

170 FERC ¶ 61,291
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick and Bernard L. McNamee.

Iroquois Gas Transmission System, L.P.

Docket No. CP20-44-000

ORDER AMENDING CERTIFICATE

(Issued March 30, 2020)

1. On January 17, 2020, Iroquois Gas Transmission System, L.P. (Iroquois) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA)¹ and Part 157 of the Commission's regulations² requesting authorization to amend its certificate of public convenience and necessity to remove the requirement that it conduct an annual walkover of its pipeline right-of-way.³ For the reasons discussed below, we grant the requested authorization.

I. Background and Proposal

2. Iroquois, a Delaware limited partnership,⁴ is a natural gas company as defined by section 2(6) of the NGA,⁵ engaged in the transportation of natural gas in interstate commerce. Iroquois' interstate transmission system, which was authorized by the Commission in 1990,⁶ extends from the U.S.-Canadian border at Iroquois, Ontario, and

¹ 15 U.S.C. § 717f(c) (2018).

² 18 C.F.R. pt. 157 (2019).

³ Iroquois requests that the Commission confirm that its various monitoring techniques are consistent with the walkover requirement or, in the alternative, amend its certificate to remove the walkover requirement. Iroquois Application at 1-2.

⁴ The partnership comprises two affiliates, Dominion Energy, Inc. and TC Energy Corporation, and conducts pipeline operations through a wholly-owned subsidiary, Iroquois Pipeline Operating Company.

⁵ 15 U.S.C. § 717a(6) (2018).

⁶ *Iroquois Gas Transmission System, L.P.*, 53 FERC ¶ 61,194 (1990) (1990)

Waddington, New York, through New York, western Connecticut, and under the Long Island Sound to South Commack, New York, and then extending back under the Sound to a terminus at Hunts Point in the Bronx.

3. Iroquois requests that the Commission amend the 1990 Certificate Order to remove the requirement that Iroquois conduct an annual walkover of the right-of-way of its approximately 414-mile-long pipeline system.⁷ Iroquois asserts that the annual walkover is no longer needed because it now employs more efficient and effective monitoring pursuant to other requirements of the 1990 Certificate Order, federal regulations, and Connecticut and New York State environmental and safety requirements.⁸

4. Specifically, Iroquois states that it monitors the right-of-way by conducting: (1) weekly aerial patrols; (2) annual aerial surveys of the entire easement width; (3) cathodic protection surveys, conducted at least once each calendar year, at approximately 1550 test stations along the right-of-way that must be accessed in person by technicians trained to observe and report any signs of erosion or subsidence issues; (4) close interval cathodic protection surveys conducted annually over approximately 80-mile-long pipeline sections, so that the entire right-of-way is surveyed every five years by trained technicians; (5) annual vegetative maintenance and pipeline marker replacement activities over approximately 60 to 70 miles of the right-of-way; and (6) routine pipeline activities that require trained technicians to walk various sections of the right-of-way. Iroquois concludes that because these monitoring activities achieve the same purpose as the walkover requirement, the requirement is redundant, and unduly expensive and burdensome.

II. Notice and Interventions

5. Notice of Iroquois' application was published in the *Federal Register* on January 30, 2020.⁹ The notice established February 7, 2020, as the deadline for filing

Certificate Order).

⁷ The 1990 Certificate Order states that Iroquois "shall adhere to the construction procedures and mitigation measures described in [its] applications and in [its] responses to our data requests." 1990 Certificate Order, 53 FERC at 61,788. *See also* Iroquois Gas Transmission System, Response to July 27, 1988 Order Establishing Guidelines for the Submission of (Environmental) Data, Docket No. CP86-523, Resource Report No. 4 at 1-12 (filed Sept. 26, 1988) (stating that an annual walkover would be conducted).

⁸ Iroquois Application at 6.

⁹ 85 Fed. Reg. 5423 (Jan. 30, 2020).

motions to intervene and protests. NJR Energy Services Company filed a timely, unopposed motion to intervene. Timely, unopposed motions to intervene are granted pursuant to Rule 214 of the Commission's Rules of Practice and Procedure.¹⁰ No comments or protests were filed.

III. Discussion

6. Because Iroquois' proposal pertains to facilities used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposal is subject to the requirements of section 7 of the NGA.¹¹

7. Iroquois has demonstrated that the annual walkover requirement is no longer necessary. As stated above, Iroquois utilizes other more efficient methods for monitoring the right-of-way and these methods achieve the same goal as the walkover requirement. Moreover, removal of the requirement will eliminate unnecessary operational costs and in no way impair Iroquois' ability to provide safe and reliable service to its customers. Therefore, we find that the public convenience and necessity requires approval of Iroquois' proposal.

8. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, and all comments, and upon consideration of the record,

The Commission orders:

Iroquois' request to amend the 1990 Certificate Order is granted, as described herein and as more fully described in the application.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

¹⁰ 18 C.F.R. § 385.214(c) (2019).

¹¹ 15 U.S.C. § 717f.