

124 FERC ¶ 61,115
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

July 30, 2008

In Reply Refer To:
NiSource Gas Transmission and Storage
Docket No. RP08-451-000

NiSource Gas Transmission and Storage
5151 San Felipe, Suite 2500
Houston, Texas 77056

Attention: James R. Downs,
Director of Regulatory Affairs

Reference: Order No. 712 Waiver Request

Dear Mr. Downs:

1. On July 22, 2008, NiSource Gas Transmission and Storage (NiSource) filed a request for limited waiver of the implementation date for the Commission's Final Rule in *Promotion of a More Efficient Capacity Release Market*, FERC Stats. & Regs. ¶ 31,271 (2008) (Order No. 712). Order No. 712 modified the Commission's regulations concerning capacity release. Among other things, Order No. 712: (1) removed the rate ceiling on capacity releases of one year or less, (2) exempted capacity releases made as part of asset management arrangements (AMAs) or under state-approved retail unbundling programs from the section 284.8 bidding requirements and the prohibition on tying, and (3) permitted releasing shippers to include conditions in a release concerning the sale and/or repurchase of gas in storage. The regulations adopted by Order No. 712 take effect on July 30, 2008. The Commission stated in Order No. 712 that parties may act in accordance with the revised regulations as of that date.¹

¹ Order No. 712 allows pipelines 180 days to remove tariff provisions that are inconsistent with the revised regulations.

2. NiSource requests an extension of time to comply with Order No. 712 from the July 30, 2008 effective date of Order No. 712 until August 1, 2008 for the following NiSource pipelines: Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company, Central Kentucky Transmission Company, Crossroads Pipeline Company and Hardy Storage Company. NiSource points out that on August 1, 2008, it will launch its new electronic bulletin board system, Navigates, which will permit the implementation of the capacity release rules on all of these NiSource pipelines. NiSource asserts that shippers will be permitted to enter offers and bids under the new capacity release rules on July 30, 2008 for transactions to be effective August 1, 2008. NiSource submits that a two-day waiver of the new capacity release rules will not unduly burden any shipper or hamper the effective implementation of the new rules.

3. Public notice of NiSource's filing was issued on July 23, 2008. Interventions and protests were due on or before July 29, 2008. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2008)), all timely filed motions to intervene and any motion to intervene out-of-time filed before the issuance date of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. No protests were filed.

4. The Commission adopted Order No.712 in order to enhance competition in the secondary capacity release market and increase shipper gas supply options. The Commission finds that NiSource's request for a two day delay in full implementation of Order No. 712 will not inhibit the Commission's goals and that such a delay is reasonable given its short length and because NiSource's new electronic bulletin board is slated to begin operations on August 1, 2008. Accordingly, the Commission grants NiSource's request for an extension of time to comply with Order No. 712 until August 1, 2008.

By direction of the Commission.

Kimberly D. Bose,
Secretary.