

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

April 18, 1977

77-144

Mr. Reed E. Hundt
Latham & Watkins
555 South Flower Street
Los Angeles, CA 90071

Dear Mr. Hundt:

This letter is in response to your correspondence of March 2, 1977, in which you asked whether members of your law firm were subject to the provisions of Chapter 6 of the Political Reform Act. The facts as I understand them are as follows. Proceedings before the Federal Power Commission (FPC) currently are being conducted to select a system to deliver Alaska natural gas to United States markets. Three competing applicants seek issuance of an FPC certificate of convenience and necessity authorizing construction of a transportation system for such gas. The three competing systems are commonly known as the Alcan Project, Arctic Gas and El Paso Alaska. The firm of Latham & Watkins represents Northwest Energy Company ("Northwest") which is one of the sponsors of the Alcan Project.

Under the Alaska Natural Gas Transportation Act (S. 3521) passed by Congress in 1976, the FPC is directed to review the competing systems and report to the President by May 1, 1977. The recommendation will include the selection of a rate-making structure for financing the delivery system but specific rates will not be set by the FPC until after a system has been ultimately chosen by the President and the Congress. After the FPC makes its recommendation, state governors and agencies may submit comments to the FPC, the President and the Congress. The President has until September 1, 1977, to make a report and recommendation to the Congress which has an additional 60 days to act on the President's recommendation.

The California Public Utilities Commission (CPUC) is a formal party to the FPC hearings and as such filed a position brief partially in support of Arctic Gas. The firm of Latham & Watkins has communicated with the CPUC since the filing of the

position brief. However, members of the firm have not participated in any quasi-legislative or rate-making proceedings before that body. Although the CPUC is the only California agency which is a formal party to the FPC proceedings, the Governor, the Office of Planning and Research, the Resources Agency, the Air Resources Board, and the State Energy Resources Conservation and Development Commission ("Energy Commission") may submit comments to the FPC, the President and the Congress throughout the spring and summer. It is our understanding that none of these agencies has the power to issue rules or regulations which would directly affect the FPC action on the certificate of convenience and necessity in question.

As counsel for Northwest, members of the Latham & Watkins firm expect to communicate with members of these California agencies about the Alcan Project. In particular, members of the firm appeared before the Energy Commission on February 16, 1977, on behalf of Northwest in support of a proposed Order Instituting Informational Hearings. The proposed Order was adopted and the firm will represent Northwest in the hearings to be held in May. The purpose of the hearings is to formulate recommendations with respect to a delivery system for Alaska natural gas. If other California agencies consider positions on the question of Alaska natural gas, members of the firm will attempt to communicate with such agencies. In light of the above facts, we have been asked whether members of the firm of Latham & Watkins are, within the meaning of the Political Reform Act, acting as lobbyists on behalf of Northwest.

Government Code Section 82039^{1/} provides in pertinent part:

"Lobbyist" means any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his agents with any elective state official, agency official or legislative official for the purpose of influencing legislative or administrative action, if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislative or administrative action..."

^{1/} All statutory references are to the Government Code unless otherwise noted.

A person is influencing legislative^{2/} or administrative action whenever he is "promoting, supporting, influencing, modifying, opposing or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies or analyses." Section 82032. The term "administrative action" is defined by Section 82002 to mean:

...the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 4.5 of Division 3 of Title 2 of the Government Code (beginning with Section 11371).

(emphasis added)

Thus, the determinative issue is whether Latham & Watkins attorneys attempt to influence the above-named agencies in the context of either a rate-making proceeding or a quasi-legislative proceeding. It clearly appears that any attempts by your law firm to influence agency officials will occur outside the context of any rate-making proceedings since no California agency has the power, in this instance, to affect either the rate structure or the specific amount of fees to be charged. We do not think that a proceeding of the type in question becomes a rate-making proceeding merely by virtue of the fact that the State agency may urge the Federal government to adopt a certain rate-making structure in a Federal project.^{3/}

The remaining question is whether these proceedings are quasi-legislative in nature. We do not think it is determinative that the agency action involved may be restricted to a recommendation

^{2/} It is our understanding that members of the firm will not be attempting to influence any action of the California legislature, or the Governor, with respect to signing or vetoing any action by the Legislature. Accordingly, pursuant to Section 82037, they will not be influencing legislative action.

^{3/} After a delivery system is selected and built, the CPUC may conduct a rate-making proceeding to determine the fees which may be charged for such gas in California. However, even if such a proceeding ultimately occurs, it would be separate and distinct from the Federal proceedings here in question.

or resolution as opposed to a rule or regulation. However, we nevertheless conclude that the proceedings in question are not quasi-legislative. The Commission has provided by regulation that the term "quasi-legislative proceeding" does not include "a proceeding involving the issuance, amendment or revocation of a permit, license or other entitlement for use." 2 Cal. Adm. Code Section 18202(a)(2). From the facts provided, we think that the federal proceedings on whether to issue a certificate of convenience and necessity are in the nature of permit or license proceedings. The applicants involved are not applying for a federal grant or construction contract; rather, they are seeking authorization to build a delivery system for Alaska natural gas. We think that a government authorization to build such a delivery system is similar to the issuance of other permits and licenses to do business.

Accordingly, if the hearing on whether to issue the certificate of convenience and necessity were conducted at the state level in California, a person who sought to influence the agency's decision would not be attempting to influence a quasi-legislative proceeding, and consequently, would not become a lobbyist by virtue of such activity. It, therefore, would be anomalous to conclude that a person could become a lobbyist by influencing another agency's recommendation which was intended to influence the permit proceeding. Accordingly, we conclude that when the ultimate proceeding to be influenced is a permit proceeding, a proceeding before a California agency or the Governor - conducted solely for the purpose of influencing the permit proceeding by resolution or recommendation - is not quasi-legislative in nature. Thus, members of Latham & Watkins are not attempting to influence a quasi-legislative proceeding when they seek to influence state agencies solely for the purpose of securing favorable comments for submission to the FPC, the President and the Congress in connection with the issuance of the certificate of convenience and necessity for the Alaska natural gas delivery system. Time spent by members of Latham & Watkins attempting to influence these proceedings need not be counted in determining whether these persons are lobbyists pursuant to the Political Reform Act.

If you have any further questions please feel free to contact me.

Sincerely,

Ted Prim
Ted Prim
Staff Counsel

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March 30, 1977

Ted Prim, Esq.
Fair Political Practices
Commission
Post Office Box 807
Sacramento, California 95814

Dear Mr. Prim:

This letter supplements our letter of March 2, 1977, in which we asked that you provide us an advisory opinion stating that our efforts on behalf of Northwest Energy Company ("Northwest") to obtain comments from California agencies and officials to the Federal Government concerning Northwest's proposed natural gas pipeline do not constitute lobbying under the Political Reform Act of 1974, as amended. Following receipt of that letter, you have asked whether the Energy Commission hearings or other California agency proceedings concerning the pipeline proposals in which we may be involved comprised "rate-making." As set forth in greater detail below, we do not believe any action which a California agency or official might take at this time through our representation of Northwest involves a "rate-making proceeding" as that term is used in the Political Reform Act. See Government Code § 82002: "'Administrative action' means the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making proceeding"

As discussed in our March 2 letter, Northwest is seeking a certificate of public convenience and necessity from the Federal Power Commission (the "FPC") to construct a transportation system for Alaskan natural gas. We are representing Northwest before certain California agencies which may express their views to the FPC on Northwest's proposal.

The FPC proceedings are fundamentally permit proceedings rather than rate-making proceedings, although under the Alaskan Natural Gas Transportation Act ("ANGTA")

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certain issues of financing are presented to the FPC in the three competing pipeline proposals. Similarly, one of the thirteen enumerated items on which the FPC is required to report under Section 5(c)(8) of ANGTA is the feasibility of financing the various proposals. In the course of briefing the financing issue, each of the three applicants has submitted pro forma tariffs. These pro forma tariffs concern primarily the method of developing a tariff; for example, the applicants favor an "all events" tariff which would guarantee a return on their investment in construction of the pipeline, rather than a "cost of service" or "fixed rate" tariff. The pro forma tariffs also set forth estimated rates for such tariff, but the actual determination of these rates will take place in a subsequent FPC proceeding brought by the applicant which is selected to construct the natural gas pipeline. Furthermore, the determination of the rates to be charged California consumers will be made, eventually, by the California Public Utilities Commission in other proceedings.

Although it is possible, therefore, that the Energy Commission hearings which are presently scheduled will touch on certain financing issues, any comments to the Federal Government which the Energy Commission or other California agencies or officials might make will be directed at federal proceedings which do not involve the actual determination of rates. In short, our present representation of Northwest does not involve action by California agencies or officials in connection with any "rate-making proceeding."

In addition, I think it is worth re-emphasis to note again that the underlying action which Northwest seeks at this time is federal action. We do not believe the lobbying provisions of the Political Reform Act are directed at activities implicating federal, rather than state, authority.

Please call me if you have any further questions. Thank you for your continuing consideration of this matter.

Very truly yours,



Reed E. Hundt
of LATHAM & WATKINS

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March 2, 1977

Ted Prim, Esq.
Fair Political Practices
Commission
Post Office Box 807
Sacramento, California 95814

Dear Ted:

As you know, a current issue of some nationwide importance is the selection of a transportation system for the delivery of Alaska natural gas to United States markets. Proceedings are under way before the Federal Power Commission ("FPC") in which three competing applicants seek issuance of a certificate of convenience and necessity authorizing the construction of a transportation system for such gas. The three competing systems are commonly known as the Alcan Project, Arctic Gas, and El Paso Alaska. We represent Northwest Energy Company ("Northwest") which is one of the sponsors of the Alcan Project.

Under the Alaska Natural Gas Transportation Act passed by Congress in 1976 (S. 3521), the FPC is directed to review the competing systems proposed by the applicants and report to the President by May 1, 1977. After the FPC makes its recommendation, there is an opportunity for state governors and other instrumentalities of state government to comment on the recommendation and report of the FPC. The President has until September 1, 1977 to submit a report and recommendation to Congress. Finally, Congress has a 60 day period to review and vote on the President's decision.

The California Public Utilities Commission (the "CPUC") is a formal party in the FPC proceedings. The CPUC has participated in the FPC proceedings for many months, and in late 1976 the CPUC filed a position brief partially in support of Arctic Gas. We have had communications with the CPUC since its position brief was filed but there have been no proceedings before the CPUC in which we have had an opportunity to participate.

Ted Prim, Esq.
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Although the CPUC is the only California agency which is a formal party to the FPC proceedings, this matter may be of interest to other state agencies such as the State Energy Resources Conservation and Development Commission (the "Energy Commission"), the Air Resources Board, the Office of Planning and Research, the Resources Agency, and others. To our knowledge none of these agencies has the power to issue any rule or regulation which affects the FPC action on the certificate of convenience and necessity. However, each of these agencies is accorded the right by the Alaska Natural Gas Transportation Act to comment to the President on the FPC recommendation. (Section 6(a). See enclosed copy of S. 3521)

In our capacity as California counsel for Northwest we expect to be involved in communication with various California agencies on behalf of Northwest. In particular, the Energy Commission has recently taken a direct interest in the matter. On February 16, 1977, we appeared before the Energy Commission on behalf of Northwest and in support of a proposed Order Instituting Informational Hearings. The proposed Order was adopted (a copy of which is attached hereto) and we will be representing Northwest in the hearings, scheduled to commence during the second week of May, 1977. The purpose of these hearings is to forward to the Governor or any other responsible parties recommendations regarding a transportation route for Alaskan natural gas.

At this time we are not aware of any other state agency giving formal consideration to this matter. Such agencies may or may not desire to consider this matter informally or by way of formal hearings and may or may not choose to make recommendations and communicate such recommendations to the President, the Governor, or other state agencies. If such agencies take an interest in this matter, we would desire to communicate with such agencies.

In the course of our communications with various state agencies, the question has arisen whether we are acting as lobbyists on behalf of Northwest. To date our hours of direct communication with state officials total less than ten hours. Without regard to the number of such hours of direct communication, we believe that our activities are not subject to the lobbyist sections of the Political

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Reform Act of 1974 (the "Act"). We ask for your concurrence on this subject in the form of an advice letter.

Under Section 82039 of the Act, a "lobbyist" is a person who is employed "to communicate directly or through his agents with any elected state official, agency official or legislative official for the purpose of influencing legislative or administrative action. . . ." (Quoted in relevant part only.) Although we have communicated directly and through our agents with elected state officials and agency officials, we have not acted "for the purpose of influencing legislative or administrative action."

"Legislative action" is defined in Section 82037 of the Act as a set of acts "by the Legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the Legislature acting in his official capacity." Legislative action "also means the action of the Governor in approving or vetoing any bill."

In Section 82002 "administrative action" is defined as "the proposal, drafting, development, consideration, amendment, enactment or defeat by any state agency of any rule, regulation or other action in any rate-making or any quasi-legislative proceeding." Such administrative action includes regulations adopted by agencies in order to govern their operation pursuant to Government Code Section 11371 et seq.

Our communication certainly does not involve "legislative action" under the definition of the Act, because no action by the Legislature or action by the Governor in connection with a bill is contemplated.

Our communication also does not aim to influence any "administrative action" under the meaning of this Act. Any action we might urge in our communications with state officials does not concern rate-making or "quasi-legislative" proceedings, which are the form of "administrative action" that implicate the lobbyist provisions of the Act.

In Regulation § 18202, the Fair Political Practices Commission ("FPPC") has offered guidelines interpreting the meaning of "quasi-legislative." These guidelines seem to

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exclude by implication action with respect to a resolution, such as the Energy Commission may issue, or a comment, such as other state agencies may make.

Regulation § 18202(2) excludes from the definition of "quasi-legislative" any "proceeding involving the issuance, amendment or revocation of a permit, license or other entitlement for use." The approval which Northwest ultimately seeks from the Federal Government is a certificate of convenience and necessity which is in the nature of a permit or other entitlement. If a permit proceeding before a state agency is exempt, surely a proceeding before a state agency which intends to comment on a Federal permit proceeding is exempt.

Regulation § 18202(7) also excludes from the definition of "quasi-legislative action" any "proceeding involving the issuance of a legal opinion." The resolution we seek from the Energy Commission, the brief filed in the FPC by the CPUC, and any statements of policy which other agencies may use in connection with our communications with them are all in the nature of opinions of agency expertise with no regulatory or standard-setting effect. Although Section 18202(7) does not appear to cover directly our situation, it does evidence the intent that advisory actions are not "quasi-legislative."

Based on the definition of "administrative action," as explicated in Regulation § 18202, we believe that quasi-legislative action is regulatory action, not mere advisory action. Our view is supported by the FPPC opinion in the matter of Carl Leonard, No. 75-042 (April 22, 1976). The opinion held, in part, that an attorney who communicated to the CPUC concerning the passage of regulations was obliged to register as a lobbyist. In the course of the opinion the FPPC stated, at page 4:

"Quasi-legislative proceedings have as their purpose the creation of rules and regulations which establish standards for future conduct. City Council v. Superior Court, 179 Cal.App.2d 389 (1960). Such proceedings, therefore, embrace not only administrative actions of general applicability but any prescribed standard of conduct to which private interests must conform in the future. See, e.g. Brown v. Board of Supervisors of San Francisco, 124 Cal. 274 (1899)."

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This definition of "quasi-legislative" excludes any comments, resolutions, or recommendations California agencies may make as a result of our efforts. Nothing we are trying to achieve will establish "standards for future conduct." The action desired by Northwest comprises only the expression of recommendations with no legal force, to state and federal agencies and officials.

The fact that these recommendations may be expressed as a resolution does not change the nature of the action. In connection with legislative matters, the legislature declares policies and establishes their means of implementation. A resolution adopted by the legislature is a means of declaring policy without necessarily setting forth the means of implementation. A statute adopted by the legislature sets forth the legal means for the implementation of those policies and may also contain policies.

The state agencies established by the legislature to implement state policies sometimes engage in quasi-legislative actions and sometimes engage in quasi-judicial action. The adoption of a regulation is quasi-legislative action whereas the granting of a permit is quasi-judicial action.

The form in which an agency acts on a quasi-legislative matter does not change the substance of the action. For example, a state agency could adopt a regulation prohibiting the use of natural gas for heating swimming pools. Alternatively, the state agency could adopt a resolution encouraging people to avoid the use of natural gas for heating swimming pools. Such a resolution would lack any force of law, but would declare a policy establishing desirable standards for future conduct. Both the resolution and the regulation would be quasi-legislative actions.

By contrast, a state agency could refuse to grant a permit for a particular swimming pool that was to be heated with natural gas. Alternatively, a state agency could pass a resolution encouraging another agency to deny a particular permit application for a swimming pool to be heated by natural gas. Such a resolution would lack any force of law, but would constitute a recommendation on a particular case. In both instances the matter is quasi-judicial, and the form of the agency's action, whether by resolution or by permit, does not change the nature of the matter.

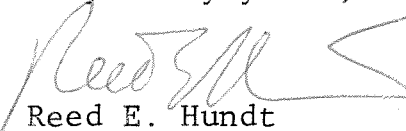
Accordingly, the Energy Commission's comment on a quasi-judicial matter by means of a resolution remains a

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quasi-judicial matter regardless of the form of its action, and our communications in connection with such a matter are not within the scope of the Act's lobbyist provisions.

For the foregoing reasons we ask that you issue an advice letter confirming our interpretation of the Act. If you have any questions, concerning this request, please do not hesitate to call me.

Very truly yours,



Reed E. Hundt
of LATHAM & WATKINS

Enclosure

Oct. 21

PUBLIC LAW 94-586 [S. 3521]; Oct. 22, 1976

ALASKA NATURAL GAS TRANSPORTATION ACT OF 1976

For Legislative History of Act, see p. 7075

An Act to expedite a decision on the delivery of Alaska natural gas to United States markets, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Alaska Natural Gas Transportation Act of 1976".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds and declares that—

(1) a natural gas supply shortage exists in the contiguous States of the United States;

(2) large reserves of natural gas in the State of Alaska could help significantly to alleviate this supply shortage;

(3) the expeditious construction of a viable natural gas transportation system for delivery of Alaska natural gas to United States markets is in the national interest; and

(4) the determinations whether to authorize a transportation system for delivery of Alaska natural gas to the contiguous States and, if so, which system to select, involve questions of the utmost importance respecting national energy policy, international relations, national security, and economic and environmental impact, and therefore should appropriately be addressed by the Congress and the President in addition to those Federal officers and agencies assigned functions under law pertaining to the selection, construction, and initial operation of such a system.

STATEMENT OF PURPOSE

SEC. 3. The purpose of this Act is to provide the means for making a sound decision as to the selection of a transportation system for delivery of Alaska natural gas to the contiguous States for construction and initial operation by providing for the participation of the President and the Congress in the selection process, and, if such a system is approved under this Act, to expedite its construction and initial operation by (1) limiting the jurisdiction of the courts to review the actions of Federal officers or agencies taken pursuant to the direction and authority of this Act, and (2) permitting the limitation of administrative procedures and effecting the limitation of judicial procedures related to such actions. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made, and particularly with respect to the limitation of judicial review of actions of Federal officers or agencies taken pursuant thereto.

Alaska Natural Gas Transportation Act of 1976. 15 USC 719 note.

15 USC 719.

15 USC 719a.

DEFINITIONS

15 USC 719b.

SEC. 4. As used in this Act:

- (1) the term "Alaska natural gas" means natural gas derived from the area of the State of Alaska generally known as the North Slope of Alaska, including the Continental Shelf thereof;
- (2) the term "Commission" means the Federal Power Commission;
- (3) the term "Secretary" means the Secretary of the Interior;
- (4) the term "provision of law" means any provision of a Federal statute or rule, regulation, or order issued thereunder; and
- (5) the term "approved transportation system" means the system for the transportation of Alaska natural gas designated by the President pursuant to section 7(a) or 8(b) and approved by joint resolution of the Congress pursuant to section 8.

FEDERAL POWER COMMISSION REVIEWS AND REPORTS

Proceedings, suspension. 15 USC 719c. 15 USC 717w.

SEC. 5. (a) (1) Notwithstanding any provision of the Natural Gas Act or any other provision of law, the Commission shall suspend all proceedings pending before the Commission on the date of enactment of this Act relating to a system for the transportation of Alaska natural gas as soon as the Commission determines to be practicable after such date, and the Commission may refuse to act on any application, amendment thereto, or other requests for action under the Natural Gas Act relating to a system for the transportation of Alaska natural gas until such time as (A) a decision of the President designating such a system for approval takes effect pursuant to section 8, (B) no such decision takes effect pursuant to section 8, or (C) the President decides not to designate such a system for approval under section 8 and so advises the Congress pursuant to section 7.

(2) In the event a decision of the President designating such a system takes effect pursuant to this Act, the Commission shall forthwith vacate proceedings suspended under paragraph (1) and, pursuant to section 9 and in accordance with the President's decision, issue a certificate of public convenience and necessity respecting such system.

(3) In the event such a decision of the President does not take effect pursuant to this Act or the President decides not to designate such a system and so advises the Congress pursuant to section 7, the suspension provided for in paragraph (1) of this subsection shall be removed.

(b) (1) The Commission shall review all applications for the issuance of a certificate of public convenience and necessity relating to the transportation of Alaska natural gas pending on the date of enactment of this Act, and any amendments thereto which are timely made, and after consideration of any alternative transportation system which the Commission determines to be reasonable, submit to the President not later than May 1, 1977, a recommendation concerning the selection of such a transportation system. Such recommendation may be in the form of a proposed certificate of public convenience and necessity, or in such other form as the Commission determines to be appropriate, or may recommend that no decision respecting the selection of such a transportation system be made at this time or pursuant to this Act. Any recommendation that the President approve a particular transportation system shall (A) include a description of the nature and route of the system, (B) designate

Recommendation, submittal to President.

a person to constitute the applicant, if evidence and necessity recommendation is a transportation provision for new facilities delivery of Alaska east and west of United States.

(2) The Commission data, views, and the Commission proposes to be appropriate graph (1) of the determined by the of law that would views, and arguments

(3) The Commission from any Federal agency or appropriate Any Federal assistance shall earliest practicable

(c) The Commission subsection (b) (1) explaining the transportation system following:

(1) for each first year for estimated—

(A) volume able to be directly by (B) total volumes

(2) the effect (A) and (B) supply and demand the projected offset shortage such year;

(3) the impact (4) the extent transportation other commodities Reserve;

(5) environmental (6) safety for interrupt

(7) construction schedules or

(8) feasibility (9) extent deliverability

natural gas derived from the continental shelf thereof; Federal Power

of the Interior; by provision of a rule issued thereunder;

system" means the natural gas designated in subsection (b) and approved to section 8.

REPORTS

The Commission shall suspend all operations of Alaska natural gas transportation systems designated under section 8, (B) no later than the date of enactment of this Act.

designating such a system shall forthwith issue a rule respecting such

does not take effect until the date of designation of such a system. If no decision is made on that the President shall (A) include in the report, (B) designate

a person to construct and operate the system, which person shall be the applicant, if any, which filed for a certificate of public convenience and necessity to construct and operate such system, (C) if such recommendation is for an all-land pipeline transportation system, or a transportation system involving water transportation, include provision for new facilities to the extent necessary to assure direct pipeline delivery of Alaska natural gas contemporaneously to points both east and west of the Rocky Mountains in the lower continental United States.

(2) The Commission may, by rule, provide for the presentation of data, views, and arguments before the Commission or a delegate of the Commission pursuant to such procedures as the Commission determines to be appropriate to carry out its responsibilities under paragraph (1) of this subsection. Such a rule shall, to the extent determined by the Commission, apply, notwithstanding any provision of law that would otherwise have applied to the presentation of data, views, and arguments.

(3) The Commission may request such information and assistance from any Federal agency as the Commission determines to be necessary or appropriate to carry out its responsibilities under this Act. Any Federal agency requested to submit information or provide assistance shall submit such information to the Commission at the earliest practicable time after receipt of a Commission request.

(c) The Commission shall accompany any recommendation under subsection (b) (1) with a report, which shall be available to the public, explaining the basis for such recommendation and including for each transportation system reviewed or considered a discussion of the following:

(1) for each year of the 20-year period which begins with the first year following the date of enactment of this Act, the estimated—

(A) volumes of Alaska natural gas which would be available to each region of the United States directly, or indirectly by displacement or otherwise, and

(B) transportation costs and delivered prices of any such volumes of gas by region;

(2) the effects of each of the factors described in subparagraphs (A) and (B) of paragraph (1) on the projected natural gas supply and demand for each region of the United States and on the projected supplies of alternative fuels available by region to offset shortages of natural gas occurring in such region for each such year;

(3) the impact upon competition;

(4) the extent to which the system provides a means for the transportation to United States markets of natural resources or other commodities from sources in addition to the Prudhoe Bay Reserve;

(5) environmental impacts;

(6) safety and efficiency in design and operation and potential for interruption in deliveries of Alaska natural gas;

(7) construction schedules and possibilities for delay in such schedules or for delay occurring as a result of other factors;

(8) feasibility of financing;

(9) extent of reserves, both proven and probable and their deliverability by year for each year of the 20-year period which

Rule.

Cooperation.

Report, public availability.

S. Oct. 22

Oct. 22 NATURAL GAS TRANSPORTATION ACT

P.L. 94-586

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(8) relationship of the proposed transportation system to other aspects of national energy policy.

(b) Not later than July 1, 1977, the Governor of any State, any municipality, State utility commission, and any other interested person may submit to the President such written comments with respect to the recommendation and report of the Commission and alternative systems for delivering Alaska natural gas to the contiguous States as they determine to be appropriate.

Comments, submittal to President.

(c) Not later than July 1, 1977, each Federal officer or agency shall report to the President with respect to actions to be taken by such officer or agency under section 9(a) relative to each transportation system reported on by the Commission under section 5(c) and shall include such officer's or agency's recommendations with respect to any provision of law to be waived pursuant to section 8(g) in conjunction with any decision of the President which designates a system for approval.

Report to President.

(d) Following receipt by the President of the Commission's recommendations, the Council on Environmental Quality shall afford interested persons an opportunity to present oral and written data, views, and arguments respecting the environmental impact statements submitted by the Commission under section 5(e). Not later than July 1, 1977, the Council on Environmental Quality shall submit to the President a report, which shall be contemporaneously made available by the Council to the public, summarizing any data, views, and arguments received and setting forth the Council's views concerning the legal and factual sufficiency of each such environmental impact statement and other matters related to environmental impact as the Council considers to be relevant.

Report to President.

PRESIDENTIAL DECISION AND REPORT

SEC. 7. (a) (1) As soon as practicable after July 1, 1977, but not later than September 1, 1977, the President shall issue a decision as to whether a transportation system for delivery of Alaska natural gas should be approved under this Act. If he determines such a system should be so approved, his decision shall designate such a system for approval pursuant to section 8 and shall be consistent with section 5(b) (1) (C) to assure delivery of Alaska natural gas to points both east and west of the Rocky Mountains in the continental United States. The President in making his decision shall take into consideration the Commission's recommendation pursuant to section 5, the report under section 5(c), and any comments submitted under section 6; and his decision to designate a system for approval shall be based on his determination as to which system, if any, best serves the national interest.

15 USC 719e.

(2) The President, for a period of up to 90 additional calendar days after September 1, 1977, may delay the issuance of his decision and transmittal thereof to the House of Representatives and the Senate, if he determines (A) that there exists no environmental impact statement prepared relative to a system he wishes to consider or that any prepared environmental impact statement relative to a system he wishes to consider is legally or factually insufficient, or (B) that the additional time is otherwise necessary to enable him to make a sound decision on an Alaska natural gas transportation system. The President shall promptly, but in no case any later than September 1, 1977, notify the House of Representatives and the

Transmittal to Congress, delay.

Notice to Congress.

Senate if he so delays his decision and submit a full explanation of the basis of any such delay.

(3) If, on or before May 1, 1977, the President determines to delay issuance and transmittal of his decision to the House of Representatives and the Senate pursuant to paragraph (2) of this subsection, he may authorize a delay of not more than 90 days in the date of taking of any action specified in sections 5 and 6. The President shall promptly notify the House of Representatives and the Senate of any such authorization of delay and submit a full explanation of the basis of any such authorization.

(4) If the President determines to designate for approval a transportation system for delivery of Alaska natural gas to the contiguous States, he shall in such decision—

(A) describe the nature and route of the system designated for approval;

(B) designate a person to construct and operate such a system, which person shall be the applicant, if any, which filed for a certificate of public convenience and necessity to construct and operate such system;

(C) identify those facilities, the construction of which, and those operations, the conduct of which, shall be encompassed within the term "construction and initial operation" for purposes of defining the scope of the directions contained in section 9 of this Act, taking into consideration any recommendation of the Commission with respect thereto; and

(D) identify those provisions of law, relating to any determination of a Federal officer or agency as to whether a certificate, permit, right-of-way, lease, or other authorization shall be issued or be granted, which provisions the President finds (i) involve determinations which are subsumed in his decision and (ii) require waiver pursuant to section 8(g) in order to permit the expeditious construction and initial operation of the transportation system.

(5) After a decision of the President designating an Alaska natural gas transportation system takes effect under section 8, the President shall appoint an officer of the United States, with the advice and consent of the Senate, or designate a board (consisting of such an officer, so appointed with the advice and consent of the Senate, as chairman and such other individuals as the President determines appropriate to serve on such board by reason of background, experience, or position) to serve as Federal inspector of construction of such transportation system, except that no such individual or officer may have a financial interest in the approved transportation system. Upon enactment of a joint resolution pursuant to section 8 approving such a system the Federal inspector shall—

(A) establish a joint surveillance and monitoring agreement, approved by the President, with the State of Alaska similar to that in effect during construction of the trans-Alaska oil pipeline to monitor the construction of the approved transportation system within the State of Alaska;

(B) monitor compliance with applicable laws and the terms and conditions of any applicable certificate, rights-of-way, permit, lease, or other authorization issued or granted under section 9;

(C) monitor actions taken to assure timely completion of construction schedules and the achievement of quality of construction, cost control, safety, and environmental protection objectives and the results obtained therefrom;

(D) have t mission of su his responsi

(E) keep th any signific reports to the potential fail which may d system and th trol, safety a achieved.

(6) If the Presi portation system f States, he may id permissible under sion with respect t pursuant to section

(b) The decision of this section sha shall be considere section on the fir such decision is tr report explaining ence to the factors for any revision, r recommendation.

(c) The report section shall conta designated for app report submitted pates that the syste constructed, and ope recommendation c authority or the ne

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(e) If the Presi for approval, the c in section 8, excep shall not be consti the United States have been identifi

Sec. 8. (a) Any approval a transp gas shall take effe first period of 60 beginning on the d of Representatives or subsection (b) c

Notice to Congress.

Chairman, appointment.

Joint surveillance and monitoring agreement, establishment.

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(D) have the power to compel, by subpoena if necessary, sub-
mission of such information as he deems necessary to carry out
his responsibilities; and

(E) keep the President and the Congress currently informed on
any significant departures from compliance and issue quarterly
reports to the President and the Congress concerning existing or
potential failures to meet construction schedules or other factors
which may delay the construction and initial operation of the
system and the extent to which quality of construction, cost con-
trol, safety and environmental protection objectives have been
achieved.

(6) If the President determines to designate for approval a trans-
portation system for delivery of Alaska natural gas to the contiguous
States, he may identify in such decision such terms and conditions
permissible under existing law as he determines appropriate for inclu-
sion with respect to any issuance or authorization directed to be made
pursuant to section 9.

(b) The decision of the President made pursuant to subsection (a)
of this section shall be transmitted to both Houses of Congress and
shall be considered received by such Houses for the purposes of this
section on the first day on which both are in session occurring after
such decision is transmitted. Such decision shall be accompanied by a
report explaining in detail the basis for his decision with specific refer-
ence to the factors set forth in sections 5(c) and 6(a), and the reasons
for any revision, modification of, or substitution for, the Commission
recommendation.

Transmittal to
Congress.

(c) The report of the President pursuant to subsection (b) of this
section shall contain a financial analysis for the transportation system
designated for approval. Unless the President finds and states in his
report submitted pursuant to this section that he reasonably anticipa-
tes that the system designated by him can be privately financed, con-
structed, and operated, his report shall also be accompanied by his
recommendation concerning the use of existing Federal financing
authority or the need for new Federal financing authority.

Financial
analysis.

(d) In making his decision under subsection (a) the President shall
inform himself, through appropriate consultation, of the views and
objectives of the States, the Government of Canada, and other govern-
ments with respect to those aspects of such a decision that may involve
intergovernmental and international cooperation among the Govern-
ment of the United States, the States, the Government of Canada, and
any other government.

(e) If the President determines to designate a transportation system
for approval, the decision of the President shall take effect as provided
in section 8, except that the approval of a decision of the President
shall not be construed as amending or otherwise affecting the laws of
the United States so as to grant any new financing authority as may
have been identified by the President pursuant to subsection (c).

CONGRESSIONAL REVIEW

SEC. 8. (a) Any decision under section 7(a) or 8(b) designating for
approval a transportation system for the delivery of Alaska natural
gas shall take effect upon enactment of a joint resolution within the
first period of 60 calendar days of continuous session of Congress
beginning on the date after the date of receipt by the Senate and House
of Representatives of a decision transmitted pursuant to section 7(b)
or subsection (b) of this section.

15 USC 719f.

resolution within the end of the 30th day, may propose a resolution concerning the bill submitted in the House of Representatives both are in session this section. In the event the President's decision was not transmitted it differs in a material

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of each House of Representatives a part of the rules apply with respect to the case of resolution; and it superfluous it is inconsistent

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ion" means (A) a resolution: "That the President's decision submitted to the committee on any environmental impact statement and submitted with the Natural Gas Act therein shall be subject to his decision to the President a joint resolution

to a Presidential decision a system shall be subject to the President's decision with respect to the Alaska natural gas transportation system or committees) the House of Representatives

with respect to a resolution on the Alaska natural gas transportation system 30 calendar days to discharge such a resolution or to discharge such other resolution on the Alaska natural gas transportation system such committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same Presidential decision on an Alaska natural gas transportation system), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

Debate limitation.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential decision on an Alaska natural gas transportation system.

(5) (A) When any committee has reported, or has been discharged from further consideration of, a resolution, but in no case earlier than 30 days after the date of receipt of the President's decision to the Congress, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution described in subsection (d)(2)(A) shall be limited to not more than 10 hours and on any resolution described in subsection (g) to one hour. This time shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to or, thereafter within such 60-day period, to consider any other resolution respecting the same Presidential decision.

(6) (A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedures relating to a resolution shall be decided without debate.

(e) The President shall find that any required environmental impact statement relative to the Alaska natural gas transportation system designated for approval by the President has been prepared and that such statement is in compliance with the National Environmental Policy Act of 1969. Such finding shall be set forth in the report of the President submitted under section 7. The President may supplement or modify the environmental impact statements prepared by the Commission or other Federal officers or agencies. Any such environmental impact statement shall be submitted contemporaneously with the transmittal to the Senate and House of Representatives of the President's decision pursuant to section 7(b) or subsection (b) of this section.

42 USC 4321 note.

Submission to congressional committees.

(f) Within 20 days of the transmittal of the President's decision to the Congress under section 7(b) or under subsection (b) of this section, (1) the Commission shall submit to the Congress a report commenting on the decision and including any information with regard to that decision which the Commission considers appropriate,

Report, submission to Congress.

Hearings.
Report, submittal
to Congress.

Congressional
committee
hearings.

Waiver, submittal
to Congress.

and (2) the Council on Environmental Quality shall provide an opportunity to any interested person to present oral and written data, views, and arguments on any environmental impact statement submitted by the President relative to any system designated by him for approval which is different from any system reported on by the Commission under section 5(c), and shall submit to the Congress a report summarizing any such views received. The committees in each House of Congress to which a resolution has been referred under subsection (d) (3) shall conduct hearings on the Council's report and include in any report of the committee respecting such resolution the findings of the committee on the legal and factual sufficiency of any environmental impact statement submitted by the President relative to any system designated by him for approval.

(g) (1) At any time after a decision designating a transportation system is submitted to the Congress pursuant to this section, if the President finds that any provision of law applicable to actions to be taken under subsection (a) or (c) of section 9 require waiver in order to permit expeditious construction and initial operation of the approved transportation system, the President may submit such proposed waiver to both Houses of Congress.

(2) Such provision shall be waived with respect to actions to be taken under subsection (a) or (c) of section 9 upon enactment of a joint resolution pursuant to the procedures specified in subsections (c) and (d) of this section (other than subsection (d) (2) thereof) within the first period of 60 calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such proposal.

(3) The resolving clause of the joint resolution referred to in this subsection is as follows: "That the House of Representatives and Senate approve the waiver of the provision of law () as proposed by the President, submitted to the Congress on 19 . ." The first blank space therein being filled with the citation to the provision of law and the second blank space therein being filled with the date on which the President submits his decision to the House of Representatives and the Senate.

(4) In the case of action with respect to a joint resolution described in this subsection, the phrase "a waiver of a provision of law" shall be substituted in subsection (d) for the phrase "the Alaska natural gas transportation system."

AUTHORIZATIONS

15 USC 719g.

SEC. 9. (a) To the extent that the taking of any action which is necessary or related to the construction and initial operation of the approved transportation system requires a certificate, right-of-way, permit, lease, or other authorization to be issued or granted by a Federal officer or agency, such Federal officer or agency shall—

(1) to the fullest extent permitted by the provisions of law administered by such officer or agency, but

(2) without regard to any provision of law which is waived pursuant to section 8(g) issue or grant such certificates, permits, rights-of-way, leases, and other authorizations at the earliest practicable date.

(b) All actions of a Federal officer or agency with respect to consideration of applications or requests for the issuance or grant of a certificate, right-of-way, permit, lease, or other authorization to which subsection (a) applies shall be expedited and any such application or

request shall take of the Federal officer

(c) Any certification issued or grant shall include the terms pursuant to a resolution and conditions per agency, notwithstanding no authority to change in the transportation system prevent or impairment and initial operation

(d) Any Federal permit, right-of-way by such officer or administered by such term or condition lease, or other action which is per or agency, notwithstanding have no authority added, or as amended and general route otherwise prevent construction and

(e) Any Federal to the extent per agency, shall include authorization issued in the President's the requirement to the Federal officer section.

SEC. 10. (a) Not of Federal officers shall not be subject section.

(b) (1) Claims not later than the pursuant to section

(2) Claims alleged substitution of the United jurisdiction, authentic brought not later action, except that complained of, an would not have knowledge of such action on following the date of such action.

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request shall take precedence over any similar applications or requests of the Federal officer or agency.

(c) Any certificate, right-of-way, permit, lease, or other authorization issued or granted pursuant to the direction under subsection (a) shall include the terms and conditions required by law unless waived pursuant to a resolution under section 8(g), and may include terms and conditions permitted by law, except that with respect to terms and conditions permitted but not required, the Federal officer or agency, notwithstanding any such other provision of law, shall have no authority to include terms and conditions as would compel a change in the basic nature and general route of the approved transportation system or those the inclusion of which would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

(d) Any Federal officer or agency, with respect to any certificate, permit, right-of-way, lease, or other authorization issued or granted by such officer or agency, may, to the extent permitted under laws administered by such officer or agency add to, amend or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization except that with respect to any such action which is permitted but not required by law, such Federal officer or agency, notwithstanding any such other provision of law, shall have no authority to take such action if the terms and conditions to be added, or as amended, would compel a change in the basic nature and general route of the approved transportation system or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

(e) Any Federal officer or agency to which subsection (a) applies, to the extent permitted under laws administered by such officer or agency, shall include in any certificate, permit, right-of-way, lease, or authorization issued or granted those terms and conditions identified in the President's decision as appropriate for inclusion except that the requirement to include such terms and conditions shall not limit the Federal officer or agency's authority under subsection (d) of this section.

Terms and conditions.

JUDICIAL REVIEW

SEC. 10. (a) Notwithstanding any other provision of law, the actions of Federal officers or agencies taken pursuant to section 9 of this Act, shall not be subject to judicial review except as provided in this section.

15 USC 719h.

(b) (1) Claims alleging the invalidity of this Act may be brought not later than the 60th day following the date a decision takes effect pursuant to section 8 of this Act.

(2) Claims alleging that an action will deny rights under the Constitution of the United States, or that an action is in excess of statutory jurisdiction, authority, or limitations, or short of statutory right may be brought not later than the 60th day following the date of such action, except that if a party shows that he did not know of the action complained of, and a reasonable person acting in the circumstances would not have known, he may bring a claim alleging the invalidity of such action on the grounds stated above not later than the 60th day following the date of his acquiring actual or constructive knowledge of such action.

(c) (1) A claim under subsection (b) shall be barred unless a complaint is filed prior to the expiration of such time limits in the United States Court of Appeals for the District of Columbia acting as a

Special Court. Such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim in any proceeding instituted prior to or on or after the date of enactment of this Act.

(2) Any such proceeding shall be assigned for hearing and completed at the earliest possible date, shall, to the greatest extent practicable, take precedence over all other matters pending on the docket of the court at that time, and shall be expedited in every way by such court and such court shall render its decision relative to any claim within 90 days from the date such claim is brought unless such court determines that a longer period of time is required to satisfy requirements of the United States Constitution.

(3) The enactment of a joint resolution under section 8 approving the decision of the President shall be conclusive as to the legal and factual sufficiency of the environmental impact statements submitted by the President relative to the approved transportation system and no court shall have jurisdiction to consider questions respecting the sufficiency of such statements under the National Environmental Policy Act of 1969.

USC prec. title 1.

42 USC 4321 note.

SUPPLEMENTAL ENFORCEMENT AUTHORITY

Compliance order or civil action. 15 USC 719i.

SEC. 11 (a) In addition to remedies available under other applicable provisions of law, whenever any Federal officer or agency determines that any person is in violation of any applicable provision of law administered or enforceable by such officer or agency or any rule, regulation, or order under such provision, including any term or condition of any certificate, right-of-way, permit, lease, or other authorization, issued or granted by such officer or agency, such officer or agency may—

(1) issue a compliance order requiring such person to comply with such provision or any rule, regulation, or order thereunder, or

(2) bring a civil action in accordance with subsection (c).

(b) Any order issued under subsection (a) shall state with reasonable specificity the nature of the violation and a time of compliance, not to exceed 30 days, which the officer or agency, as the case may be, determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

Civil penalty.

(c) Upon a request of such officer or agency, as the case may be, the Attorney General may commence a civil action for appropriate relief, including a permanent or temporary injunction or a civil penalty not to exceed \$25,000 per day for violations of the compliance order issued under subsection (a). Any action under this subsection may be brought in any district court of the United States for the district in which the defendant is located, resides, or is doing business, and such court shall have jurisdiction to restrain such violation, require compliance, or impose such penalty or give ancillary relief.

Jurisdiction.

EXPORT LIMITATIONS

15 USC 719j. 15 USC 717w.

SEC. 12. Any exports of Alaska natural gas shall be subject to the requirements of the Natural Gas Act and section 103 of the Energy

Policy and Consequences of such Act. \$100 per day maximum. Mexico, the President such exports will increase the total

SEC. 13. (a) To permit, right-of-way pursuant to the decision that no person natural gas transport or be discriminated on the basis of degree of gas transportation.

(b) The State the approved transportation the extent its contract withdraw such gas the Federal Power necessary to effectuate by the Commission rate charged for

SEC. 14. Nothing imply or effect an of the antitrust law

SEC. 15. There is in fiscal year 1978 be necessary to be appointed by the President under section 7.

SEC. 16. If any is held invalid, the

SEC. 17. All Federal action as is necessary of race, creed, coloring, or participating permit, right-of-way pursuant to this Act shall promulgate such of this section and gated under this section and rules which shall under title VI of the

Oct. 22

Oct. 22 NATURAL GAS TRANSPORTATION ACT

P.L. 94-586

Policy and Conservation Act, except that in addition to the requirements of such Acts, before any Alaska natural gas in excess of 1,000 Mcf per day may be exported to any nation other than Canada or Mexico, the President must make and publish an express finding that such exports will not diminish the total quantity or quality nor increase the total price of energy available to the United States.

42 USC 6212.

Presidential finding. publication.

EQUAL ACCESS TO FACILITIES

SEC. 13. (a) There shall be included in the terms of any certificate, permit, right-of-way, lease, or other authorization issued or granted pursuant to the directions contained in section 9 of this Act, a provision that no person seeking to transport natural gas in the Alaska natural gas transportation system shall be prevented from doing so or be discriminated against in the terms and conditions of service on the basis of degree of ownership, or lack thereof, of the Alaska natural gas transportation system.

15 USC 719k.

(b) The State of Alaska is authorized to ship its royalty gas on the approved transportation system for use within Alaska and, to the extent its contracts for the sale of royalty gas so provide, to withdraw such gas from the interstate market for use within Alaska; the Federal Power Commission shall issue all authorizations necessary to effectuate such shipment and withdrawal subject to review by the Commission only of the justness and reasonableness of the rate charged for such transportation.

ANTITRUST LAWS

SEC. 14. Nothing in this Act, and no action taken hereunder, shall imply or effect an amendment to, or exemption from, any provision of the antitrust laws.

15 USC 719l

AUTHORIZATION

SEC. 15. There is hereby authorized to be appropriated beginning in fiscal year 1978 and each fiscal year thereafter, such sums as may be necessary to carry out the functions of the Federal inspector appointed by the President with the advice and consent of the Senate under section 7.

15 USC 719m.

SEPARABILITY

SEC. 16. If any provision of this Act, or the application thereof, is held invalid, the remainder of this Act shall not be affected thereby.

15 USC 719n.

CIVIL RIGHTS

SEC. 17. All Federal officers and agencies shall take such affirmative action as is necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any certificates, permit, right-of-way, lease, or other authorization granted or issued pursuant to this Act. The appropriate Federal officers and agencies shall promulgate such rules as are necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

Discrimination. prohibition. 15 USC 719o.

Rules.

42 USC 2000d et seq.

REPORT ON THE EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

Report to
Congress.
43 USC 1651
note.

43 USC 1651
note.

SEC. 18. Within 6 months of the date of enactment of this Act, the President shall determine what special expediting procedures are necessary to insure the equitable allocation of north slope crude oil to the Northern Tier States of Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Illinois, Indiana, and Ohio (hereinafter referred to as the "Northern Tier States") to carry out the provisions of section 410 of Public Law 93-153 and shall report his findings to the Congress. In his report, the President shall identify the specific provisions of law, which relate to any determination of a Federal officer or agency as to whether to issue or grant a certificate, permit, right-of-way, lease, or other authorization in connection with the construction of an oil delivery system serving the Northern Tier States and which the President finds would inhibit the expeditious construction of such a system in the contiguous States of the United States. In addition the President will include in his report a statement which demonstrates the impact that the delivery system will have on reducing the dependency of New England and the Middle Atlantic States on foreign oil imports. Furthermore, all Federal officers and agencies shall, prior to the submission of such report and further congressional action relating thereto, expedite to the fullest practicable extent all applications and requests for action made with respect to such an oil delivery system.

ANTITRUST STUDY

Report to
Congress.
15 USC 719 note.

SEC. 19. The Attorney General of the United States is authorized and directed to conduct a thorough study of the antitrust issues and problems relating to the production and transportation of Alaska natural gas and, not later than six months following the date of enactment of this Act, to complete such study and submit to the Congress a report containing his findings and recommendations with respect thereto.

EXPIRATION

15 USC 719 note.

SEC. 20. This Act shall terminate in the event that no decision of the President takes effect under section 8 of this Act, such termination to occur at the end of the last day on which a decision could be, but is not, approved under such section.

Approved October 22, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1658, Pt. 1 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 94-1020 (Comm. on Commerce and Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 122 (1976):
July 1, considered and passed Senate.
Sept. 30, considered and passed House, amended.
Oct. 1, Senate agreed to House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 44:
Oct. 22, Presidential statement.

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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
 CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 77-ADM-1
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Alaskan Gas Transport Hearings)	ORDER INSTITUTING INFORMATIONAL
)	HEARINGS
)	

I

Pursuant to Sections 25005.5, 25210, 25218(e), and 25219 of the Public Resources Code and the Commission Resolution No. 76-1117-13 adopted November 17, 1976, the State Energy Resources Conservation and Development Commission hereby orders that informational hearings be instituted, as described hereinafter, for the purpose of forwarding to the Governor or any other responsible parties recommendations regarding a specified transportation route for natural gas from Alaska's North Slope.

II

Economic aspects of the gas transportation routes shall be the primary focus of the hearings. These include, but are not limited to, the following:

1. Relative costs of service;
2. Projected completion dates of the competing transportation proposals;
3. Project financing plans;
4. Relative environmental impacts, including impacts on sensitive wild-life areas;
5. Construction techniques to be utilized;
6. Participation and involvement of the Canadian government;
7. California's access to deliverable gas supplies, including Canadian gas currently contracted to California consumers.

(Mailed February 18, 1977 to lists 2,3,9,23,25,30,34,37,41,43,45)

III

The staff of the Commission shall prepare issue papers on these and other topics of particular relevance to California's interests in this matter. Such issue papers shall be completed and made available to the Commissioners and interested members of the public prior to the commencement of the informational hearings. Staff shall appear at the hearings and shall assist the Commission in its deliberations.

IV

A committee of the Commission to be designated by the Chairman shall hold up to three hearings pursuant to this order, such hearings to commence during the second week of May, 1977. The Chairman or his designee may set additional hearings as necessary for the purpose of receiving comments and adopting recommendations regarding a specific gas transportation route. Staff shall set the exact time and location of these hearings and shall cause appropriate notice to be published and distributed.

V

Any person desiring to comment on this matter in writing shall address their comments to the Secretary of the Commission, 1111 Howe Avenue, Sacramento, California 95825. Twelve (12) copies of the comments, each containing the docket number of the matter, shall be provided unless provision of twelve (12) copies would impose undue hardship on the commenting party. The Secretary of the Commission shall distribute a copy of such comments to each member of the Commission. Comments shall be posted to arrive seven days prior to any hearing. Any person present at the hearings and so desiring shall be given an opportunity to make oral comments on the subject of the proceedings. Persons interested in the proceedings are encouraged to contact the Commission's Public Adviser, who is available to facilitate the participation of any person in this matter. The Public Adviser may be reached by calling (916) 322-3477 or, toll free, at (800) 852-7516. Due to the informal nature of these proceedings, petitions to intervene will not be entertained.

Dated: February 16, 1977

STATE ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION



Richard L. Maullin
Chairman