

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

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RAINBOW ENERGY MARKETING CORPORATION)	DOCKET NO. 23-75-NG
_____)	DOCKET NO. 21-139-NG

ORDER GRANTING BLANKET AUTHORIZATION
TO IMPORT AND EXPORT NATURAL GAS
FROM AND TO CANADA AND MEXICO, AND
VACATING PRIOR BLANKET AUTHORIZATION

DOE/FECM ORDER NOS. 5050 AND 4788-A

OCTOBER 6, 2023

I. DESCRIPTION OF REQUEST

On July 13, 2023, Rainbow Energy Marketing Corporation (Rainbow Energy Marketing) filed an application with the Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA)¹ for blanket authorization to import and export a combined total of 150 billion cubic feet (Bcf) of natural gas from and to Canada and Mexico by pipeline.² The applicant requests the authorization be granted for a two-year term that began on April 1, 2023.³ Rainbow Energy Marketing is a North Dakota corporation with its principal place of business in Bismarck, North Dakota.

Previously, on January 20, 2022, DOE granted Rainbow Energy Marketing authorization in DOE/FECM Order No. 4788 to import and export up to a combined total volume equivalent to 75 Bcf of natural gas from and to Canada and Mexico for a two-year term beginning on January 30, 2022, and extending through January 29, 2024.

On September 7, 2023, Rainbow Energy Marketing requested that DOE vacate its existing authorization in DOE/FECM Order No. 4788, effective April 1, 2023, to be concurrent with the retroactive issuance of the new authorization it has requested.⁴

¹ Authority to regulate the imports and exports of natural gas, including liquefied natural gas, under section 3 of the NGA (15 U.S.C. § 717b) has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2023, issued on April 10, 2023.

² Rainbow Energy Marketing's initial authorization request was for 100 Bcf of natural gas, but on September 7, 2023, the company asked for a volume increase to 150 Bcf of natural gas. *See* Email from Brian Bell, Partner, Dorsey and Whitney LLP, on behalf of Rainbow Energy Marketing, to DOE (Sept. 7, 2023).

³ *See id.*

⁴ *See id.*

II. FINDING

The application has been evaluated to determine if the proposed import and export arrangement meets the public interest requirement of section 3 of the NGA, as amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486). Under section 3(c), the import and export of natural gas, including liquefied natural gas (LNG), from and to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas and the import of LNG from other international sources are deemed to be consistent with the public interest, and applications for such imports and exports must be granted without modification or delay. The authorization sought by Rainbow Energy Marketing to import and export natural gas from and to Canada and Mexico, nations with which a free trade agreement requiring national treatment for trade in natural gas is in effect, meets the section 3(c) criterion and, therefore, is consistent with the public interest. This Order authorizes transactions with terms of not greater than two years.

ORDER

Pursuant to section 3 of the NGA, it is ordered that:

A. Rainbow Energy Marketing is authorized to import and export 150 Bcf of natural gas from and to Canada and Mexico, pursuant to transactions that have terms of not greater than two years. This authorization shall be effective for a two-year term that began on April 1, 2023, and extends through March 31, 2025.

B. This natural gas may be imported and exported by pipeline at any point on the border between the United States and Canada, and at any point on the border between the United States and Mexico.

C. **Monthly Reports:** With respect to the natural gas imports and exports authorized by this Order, Rainbow Energy Marketing shall file with the Office of Regulation, Analysis, and Engagement, within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether imports or exports of natural gas have been made. Monthly reports must be filed whether or not initial deliveries have begun. If no imports or exports have been made, a report of “no activity” for that month must be filed. If imports or exports of natural gas have occurred, the report must provide the information specified for each applicable activity and mode of transportation, as set forth in the Guidelines for Filing Monthly Reports. These Guidelines are available at <https://www.energy.gov/fecm/guidelines-filing-monthly-reports>.
(Approved by the Office of Management and Budget under OMB Control No. 1901-0294)

D. The first monthly report required by this Order is due not later than October 30, 2023, and should cover the reporting period from April 1, 2023, through September 30, 2023.

E. Rainbow Energy Marketing’s blanket authorization to import and export natural gas from and to Canada and Mexico, granted in DOE/FECM Order No. 4788 on January 20, 2022, is hereby vacated, effective April 1, 2023.

Issued in Washington, D.C., on October 6, 2023.

Amy R. Sweeney
Director, Office of Regulation, Analysis, and Engagement
Office of Resource Sustainability