

121 FERC 61,290  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

Iroquois Gas Transmission System, L.P.

Docket No.  
RP07-443-000

ORDER ON MOTION

(Issued December 21, 2007)

1. On November 29, 2007, Iroquois Gas Transmission System, L.P. (Iroquois) filed a motion for clarification regarding the effective date of its revised tariff sheets submitted in this proceeding and also for clarification that the parties may eliminate one issue from the list of contested issues to be resolved in this proceeding. As discussed below, the Commission will grant the request for clarification.

**Background**

2. On May 4, 2007, Iroquois filed proposed tariff sheets pursuant to section 4 of the Natural Gas Act (NGA) to revise its tariff with respect to gas quality and interchangeability. On June 27, 2007, the Commission issued an order<sup>1</sup> accepting and suspending the proposed tariff sheets, to be effective December 1, 2007, subject to conditions and to the outcome of a technical conference.

3. On June 29, 2007, the Commission issued a notice scheduling the technical conference for July 11, 2007. On July 3, 2007, Iroquois filed a motion requesting that the Commission defer the technical conference until early September, 2007. Iroquois stated that the deferral was necessary to enable the parties to prepare for the conference. In order to facilitate the postponement of the conference, Iroquois agreed to defer the effective date of its proposed tariff sheets an additional two months, from December 1, 2007 to February 1, 2008.

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<sup>1</sup> 119 FERC ¶ 61,325 (2007) (June 27, 2007 order).

4. In response to Iroquois' motion, the Commission deferred the date of the technical conference, and the conference was held on September 10, 2007. At the conclusion of the technical conference, Iroquois and the other parties agreed to develop and submit to the Commission a list of contested issues requiring Commission resolution. On September 24, 2007, Iroquois submitted a list of contested issues. Upon review of this list of stipulated contested issues, the Commission concluded that they raised questions of fact that were best resolved in the context of an evidentiary hearing. Therefore, on November 15, 2007, the Commission issued an order (Hearing Order)<sup>2</sup> establishing a hearing in this proceeding before an Administrative Law Judge to develop a record on the stipulated contested issues.

### **Iroquois' Motion**

5. In its motion for clarification, Iroquois states that the Hearing Order is silent with regard to the effective date of the proposed tariff sheets, but that Iroquois assumed that a two month deferral of the effective date was implicit in the Commission's deferral of the technical conference. Iroquois asks the Commission to clarify that the effective date of its tariff sheets is February 1, 2008 and not December 1, 2007. Iroquois states that clarification is necessary because there is confusion as to whether the effective date is December 1, 2007, as provided in the suspension order, or February 1, 2008 as proposed by Iroquois in its motion granted by the July 9 Notice.

6. In addition, Iroquois states that since the conclusion of the technical conference, the parties have continued to discuss the contested issues. Iroquois states that the contested issue involving the appropriate sulfur limit has been the subject of further consideration by the parties, and Iroquois has agreed to revise its proposed standard from 1 grain of sulfur per 100 cubic feet of gas to 1.25 grains of sulfur per 100 cubic feet of gas. Iroquois further states that no party disputed Iroquois' proposed resolution of the sulfur issue in the reply comments that were filed on November 17, 2007, and that no party objected to this standard at the prehearing conference that was held in this proceeding. Accordingly, Iroquois asks the Commission to clarify and confirm that, based on the revised sulfur standard proposed by Iroquois following the technical conference in this proceeding, and the lack of opposition, this issue is now considered resolved and removed from the list of contested issues set for evidentiary hearing.

7. Iroquois states that upon this clarification, it will move its proposed tariff sheets, including the tariff sheet modified to reflect the revised sulfur standard, into effect as of February 1, 2008.

8. No answers to Iroquois' motion were filed.

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<sup>2</sup> *Iroquois Gas Transmission System, L.P.*, 121 FERC ¶ 61,150 (2007).

## **Discussion**

The Commission clarifies that Iroquois' proposed tariff sheets do not go into effect automatically on December 1, 2007. Pursuant to section 4(e) of the NGA, the suspended tariff sheets will only go into effect when Iroquois files a motion to put them into effect, in this case, to become effective on February 1, 2008, as agreed by Iroquois. In addition, if the sulfur issue has been settled among the parties, Iroquois may include in its filing to move the tariff sheets into effect a revised tariff sheet reflecting the revised sulfur standard agreed to by the parties, and the sulfur issue can be removed from the list of contested issues.

### **The Commission orders:**

Iroquois' motion is granted as discussed above.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.