EA clarifies that the non-jurisdictional facilities are not subject to the Commission's review. However, the EA does report available information on the intrastate pipeline and its impacts, including the cumulative impacts of these facilities. The EA was placed into the public record on February 13, 2015.

20. Needmore filed comments on the EA on March 13, 2015 and Impulsora filed comments in response to Needmore on March 19, 2015. Needmore alleges that the EA

¹⁸ The Commission does not require that all easements be in place prior to the issuance of the section 3 authorization. *See NET Mexico* 145 FERC ¶ 61,112 at P 15.

does not provide any details about the aboveground facility to be constructed as part of the border crossing project, including the permanent impacts on Needmore's property and aesthetics. However, section B.4 of the EA does describe the impact of the aboveground facility on the surrounding land area, including impacts on property and aesthetics. The EA states that the Impulsora Crossing Project would temporarily disturb approximately 1.6 acres of the Needmore Ranch, and would leave 0.6 acres permanently impacted by aboveground metering facilities. The aboveground facility is not located within 0.25 miles of any public use areas or lands with special or sensitive uses. The EA states that Impulsora would restore areas disturbed by construction. In response to Needmore, Impulsora listed several actions that it will take to minimize impacts on the property and resources, including using existing roads for site access, and installing a vegetation buffer around the permanent border crossing meter facility site. Impulsora also agrees to work with Needmore to accommodate specific aesthetic considerations.

21. Needmore further comments that the EA does not discuss Impulsora's future plans for abandonment and expresses concern that Needmore may eventually be left with the pipeline, along with potential liability, future risk, and reduced resale value of its property. Section A.6 of the EA states that Impulsora has not identified current plans for future expansion or abandonment of its facilities. However, should Impulsora choose to abandon or expand the project, a new, separate application and environmental review may be required. Impulsora states that if it abandons its facilities in any future proposal before the Commission, it will include a proposal to remediate the site. Remediation activities would include removing the facilities, filling in any and all ditches or depressions, and restoring the surface of the land to near original condition.

22. Needmore contends that the EA indicates that Impulsora might use its water for hydrostatic testing. Needmore expresses concern that transporting the water may impact existing roads and the environment. Section B.2 of the EA states that Impulsora anticipates obtaining water from the Needmore property, but if a water use agreement is not reached, Impulsora would truck in the required water. Impulsora clarifies that it will not use Needmore's water without prior authorization. The EA considers the movement of hydrostatic test water offsite by truck, and additional trucking in of water is not expected to result in impacts not considered in the EA. As indicated in Section B.4 of the EA, Impulsora would also repair or remediate all roads on the Needmore Ranch.

23. Finally, Needmore states that deer hunting, livestock operations, and birdwatching produce significant income for the Needmore Ranch. During our staff's lengthy review of the project leading up to issuance of the EA, these specific concerns were not raised. Consequently, the EA does not address these issues specifically. Section B.3 of the EA, however, discusses the effect of the project on wildlife. The EA concludes that the

project would have a minimal impact on the region's wildlife due to the limited scope and temporary duration of construction activities.¹⁹ We anticipate impacts on any livestock operations and/or birdwatching would be similarly limited.

24. Based on the analysis in the EA, we conclude that if constructed in accordance with Impulsora's application and supplements, and in compliance with the environmental conditions in the appendix to this order, our approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.

25. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this authorization. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction of facilities approved by this Commission.²⁰

26. At a hearing held on May 14, 2015, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application(s), as supplemented, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission orders:

(A) A Presidential Permit and NGA section 3 authorization are issued authorizing Impulsora to site, construct, operate, and maintain border-crossing facilities to export natural gas, as described and conditioned in this order, subject to the conditions of the Presidential Permit and compliance with the environmental conditions in Appendix A to this order.

(B) Impulsora shall sign and return the testimony and acceptance of all provisions, conditions, and requirements of the Presidential Permit to the Secretary of the Commission (Secretary) within 30 days of the issuance of this order.

¹⁹ Specifically, the project will affect only 1.6 acres of land and the expected duration of construction activities is three months.

²⁰ See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *National Fuel Gas Supply v. Public Service Commission*, 894 F.2d 571 (2d Cir. 1990); and *Iroquois Gas Transmission System, L.P., et al.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

(C) The authorized export facilities shall be completed and placed in service within one year of the date of issuance of this order.

(D) Impulsora shall notify the Commission's environmental staff by telephone, email, and/or facsimile of any environmental noncompliance identified by other federal, state, or local agencies on the same day such agency notifies Impulsora. Impulsora shall file written confirmation of such notification with the Secretary within 24 hours.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

APPENDIX A

Environmental Conditions

As recommended in the environmental assessment (EA), this authorization includes the following conditions:

1. Impulsora shall follow the construction procedures and mitigation measures described in its application and supplements, including responses to staff data requests, and as identified in the EA, unless modified by the Order. Impulsora must:
 - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary;
 - b. justify each modification relative to site-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
 - d. receive approval in writing from the OEP **before using that modification.**
2. The Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources during activities associated with the construction and operation of the Project. This authority shall allow:
 - a. the modification of conditions of the Order; and
 - b. the design and implementation of any additional measures deemed necessary (including stop-work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from Project construction and operation.
3. **Prior to any construction of facilities**, Impulsora shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, EIs, and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.
4. The authorized facility locations shall be as shown in the EA. **As soon as they are available, and before the start of construction**, Impulsora shall file with the Secretary any revised construction workspace configuration drawings at a scale not smaller than 1:6,000 with station positions for all activities approved by the Order. All requests for modifications of environmental conditions of the Order or

site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

5. Impulsora shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP **before construction in or near that area.**

This requirement does not apply to extra workspace allowed by the FERC *Upland Erosion Control, Revegetation & Maintenance Plan* and/or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
 - b. implementation of endangered, threatened, or special concern species mitigation measures;
 - c. recommendations by state regulatory authorities; and
 - d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.
6. **At least 60 days before construction begins,** Impulsora shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP. Impulsora must file revisions to the plan as schedules change. The plan shall identify:
 - a. how Impulsora would implement construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EA, and required by the Order;
 - b. how Impulsora would incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and

- specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
- c. the number of EIs assigned, and how the company would ensure that sufficient personnel are available to implement the environmental mitigation;
 - d. company personnel, including EIs and contractors, who would receive copies of the appropriate material;
 - e. the location and dates of the environmental compliance training and instructions Impulsora would give to all personnel involved with construction activities and restoration (initial and refresher training as the Project progresses and personnel change);
 - f. the company personnel (if known) and specific portion of Impulsora's organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) Impulsora will follow if noncompliance occurs; and
 - h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
 - (1) the completion of all required surveys and reports;
 - (2) the environmental compliance training of onsite personnel;
 - (3) the start of construction; and
 - (4) the start and completion of restoration.
7. Beginning with the filing of its Implementation Plan, Impulsora shall file updated status reports with the Secretary on a **biweekly basis until all construction and restoration activities are complete**. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:
- a. an update on Impulsora's efforts to obtain the necessary federal authorizations;
 - b. the construction status of the Project, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
 - c. a listing of all problems encountered and each instance of noncompliance observed by the EI(s) during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
 - d. a description of corrective actions implemented in response to all instances of noncompliance, and their cost;
 - e. the effectiveness of all corrective actions implemented;

- f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and
 - g. copies of any correspondence received by Impulsora from other federal, state or local permitting agencies concerning instances of noncompliance, and Impulsora's response.
8. **Prior to receiving written authorization from the Director of OEP to commence construction of any Project facilities,** Impulsora shall file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
9. Impulsora must receive written authorization from the Director of OEP **before placing the Project into service.** Such authorization will only be granted following a determination that rehabilitation and restoration of the facility sites and other areas affected by the Project are proceeding satisfactorily.
10. **Within 30 days of placing the authorized facilities in service,** Impulsora shall file an affirmative statement with the Secretary, certified by a senior company official:
 - a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
 - b. identifying which of the Authorization conditions Impulsora has complied with or will comply with. This statement shall also identify any areas affected by the Project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.
11. **Prior to construction,** Impulsora shall file with the Secretary a revised Directional Drill Contingency Plan for the review and approval by the Director of the OEP which includes measures to contain and collect any inadvertent releases of drilling fluid within the Rio Grande River, and which requires monitoring of the drill path by the EI during HDD operations.
12. **Prior to construction,** Impulsora shall file with the Secretary documentation that the Texas SHPO reviewed and approved the project-specific Cultural Resources Unanticipated Discovery Plan. If the SHPO does not find the plan acceptable, Impulsora should file a revised plan that addresses the concerns of the Texas SHPO, for the review and approval of the Director of OEP.

APPENDIX B**PERMIT AUTHORIZING IMPULSORA PIPELINE, LLC TO SITE,
CONSTRUCT, AND OPERATE NATURAL GAS FACILITIES AT THE
INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND
MEXICO****FEDERAL ENERGY REGULATORY COMMISSION
Docket No. CP14-513-000**

(Issued May 14, 2015)

Impulsora Pipeline, LLC (Impulsora), a limited liability company organized under the laws of the State of Delaware, filed on July 1, 2014, in Docket No. CP14-513-000, 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 a Presidential Permit authorizing Impulsora to site, construct, and operate a new border crossing pipeline facility at the international boundary of the United States and Mexico to accommodate the exportation of natural gas between the United States and Mexico.

By letter filed October 7, 2014, the Secretary of Defense, and by letter filed January 13, 2015, the Secretary of State, favorably recommend that this Permit be granted. The Federal Energy Regulatory Commission finds that the issuance of this Permit, allowing the export permission requested by Impulsora, 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 Impulsora (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:

Approximately 4,000 feet of 36-inch-diameter pipeline and approximately 2,500 feet of 12-inch-diameter pipeline that will parallel the 36-inch-diameter pipeline for its full length. The border-crossing facilities would be located at the international boundary between the United States in Webb County, Texas and Mexico in the vicinity of Colombia, State of Nuevo León.

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 NGA.

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 Permittee 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.

Kimberly D. Bose,
Secretary.