

(j) *Commencement of new service.* Any authorized construction, extension, or acquisition of qualifying facilities must be completed and in actual operation by the applicant and any authorized operation, service, or sale must be actually undertaken and regularly performed by the applicant (within a period of time to be specified by the Commission in each order) from the issue date of the order issuing the certificate. The certificate holder may apply to the Director of the Office of Pipeline Regulation for an extension of this deadline.

(k) Applications filed under this section are subject to the landowner notification requirements described in § 157.6(d).

[Order 436, 50 FR 42488, Oct. 18, 1985, as amended at 61 FR 13421, Mar. 27, 1996; Order 603, 64 FR 26606, May 14, 1999; Order 603-A, 64 FR 54536, Oct. 7, 1999; Order 609, 64 FR 57391, Oct. 25, 1999]

§ 157.104 Hearings.

(a) *General.* The Commission will schedule each application for public hearing at the earliest possible date giving due consideration to statutory requirements and other matters pending, with notice thereof as provided by § 157.9 and § 385.2009 of this chapter.

(b) *Shortened procedure.* If no protest or petition to intervene raises a genuine issue of material fact, the Commission may upon request of the applicant dispose of an application in accordance with the provisions of § 385.802 of this chapter.

(c) *Presumption.* If an application complies fully with the requirements of § 157.102 and § 157.103, it is presumed, subject to rebuttal that:

(1) The applicant is qualified to perform all the activities for which certificate authorization is requested;

(2) The applicant is willing and able to perform acts and provide service, as proposed, and to comply with the Natural Gas Act and any applicable regulations thereunder; and

(3) The proposed new service is or will be required by the present or future public convenience and necessity.

§ 157.105 Issuance of certificate.

A certificate requested under this subpart will be issued if:

(a) The application for the certificate complies fully with §§ 157.102 and 157.103; and

(b) The presumptions established under § 157.104 are not rebutted.

§ 157.106 Protests to abandonment of new service.

(a) *Notice by certificate holder under § 157.103(f).* Any authority pre-granted to a certificate holder to abandon any new service or qualifying facilities authorized by a certificate issued under this subpart upon the expiration of any contract for such new service, is conditional and subject to protest by any customer to which the new service is provided.

(b) *Protest procedure.* (1) If a new service customer received notice of a proposed abandonment from a certificate holder in accordance with § 157.103(f), the customer may, within 30 days prior to such expiration date, file a petition under § 385.207 of this chapter to protest the abandonment and request the Commission to direct the certificate holder to continue the new service in accordance with the expired contractual agreement.

(2) The Commission may require the certificate holder to continue to provide the new service described in the abandonment notice under § 157.103(f) where the Commission determines that:

(i) Continuation of the new service is necessary because the customer is unable, after having made all reasonable efforts, to arrange for alternative service, and

(ii) The customer will pay the rate on file for the new service.

Subpart F—Interstate Pipeline Blanket Certificates and Authorization Under Section 7 of the Natural Gas Act for Certain Transactions and Abandonment

§ 157.201 Applicability.

(a) *Scope.* This subpart establishes a procedure whereby an interstate pipeline may obtain a blanket certificate authorizing certain construction and

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operation of facilities and certain certificate amendments and abandonment under section 7 of the Natural Gas Act.

(b) *Who may apply.* This procedure is only applicable to interstate pipelines.

(c) *Cross-reference.* The procedures applicable to transportation by interstate pipelines under blanket certificates are set forth in subpart G of part 284 of this chapter.

(d) *Availability of case-specific certificates.* Nothing in this subpart shall preclude an interstate pipeline from proceeding under any other provision of the Commission's regulations to obtain Commission approval of abandonments or a temporary or permanent certificate of public convenience and necessity.

[Order 234, 47 FR 24266, June 4, 1982, as amended by Order 436, 50 FR 42490, Oct. 18, 1985; Order 603, 64 FR 26606, May 14, 1999]

§ 157.202 Definitions.

(a) *General rule.* Terms defined in the Natural Gas Policy Act of 1978 (NGPA) shall have the same meaning for the purposes of this subpart as they have under the Natural Gas Policy Act of 1978.

(b) *Subpart F definitions.* For purposes of this subpart:

(1) *Certificate holder* means any interstate pipeline with an effective blanket certificate issued pursuant to this subpart.

(2)(i) *Eligible facility* means, except as provided in paragraph (b)(2)(ii) of this section, any facility subject to the Natural Gas Act jurisdiction of the Commission that is necessary to provide service within existing certificated levels. Eligible facility also includes any gas supply facility or any facility, including receipt points, needed by the certificate holder to receive gas into its system for further transport or storage, and interconnecting facilities between transporters that transport natural gas under part 284 of this chapter. Further, eligible facility includes main line, lateral, and compressor replacements that do not qualify under § 2.55(b) of this chapter because they will result in an incidental increase in the capacity of main line facilities, or because they will not satisfy the location or work space requirements of § 2.55(b). Replacements must be done

for sound engineering purposes. Replacements for the primary purpose of creating additional main line capacity are not eligible facilities.

(ii) *Exclusions:* "Eligible facility" does not include:

(A) A main line of a transmission system, except replacement facilities covered under § 157.202(b)(2)(i).

(B) An extension of a main line, except replacement facilities covered under § 157.202(b)(2)(i).

(C) A facility, including compression and looping, that alters the capacity of a main line;

(D) A facility required to test or develop an underground storage field or that alters the certificated capacity, deliverability, or storage boundary, or a facility required to store gas above ground in either a gaseous or liquified state, or a facility used to receive gas from plants manufacturing synthetic gas or from plants gasifying liquefied natural gas, or wells needed to utilize an underground storage field.

(E) Delivery points under § 157.211.

(F) Temporary compression under § 157.209;

(G) A facility that crosses a state line and is constructed for the primary purpose of transporting gas which is also transported by an intrastate pipeline under section 311(a)(2) of the NGPA;

(3) *Facility* does not include the items described in § 2.55 of this chapter.

(4) *Temporary compression* means compressor facilities installed and operated at existing compressor locations for the limited purpose of temporarily replacing existing permanent compressor facilities that are undergoing maintenance or repair or that are pending permanent replacement.

(5) *Main line* means the principal transmission facilities of a pipeline system extending from supply areas to market areas and does not include small diameter supply or delivery laterals or gathering lines.

(6) *Miscellaneous rearrangement* of any facility means any rearrangement of a facility, excluding underground storage injection/withdrawal wells, that does not result in any change of service rendered by means of the facilities involved, including changes in existing