

Before Commissioners: Joseph C. Swidler, Chairman; L. J. O'Connor, Jr., and Harold C. Woodward.

PACIFIC NORTHWEST PIPELINE CORPORATION, DOCKET NO. G-13018;
EL PASO NATURAL GAS COMPANY, DOCKET NO. G-13019

ORDER ISSUING TEMPORARY AUTHORIZATION AND PRESCRIBING PROCEDURE

(Issued July 2, 1962)

On June 28, 1962, the Court of Appeals for the District of Columbia Circuit entered an order which vacated this Commission's order of December 23, 1959, issuing a certificate of public convenience and necessity to El Paso Natural Gas Company (El Paso) to acquire and operate the facilities of Pacific Northwest Pipeline Corporation (Pacific), 22 FPC 1091. The case was remanded to this Commission for proceedings in conformity with the opinion of the Supreme Court of the United States in *California v. F.P.C., et al.*, No. 187, October Term, 1961 (issued April 30, 1962), 369 U.S. 482.

On June 22, 1959, the Federal Government commenced an action against El Paso and Pacific alleging that El Paso's acquisition of the stock of Pacific violated Section 7 of the Clayton Act. That action is now pending before the United States District Court for the District of Utah. In view of the Supreme Court's decision it is necessary that further action on the question of the acquisition and operation of Pacific's facilities by El Paso under the Natural Gas Act be stayed pending the outcome of those proceedings. Accordingly, this Commission will take no further action upon El Paso's application to acquire Pacific's facilities until such time as the anti-trust questions are finally resolved in the Federal courts.

The question remains as to the status of the facilities of the former Pacific Northwest Pipeline which under our vacated order were operated, together with certain facilities constructed since that time, as El Paso's Northwest Division Pipeline. We deem it advisable, prior to our resolution of this matter, to allow those parties of record interested in this matter to file pleadings, statements of position or arguments with the Commission suggesting further action which the Commission should take with respect to the manner in which the Supreme Court's decision should be implemented prior to the determination of the anti-trust case. It is recognized that there are many complex problems involved in such a determination. However, in view of the need for expeditious action, it is found that those parties who may be interested should file such pleadings, statements of position or arguments within fifteen days of the issuance of this order.

In the meantime, however, it is clear that the public interest requires maintenance of the service to the customers along the route of the Pacific Northwest Division of El Paso's pipeline system as it has been operating prior to the order of the Court of Appeals. Accordingly we shall temporarily authorize El Paso to continue to operate Pacific's facilities to the extent necessary to maintain existing service in the Pacific Northwest Division, such authorization to remain in effect until such time as the ultimate determination of the appropriate manner of meeting public interest requirements pending resolution of the anti-trust proceeding can be made and put into effect.

The Commission orders:

(A) The parties to this proceeding may file within fifteen days from the date of this order such pleadings, statements of position or arguments with respect to the further action which the Commission should take in accordance with the Court's mandate and the obligations of the public interest in the maintenance of adequate gas transmission facilities.

(B) El Paso Natural Gas Company is hereby issued a temporary certificate to operate the facilities of its Pacific Northwest Division until the effective date of such further order of this Commission specifying the manner of operation of the facilities of the former Pacific Northwest Pipeline Corporation pending final resolution of *United States v. El Paso Natural Gas Company*, Civil Action No. 143-57 (D. C. Utah).
