

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Mid-America Pipeline Company, LLC

Docket No. IS06-238-000  
Docket No. IS05-216-000  
Docket No. IS05-260-000

ORDER ACCEPTING AND SUSPENDING TARIFF, SUBJECT TO REFUND, AND  
CONSOLIDATING FOR HEARING PROCEEDINGS

(Issued April 27, 2006)

1. On March 31, 2006, Mid-America Pipeline Company, LLC (MAPL) filed FERC Tariff No. 41 canceling FERC Tariff No. 38 and requesting that the tariff become effective May 1, 2006.
2. On April 17, 2006, the National Propane Gas Association, Amerigas Propane, L.P., CHS, ConocoPhillips Company, Targa Liquids Marketing and Trade, and Ferrellgas, L.P. (collectively, Propane Group) protested MAPL's filing and asked the Commission to either reject Tariff No. 41 or, in the alternative, suspend it subject to refund and consolidate it with the Docket Nos. IS05-216-000 and IS05-260-000 proceedings currently set for hearing.<sup>1</sup> Williams Energy Services, LLC and Williams Power Company, Inc. (jointly, Williams) filed an answer and motion to intervene in support of Propane Group's motion to consolidate. Burlington Resources Trading Inc. (Burlington) filed a motion to intervene out of time.
3. For the reasons given below, the Commission will accept FERC Tariff No. 41, suspend it subject to refund, and consolidate this proceeding for hearing with the ongoing proceedings in Docket Nos. IS05-216-000 and IS05-260-000.

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<sup>1</sup> *Mid-America Pipeline Company, LLC*, 111 FERC ¶ 61,128 (2005). MAPL proposed FERC Tariff No. 38 in its March 31, 2005 cost-of-service filing in Docket No. IS05-216-000 that increased most general commodity rates for transporting natural gas liquids (NGLs) on its three pipeline systems. A subsequent MAPL filing in Docket No. IS05-260-000 was suspended and consolidated for hearing with the proceeding in Docket No. IS05-216-000.

### **MAPL's Filing**

4. In FERC Tariff No. 41, which cancels FERC Tariff No. 38, MAPL proposes to increase most of the General Commodity Rates in Items 230 through 270 for movements on its Northern System to various destinations. It also proposes wording changes regarding origin points for certain movements. In Item 400, MAPL proposes a new Seasonal Discount Program. MAPL states that the rate schedules show a substantial divergence between the actual costs experienced by the carrier and the rate resulting from application of the index. The proposed rates increase the rates that were filed by MAPL in FERC Tariff No. 38 in Docket No. IS05-216-000.

### **Interventions, Protest, and Answers**

5. The Propane Group filed a motion to intervene, a protest, and a motion to consolidate. The Propane Group states that the Commission has already determined in its April 29, 2005 Order in Docket No. IS05-216-000 that MAPL's FERC Tariff No. 38 rates may be unjust, unreasonable, unduly discriminatory or otherwise unlawful.<sup>2</sup> The Propane Group further states that MAPL's March 31, 2006 tariff filing raises numerous cost of service issues that already are at issue in Docket No. IS05-216-000. The Propane Group contends that, since MAPL is only proposing to raise rates on its Northern System and is leaving rates unchanged on its other two systems, this calls into question both the need for the rate increase as well as MAPL's allocation of costs and rate design methods. The Propane Group requests that MAPL's rate filing be set for hearing so that the appropriate investigation and discovery can be obtained. Further, the Propane Group requests that the Commission consolidate this protest with the pending hearing proceedings in Docket Nos. IS05-216-000 and IS05-260-000 because all three proceedings involve common issues of law and fact regarding the justness and reasonableness of MAPL's proposed cost-of-service rate increase, as well as common parties.

6. Williams requests that the Commission grant the consolidation requested by the Propane Group and further requests that the Commission permit the Presiding Administrative Law Judge in the pending hearing proceedings to determine what modification of the current procedural schedule is appropriate.

7. Burlington filed a motion to intervene out of time stating that it has been an active participant in the proceedings in Docket Nos. IS05-216-000 and IS05-260-000, and has initiated further related proceedings in Docket No. OR06-4-000, which involves a complaint against MAPL and Seminole Pipeline Company. The Commission will grant Burlington's motion to intervene out of time. At this early stage of this proceeding, and because the Commission is consolidating this proceeding with the hearing proceedings in

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<sup>2</sup> The Propane Group cites *Mid-America Pipeline Company, LLC*, 111 FERC ¶ 61,128 at P 29 (2005).

Docket Nos. IS05-216-000 and IS05-260-000, which are at an early stage and in which Burlington is an intervenor, granting the motion to intervene out of time will not delay or disrupt the proceedings or cause additional burdens to the other parties.

8. In its response, MAPL states that it does not oppose the consolidation requested by the Propane Group.

### **Discussion**

9. As discussed below, the Commission will accept FERC Tariff No. 41, suspend it to be effective May 1, 2006, subject to refund, and consolidate this proceeding with the ongoing proceedings in Docket Nos. IS05-216-000 and IS05-260-000 currently set for hearing. In FERC Tariff No. 41, MAPL proposes to increase rates already at issue in Docket No. IS05-216-000. Since these proceedings involve the same rates, issues, and parties, it is appropriate to consolidate this filing with the ongoing MAPL proceedings.

### **Suspension**

10. Based upon a review of the filing, the Commission finds that MAPL's FERC Tariff No. 41 has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept FERC Tariff No. 41 for filing and suspend it to be effective May 1, 2006, subject to refund and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

### **The Commission orders:**

(A) FERC Tariff No. 41 is accepted for filing and suspended to be effective May 1, 2006, subject to refund.

(B) This proceeding is consolidated for hearing with the ongoing proceedings in Docket Nos. IS05-216-000 and IS05-260-000. The Chief Administrative Law Judge may authorize a change to the Track III procedures established in Docket Nos. IS05-216-000 and IS05-260-000 as necessary.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.