

# ORIGINAL

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

FILED  
OFFICE OF THE  
SECRETARY  
2005 DEC 20 P 4:47  
FEDERAL ENERGY  
REGULATORY COMMISSION

**Midwestern Gas Transmission Company ) Docket No. CP05-372-000**

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**MOTION OF  
MIDWESTERN GAS TRANSMISSION COMPANY  
FOR EXPEDITED ISSUANCE  
OF COMMISSION ORDER**

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Pursuant to Rule 212 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.212, Midwestern Gas Transmission Company ("Midwestern") hereby moves the Commission for expedited issuance of an order on the merits of Midwestern's Eastern Extension Project, which is the subject of a pending certificate application in the captioned proceeding. In support, Midwestern states as follows:

**I. PROCEDURAL BACKGROUND**

On June 6, 2005, Midwestern filed an application pursuant to Section 7(c) of the Natural Gas Act seeking authorization to construct and operate the Eastern Extension Project. As more fully described in the application, the Eastern Extension Project would allow delivery of up to 120,000 dth/day to meet the long-term supply requirements of Piedmont Natural Gas Company ("Piedmont"). The planned in-service date for the fully-subscribed Eastern Extension Project is November 1, 2006.

On October 20, 2005, an Environmental Assessment ("EA") for the Eastern Extension Project was made publicly available. See "Notice of Availability of the Environmental Assessment for the Proposed MGT Eastern Extension Project," issued

October 20, 2005 ("EA Notice"). There, the Commission's environmental staff concluded that approval of the project, with appropriate mitigation, would not constitute a major federal action significantly affecting the quality of human environment. EA at 1. The EA Notice established a November 21, 2005 deadline for receipt of comments on the EA.

## **II. STATEMENT OF ISSUES**

In accordance with Rule 203(a)(7), 18 C.F.R. § 385.203(a)(7), Midwestern addresses the following issue in this Motion:

1. Whether Midwestern has demonstrated the need for expedited issuance of a Commission order on the merits of Midwestern's pending application for approval of the Eastern Extension Project. In support, Midwestern relies on the construction timeline and critical milestones, as described herein, that must be met consistent with the planned November 1, 2006 in-service date. In addition, Midwestern relies on representations made by Piedmont concerning downstream transportation commitments based on the planned November 1, 2006 in-service date.

## **III. JUSTIFICATION FOR MOTION**

The record in this proceeding is complete. Midwestern is aware of no additional information required of the Commission to conclude its review of the pending certificate application and issue an order on the merits of the proposed Eastern Extension Project. As Midwestern has emphasized from the outset, and as Piedmont confirmed in its December 2, 2005 filing in this docket,<sup>1</sup> the specific needs of Piedmont, including the corresponding downstream contractual arrangements necessary for deliveries to

Piedmont's end-use customers, are all dependent upon a November 1, 2006 in-service date for the Eastern Extension Project.

Based on the planned November 1, 2006 in-service date, Midwestern's application requested issuance of a certificate order by November 30, 2005. Every day that passes without a Commission decision creates additional risk that the in-service date will not be met.

Meanwhile, Midwestern is fast approaching critical decision dates with respect to pipe and equipment procurement.<sup>2</sup> Midwestern has solicited, and is currently evaluating, offers from manufacturers for the production, coating and shipment of necessary line pipe. Unless these offers are executed within specific time limits imposed by the manufacturers, they expire by their terms. Significantly, one offer under consideration by Midwestern is scheduled to expire on December 29, 2005. Any further delay in the processing of Midwestern's application, given the long-lead times required for production and delivery of the pipe and equipment, will seriously jeopardize the prospects for meeting the November 1, 2006 in-service date.

In short, the Eastern Extension Project is at a critical juncture. Midwestern has already devoted considerable time and expense to the project and the time for committing additional resources has arrived. Accordingly, Midwestern respectfully requests issuance of an immediate decision on the merits of the Eastern Extension Project.

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<sup>1</sup> See "Answer of Piedmont Natural Gas Company, Inc.," Docket No. CP05-372-000, filed December 2, 2005.

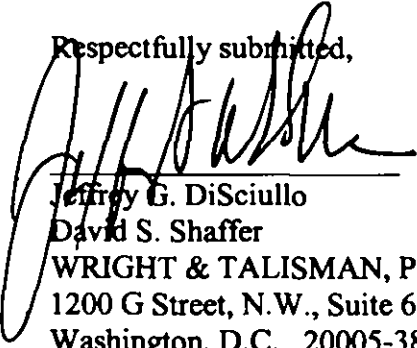
<sup>2</sup> Needless to say, there are a host of other time-sensitive project-related tasks, including right-of-way acquisition, permitting, and engineering studies, that are impacted by the delay in the receipt of a Commission order.

## CONCLUSION

For the reasons set forth above, Midwestern requests that the Commission issue an order authorizing the Eastern Extension Project by December 28, 2005.

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Respectfully submitted,



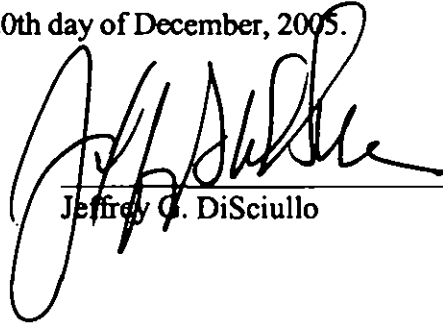
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 20th day of December, 2005.



Jeffrey C. DiSciullo