

PART 153—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

- Sec.
 153.1 Who shall apply.
 153.2 Form and time of filing; number of copies.
 153.3 Contents of application; filing fee.
 153.4 Required exhibits.
 153.5 Other information.
 153.6 Transferability.
 153.7 Authorization not exclusive.
 153.8 Filing of contracts, rate schedules, etc.

APPLICATION FOR CONSTRUCTION, OPERATION, MAINTENANCE, OR CONNECTION AT INTERNATIONAL BOUNDARY, OF FACILITIES FOR EXPORTATION OR IMPORTATION OF NATURAL GAS

- 153.10 Who shall apply.
 153.11 Contents of application; number of copies; filing fee.
 153.12 Other information.

AUTHORITY: The provisions of this Part 153 issued under secs. 3, 16, 52 Stat. 822, 830; 15 U.S.C. 717b, 717c; E.O. 10485, 3 CFR, 1949—1953 Comp., p. 970, unless otherwise noted.

SOURCE: The provisions of this Part 153 contained in Order 141, 12 F.R. 8596, Dec. 19, 1947, unless otherwise noted.

§ 153.1 Who shall apply.

(a) Any person proposing to export natural gas from the United States to a foreign country or to import natural gas from a foreign country, pursuant to the provisions of section 3 of the Natural Gas Act, shall make an application for authorization therefor under this part.

(b) In connection with applications under this section, attention is directed to the provisions of §§ 153.10 to 153.12, inclusive, relative to applications for Presidential Permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the exportation and importation of natural gas to or from a foreign country in compliance with Executive Order No. 8202, dated July 13, 1939.

[Order 160, 16 F. R. 6751, July 12, 1951]

NOTE: Executive Order No. 8202 was revoked and superseded by Executive Order No. 10485, Sept. 3, 1953, 18 F.R. 5397; 3 CFR, 1949—1953 Comp., p. 970.

§ 153.2 Form and time of filing; number of copies.

An original and 7 conformed copies of an application under this part shall be furnished to the Commission

and shall conform in all other respects with §§ 1.15 and 1.16 of this chapter. The Commission reserves the right to request additional copies. Such application shall be made at least 30 days in advance of the proposed exportation or importation, except where otherwise ordered by the Commission for good cause shown.

[Order 196, 22 F. R. 2882, Apr. 24, 1957]

§ 153.3 Contents of application; filing fee.

Every application shall be accompanied by the fee prescribed in part 159 of this subchapter and shall set forth in the order indicated, the following:

- (a) The exact legal name of applicant;
- (b) The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed;
- (c) If a corporation, the State or Territory under the laws of which the applicant was organized, and the town or city where applicant's principal office is located. If applicant is incorporated under the laws of, or authorized to operate in more than one State, all pertinent facts should be stated;

(d) A statement giving the name and location of the field or fields in which the gas proposed to be exported or imported is produced and the most recent estimate of the remaining natural-gas reserves in such field or fields;

(e) If the application is for authority to export natural gas, state the name of the purchaser of the gas proposed to be exported, its proposed use in the foreign country, and the rate or rates proposed to be charged the purchaser for such gas, together with the rate or rates charged by the applicant for similar service, if rendered in the United States;

(f) If the application is for authority to import natural gas, state the name of the seller and of the producer of the gas proposed to be imported, and the rate or rates proposed to be paid by the applicant for the said gas;

(g) A description of the facilities utilized in the proposed exportation or the importation of natural gas;

(h) A statement of the reasons why the proposed exportation or importation of natural gas (1) will not be inconsistent with the public interest and (2) will not in any way impair the ability of applicant to render natural gas service at

reasonable rates to its customers in the United States.

[Order 141, 12 F.R. 8596, Dec. 19, 1947, as amended by Order 317, 31 F.R. 432, Jan. 13, 1966]

§ 153.4 Required exhibits.

(a) There shall be filed with the application and as a part thereof the following exhibits:

Exhibit A. Photostatic or certified copy of articles of incorporation and by-laws of applicant company;

Exhibit B. A detailed statement of the financial and corporate relationship existing between applicant and any other person or corporation;

Exhibit C. Statement, including signed opinion of counsel, showing that the exportation or the importation of natural gas is within the corporate powers of applicant, and that applicant has complied with State laws and with the rules and regulations of State regulatory authorities in the State or States in which applicant operates;

Exhibit D. If the application is for authority to export natural gas, copy of the contract or contracts with purchasers in the foreign country of the natural gas proposed to be exported by applicant;

Exhibit E. If the application is for authority to import natural gas, copy of the contract or contracts with the producer or seller in the foreign country of the natural gas proposed to be imported;

Exhibit F. A general or key map on a scale not greater than 20 miles to the inch, showing the physical location of the facilities utilized in the applicant's proposed export or import operations. The map should indicate with particularity the ownership of such facilities at or on each side of the border between the United States and the foreign country.

(b) Any exhibit required by this section already on file with the Commission may be incorporated by reference.

§ 153.5 Other information.

The applicant shall furnish such additional information as the Commission may deem pertinent.

§ 153.6 Transferability.

(a) Authorizations to export natural gas from the United States to a foreign country or to import natural gas from a foreign country granted by order of the Commission under §§ 153.1 to 153.5 inclusive pursuant to section 3 of the Natural Gas Act shall not be transferable or assignable. The Commission order granting the authorization may, however, provide that the authorization shall continue in effect temporarily for a reasonable time in the event of the in-

voluntary transfer of facilities used thereunder by operation of law (including such transfers to receivers, trustees, or purchasers under foreclosure or judicial sale) pending the making of an application for permanent authorization and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the physical facts relating to sufficiency of supply, rates, and nature of use remain substantially the same as before the transfer and as stated in the initial application for such authorization.

(b) The Commission may also, at any time subsequent to the original order of authorization, from time to time, after opportunity for hearing, make such supplemental orders in the premises as it may find necessary or appropriate.

§ 153.7 Authorization not exclusive.

No authorization granted pursuant to section 3 of the Natural Gas Act shall be deemed to prevent authorization being granted to any other person to export natural gas from the United States to a foreign country or to import natural gas from a foreign country for the same use, or to prevent any other person from making application for such authorization.

§ 153.8 Filing of contracts, rate schedules, etc.

Persons authorized to export natural gas from the United States to a foreign country or to import natural gas from a foreign country shall file two full and complete copies of every contract and the amendments thereto, presently or hereafter effective, for such export or import, together with all rate schedules, agreements, leases or other writings, tariffs, classifications, rules and regulations relative to such export or import in the manner specified in Part 154 of this chapter, except that the requirements of § 154.31 through § 154.41 shall not be applicable.

(Sec. 4, 52 Stat. 822; 15 U.S.C. 717c) [Order 144, 13 F.R. 6372, Oct. 30, 1948; 18 F.R. 6838, Nov. 20, 1948]

APPLICATION FOR CONSTRUCTION, OPERATION, MAINTENANCE, OR CONNECTION AT INTERNATIONAL BOUNDARY, OF FACILITIES FOR EXPORTATION OR IMPORTATION OF NATURAL GAS

§ 153.10 Who shall apply.

Any person, firm, or corporation contemplating the construction of, or who

is operating or maintaining facilities at the borders of the United States, for the exportation or the importation of natural gas to or from a foreign country, shall file with the Commission an application for a Presidential Permit, in compliance with Executive Order 8202, dated July 13, 1939. In connection with applications hereunder, attention is directed to the provisions of §§ 153.1 to 153.5, inclusive, relative to applications for authorization to export or import natural gas to or from a foreign country under section 3 of the Natural Gas Act.

NOTE: Executive Order No. 8202 was revoked and superseded by Executive Order No. 10485, Sept. 3, 1953, 18 F.R. 5397; 3 CFR, 1949—1953 Comp., p. 970.

§ 153.11 Contents of application; number of copies; filing fee.

An original and 9 conformed copies of an application under this section shall be furnished to the Commission and shall conform in all other respects with §§ 1.15 and 1.16 of this chapter. The Commission reserves the right to request additional copies. Every application shall be accompanied by the fee prescribed in Part 159 of this subchapter and shall set forth in the order indicated, the following:

- (a) Information regarding applicant:
- (1) The exact legal name of applicant;
 - (2) The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed;
 - (3) If applicant is a corporation: Copy of articles of incorporation and bylaws; the amount and classes of capital stock; nationality of officers, directors, and stockholders, and the amount and class of stock held by each;
 - (4) Is applicant company, or its transmission lines, owned wholly or in part by any foreign government or directly, or indirectly subventioned by any foreign government; or, has applicant company any understanding for such ownership or by subvention from any foreign government; if so give full details;
- (b) A general or key map on a scale not greater than 20 miles to the inch, showing the physical location and giving a full description of the facilities employed, or to be employed in the exportation or importation of natural gas at the international boundary. The map should indicate with particularity the ownership of such facilities at or on each

side of the border between the United States and the foreign country.

(c) Statement describing every existing contract that applicant has with a foreign government, or private concerns, which in any way relate to the control or fixing of rates for the purchase, sale or transportation of natural gas and which may serve in any way to restrict or prevent competing American companies from extending their activities; also, attach certified copies of such contracts;

(d) Copies of every landing license, or permit, which has been granted applicant, or any predecessor, by a foreign government or by any of its agencies, in connection with the exportation or importation of natural gas.

[Order 141, 12 F.R. 8596, Dec. 19, 1947, as amended by Order 817, 31 F.R. 432, Jan. 13, 1966]

§ 153.12 Other information.

The applicant shall furnish such additional information, in connection with the application, as the Commission may deem pertinent.

PART 154—RATE SCHEDULES AND TARIFFS

APPLICATION

- | | |
|-------|----------------------------------|
| Sec. | |
| 154.1 | Application; obligation to file. |

DEFINITIONS

- | | |
|--------|---------------------------|
| 154.11 | Rate schedule. |
| 154.12 | Contract. |
| 154.13 | Service agreement. |
| 154.14 | Tariff or FPC gas tariff. |
| 154.15 | Filing date. |
| 154.16 | Posting. |

IN GENERAL

- | | |
|--------|---|
| 154.21 | Effective tariff. |
| 154.22 | Notice requirements. |
| 154.23 | Acceptance for filing not approval. |
| 154.24 | Rejection of material submitted for filing. |
| 154.25 | Informal submission for staff suggestions. |
| 154.26 | Number of copies to be supplied. |
| 154.27 | Comments by interested parties. |
| 154.28 | Form of notice for Federal Register. |

FORM AND COMPOSITION OF TARIFF

- | | |
|--------|--------------------------------------|
| 154.31 | Application. |
| 154.32 | Form, type, and size. |
| 154.33 | Binder, title page and arrangements. |
| 154.34 | Composition of tariff. |
| 154.35 | Table of contents. |
| 154.36 | Preliminary statement. |
| 154.37 | Map. |
| 154.38 | Composition of rate schedule. |
| 154.39 | General terms and conditions. |