

SEC. 3. This Executive order supersedes Executive Order No. 6979 of February 28, 1935, Executive Order No. 7756 of December 1, 1937 (2 F.R. 2664), Executive Order No. 9732 of June 3, 1946 (11 F.R. 5985), and paragraph (q) of section 1 of Executive Order No. 10250 of June 5, 1951 (16 F.R. 5385).

DWIGHT D. EISENHOWER.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 715h of this title.

**§ 715k. Saving clause**

If any provision of this chapter, or the application thereof to any person or circumstance, shall be held invalid, the validity of the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Feb. 22, 1935, ch. 18, § 12, 49 Stat. 33.)

**§ 715l. Repealed. June 22, 1942, ch. 436, 56 Stat. 381**

Section, acts Feb. 22, 1935, ch. 18, § 13, 49 Stat. 33; June 14, 1937, ch. 335, 50 Stat. 257; June 29, 1939, ch. 250, 53 Stat. 927, provided for expiration of this chapter on June 30, 1942.

**§ 715m. Cooperation between Secretary of the Interior and Federal and State authorities**

The Secretary of the Interior, in carrying out this chapter, is authorized to cooperate with Federal and State authorities.

(June 25, 1946, ch. 472, § 3, 60 Stat. 307.)

CODIFICATION

Section was not enacted as a part act Feb. 22, 1935, which comprises this chapter.

DELEGATION OF FUNCTIONS

Delegation of President's authority to Secretary of the Interior, see note set out under section 715j of this title.

**CHAPTER 15B—NATURAL GAS**

Sec.		Sec.	
717.	Regulation of natural gas companies.	717d.	Fixing rates and charges; determination of cost of production or transportation.
	(a) Necessity of regulation in public interest.		(a) Decreases in rates.
	(b) Transactions to which provisions of chapter applicable.		(b) Costs of production and transportation.
	(c) Intrastate transactions exempt from provisions of chapter; certification from State commission as conclusive evidence.	717e.	Ascertainment of cost of property.
	(d) Vehicular natural gas jurisdiction.		(a) Cost of property.
717a.	Definitions.		(b) Inventory of property; statements of costs.
717b.	Exportation or importation of natural gas.	717f.	Construction, extension, or abandonment of facilities.
	(a) Mandatory authorization order.		(a) Extension or improvement of facilities on order of court; notice and hearing.
	(b) Free trade agreements.		(b) Abandonment of facilities or services; approval of Commission.
	(c) Expedited application and approval process.		(c) Certificate of public convenience and necessity.
717c.	Rates and charges.		(d) Application for certificate of public convenience and necessity.
	(a) Just and reasonable rates and charges.		(e) Granting of certificate of public convenience and necessity.
	(b) Undue preferences and unreasonable rates and charges prohibited.		(f) Determination of service area; jurisdiction of transportation to ultimate consumers.
	(c) Filing of rates and charges with Commission; public inspection of schedules.		(g) Certificate of public convenience and necessity for service of area already being served.
	(d) Changes in rates and charges; notice to Commission.		(h) Right of eminent domain for construction of pipelines, etc.
	(e) Authority of Commission to hold hearings concerning new schedule of rates.	717g.	Accounts; records; memoranda.
			(a) Rules and regulations for keeping and preserving accounts, records, etc.
			(b) Access to and inspection of accounts and records.
			(c) Books, accounts, etc., of the person controlling gas company subject to examination.
		717h.	Rates of depreciation.
			(a) Depreciation and amortization.
			(b) Rules.
		717i.	Periodic and special reports.
			(a) Form and contents of reports.
			(b) Unlawful conduct.
		717j.	State compacts for conservation, transportation, etc., of natural gas.
			(a) Assembly of pertinent information; report to Congress.
			(b) Assembly of information relative to operation of compact; report to Congress.
			(c) Availability of services, etc., of other agencies.
		717k.	Officials dealing in securities.
		717l.	Complaints.
		717m.	Investigations by Commission.
			(a) Power of Commission.
			(b) Determination of adequacy of gas reserves.
			(c) Administration of oaths and affirmations; subpoena of witnesses, etc.
			(d) Jurisdiction of courts of United States.
			(e) Testimony of witnesses.
			(f) Deposition of witnesses in a foreign country.
			(g) Witness fees.
		717n.	Hearings; rules of procedure.
			(a) Hearings; parties.
			(b) Procedure.
		717o.	Administrative powers of Commission; rules, regulations, and orders.
		717p.	Joint boards.
			(a) Reference of matters to joint boards; composition and power.
			(b) Conference with State commissions regarding rate structure, costs, etc.
			(c) Information and reports available to State commissions.

- Sec.
- 717q. Appointment of officers and employees.
- 717r. Rehearing and review.
  - (a) Application for rehearing; time.
  - (b) Review of Commission order.
  - (c) Stay of Commission order.
- 717s. Enforcement of chapter.
  - (a) Action in district court for injunction.
  - (b) Mandamus.
  - (c) Employment of attorneys by Commission.
- 717t. General penalties.
- 717u. Jurisdiction of offenses; enforcement of liabilities and duties.
- 717v. Separability.
- 717w. Short title.
- 717x. Conserved natural gas.
  - (a) Determination of entitlement.
  - (b) Conditions, limitations, etc.
  - (c) Definitions.
- 717y. Voluntary conversion of natural gas users to heavy fuel oil.
  - (a) Transfer of contractual interests.
  - (b) Commission approval.
  - (c) Restrictions on transfers unenforceable.
  - (d) Contractual obligations unaffected.
  - (e) Definitions.
  - (f) Coordination with this chapter.
  - (g) Volume limitation.
- 717z. Emergency conversion of utilities and other facilities.
  - (a) Presidential declaration.
  - (b) Limitation.
  - (c) Prohibitions.
  - (d) Limitations.
  - (e) Exemption for secondary uses.
  - (f) Exemption for air-quality emergencies.
  - (g) Limitation on injunctive relief.
  - (h) Definitions.
  - (i) Use of general terms.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 717x, 717y, 719c, 719j, 790a, 3301, 3362, 3371, 3372, 3374, 3393, 3394, 3412, 3431 of this title; title 10 section 7430; title 16 section 2603; title 30 section 185; title 42 sections 7172, 7173, 8441; title 43 section 1353; title 49 section 60101; title 50 section 167i.

**§ 717. Regulation of natural gas companies**

**(a) Necessity of regulation in public interest**

As disclosed in reports of the Federal Trade Commission made pursuant to S. Res. 83 (Seventieth Congress, first session) and other reports made pursuant to the authority of Congress, it is declared that the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest, and that Federal regulation in matters relating to the transportation of natural gas and the sale thereof in interstate and foreign commerce is necessary in the public interest.

**(b) Transactions to which provisions of chapter applicable**

The provisions of this chapter shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural-gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of

natural gas or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas.

**(c) Intrastate transactions exempt from provisions of chapter; certification from State commission as conclusive evidence**

The provisions of this chapter shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State if all the natural gas so received is ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided that the rates and service of such person and facilities be subject to regulation by a State commission. The matters exempted from the provisions of this chapter by this subsection are declared to be matters primarily of local concern and subject to regulation by the several States. A certification from such State commission to the Federal Power Commission that such State commission has regulatory jurisdiction over rates and service of such person and facilities and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction.

**(d) Vehicular natural gas jurisdiction**

The provisions of this chapter shall not apply to any person solely by reason of, or with respect to, any sale or transportation of vehicular natural gas if such person is—

- (1) not otherwise a natural-gas company; or
- (2) subject primarily to regulation by a State commission, whether or not such State commission has, or is exercising, jurisdiction over the sale, sale for resale, or transportation of vehicular natural gas.

(June 21, 1938, ch. 556, §1, 52 Stat. 821; Mar. 27, 1954, ch. 115, 68 Stat. 36; Pub. L. 102-486, title IV, §404(a)(1), Oct. 24, 1992, 106 Stat. 2879.)

AMENDMENTS

- 1992—Subsec. (d). Pub. L. 102-486 added subsec. (d).
- 1954—Subsec. (c). Act Mar. 27, 1954, added subsec. (c).

TRANSFER OF FUNCTIONS

Federal Power Commission terminated and functions with regard to establishment, review, and enforcement of rates and charges for transportation and sale of natural gas by a producer or gatherer or by a natural gas pipeline or natural gas company transferred to Federal Energy Regulatory Commission by sections 7172(a)(1)(C) and 7293 of Title 42, The Public Health and Welfare.

STATE LAWS AND REGULATIONS

Section 404(b) of Pub. L. 102-486 provided that: "The transportation or sale of natural gas by any person who is not otherwise a public utility, within the meaning of State law—

- "(1) in closed containers; or
  - "(2) otherwise to any person for use by such person as a fuel in a self-propelled vehicle,
- shall not be considered to be a transportation or sale of natural gas within the meaning of any State law, regulation, or order in effect before January 1, 1989. This subsection shall not apply to any provision of any State law, regulation, or order to the extent that such provision has as its primary purpose the protection of public safety."