

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Nora Mead Brownell, and Suedeen G. Kelly.

Enogex Inc.

Docket Nos. PR02-10-005  
PR02-10-006  
PR04-15-000  
PR04-15-001  
PR04-16-000  
PR04-16-001  
PR04-16-002  
PR05-3-000  
PR05-3-001

ORDER APPROVING UNCONTESTED SETTLEMENT

(Issued September 19, 2005)

1. On August 16, 2005, Enogex Inc. (Enogex) filed an offer of settlement resolving all issues in the above referenced proceedings.<sup>1</sup> The settlement agreement is fair and reasonable and in the public interest and is hereby approved.
2. The settlement agreement resolves all issues the parties have raised in the following four dockets: the Statement of Operating Conditions (SOC) filed August 31, 2004 in Docket No. PR02-10-005; the general rate petition filed on September 30, 2004 in Docket No. PR04-16-000; the interim fuel filing applicable to the fourth quarter of 2004 filed on September 29, 2004 in Docket No. PR04-15-000; and the 2005 fuel filing, filed November 15, 2004 in Docket No. PR05-3-000.
3. The settlement specifies that effective July 1, 2005, the maximum fair and equitable rate for interruptible transportation on Enogex's system will be \$0.0500 per MMBtu in the West Zone and \$0.1200 per MMBtu in the East Zone. The settlement further specifies that the maximum rate for transactions that move across the Enogex system from the West Zone to the East Zone or from the East Zone to the West Zone shall be \$0.1700 per MMBtu. The settlement also includes a revised SOC. The settlement states that since Enogex did not implement the proposed maximum interruptible transmission rate which it requested, no refunds are due. It states that

---

<sup>1</sup> The dockets were not consolidated.

Enogex has transferred or will transfer 16 gathering lines to its gathering affiliate, Enogex Gas Gathering, LLC (EGG).<sup>2</sup> It further states that for gathering facilities transferred to EGG after October 1, 2004, parties agree that no refunds will be due.

4. The settlement stipulates that the fuel percentage for the fourth quarter of 2004 shall be 0.45 percent, the amount that Enogex requested in its interim fuel filing. It states that the fuel percentage for 2005 shall be the 0.47 percent that Enogex requested in its 2005 fuel filing. In addition, it states that in its next fuel tracker filing, on or before November 15, 2005, Enogex agrees to file to establish different fuel percentages for the east and west zones, reflecting the east and west indices. The settlement also states that Enogex agrees to file a new rate petition by October 1, 2007, unless before that date, the Commission changes its policy of requiring rate filings every three years.

5. Seminole Energy Services, LLC, Apache Corporation, and Marathon Oil Company filed comments in support of the settlement. No adverse comments were received. This order does not relieve Enogex of its obligations to file the required reports under Part 284 of the Commission's regulations. The Commission's approval of this settlement does not constitute precedent regarding any principle or issue in this proceeding.

By the Commission. Commissioner Brownell concurring with a separate statement attached.

( S E A L )

Magalie R. Salas,  
Secretary.

---

<sup>2</sup> Two lines were transferred to EGG on September 30, 2004. An additional nine lines were transferred on April 1, 2005. An additional five lines will be transferred on the first of the month following the order accepting the settlement.

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Enogex, Inc.

Docket Nos. PR02-10-005, PR02-10-006, PR04-15-000, PR04-15-001, PR0416-000, PR04-16-001, PR04-16-002, PR-5-3-000, and PR05-3-001

(Issued September 19, 2005)

BROWNELL, Commissioner, concurring:

For the reasons set forth in Green Canyon Pipe Line Company, L.P., 98 FERC ¶ 61,041 (2002), I would not impose a triennial rate approval requirement on Section 311 pipelines. Here, Enogex Inc. has agreed to make a triennial rate approval filing as part of an overall settlement. Therefore, I agree with the result of this order which is to approve an uncontested settlement.

Nora Mead Brownell  
Commissioner