

124 FERC ¶ 61,165  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

August 15, 2008

In Reply Refer To:  
Southern Star Central Gas Pipeline, Inc.  
Docket No. RP08-443-000

Southern Star Central Gas Pipeline, Inc.  
4700 Highway 56  
Owensboro, KY 42301

Attention: Tim Thompson, Esq.  
Staff Attorney for Southern Star Central  
Gas Pipeline, Inc.

Reference: Request for Limited Waiver

Dear Mr. Thompson:

1. On July 11, 2008, Southern Star Central Gas Pipeline, Inc. (Southern Star) filed a petition to waive certain overrun fees on storage and transportation capacity, balancing fees, and tariff cash-out requirements as a result of reduced fuel reimbursement percentages (FRPs) approved in the Commission's July 3, 2008 Order in Docket No. RP08-84-000.<sup>1</sup> In this order, we grant Southern Star's request for a limited waiver of its tariff so that customers will receive the benefits of Southern Star's reduced FRPs without incurring additional charges.

2. The July 3, 2008 Order approved a settlement filed by Southern Star on May 1, 2008, in which Southern Star agreed to file reduced FRPs, effective June 1, 2008. Southern Star states that by July 3, 2008, its customers had already made nominations and delivered and received gas for June based on the higher FRPs in effect before the July 3, 2008 Order issued. Southern Star explains that the retroactive application of the reduced FRPs established in the settlement caused some customers to incur increased balancing fees, overrun and cash-out charges for the June billing period. Southern Star

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<sup>1</sup> *Southern Star Central Gas Pipeline, Inc.*, 124 FERC ¶ 61,016 (2008) (July 3, 2008 Order).

further explains that it will charge under sections 9.7(b) and (c) of its General Terms and Conditions (GT&C), section 5 of its TSS Rate Schedule (Trans-Storage Service), and section 6 of its FSS Rate Schedule (Firm Storage Service), balancing fees, overrun and cash-out charges according to the specifics of each customer's contract and the circumstances stemming from the retroactive FRP adjustments.

3. Southern Star states that it and its customers intended to implement the adjusted FRPs as soon as possible, and that the benefit to customers would be inappropriately reduced if the adjustment results in unanticipated balancing fees, overrun and cash-out charges. Southern Star further states that no customer will be harmed by waiving these charges, and that it will apply the waiver of all such charges in a non-discriminatory fashion.

4. Finally, Southern Star notes that some July nominations made prior to the July 3, 2008 Order could result in similar unanticipated balancing fees, overrun and cash-out charges. To the extent necessary, Southern Star requests a waiver for these July nominations if such nominations cannot be corrected during the ordinary course of July business.

5. Notice of Southern Star's filing was issued on July 15, 2008. Interventions and protests were due as provided in section 154.210 of the Commission's regulations, 18 C.F.R. § 154.210. Pursuant to Rule 214, 18 C.F.R. § 385.214 (2008), all timely filed motions to intervene and any motions 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 this proceeding or place additional burdens on existing parties. No party filed a protest or adverse comment.

6. For good cause shown, we grant Southern Star's request for limited waiver of its tariff so that it can waive any balancing fees, overrun and cash-out charges incurred by its customers as a result of the retroactive FRP adjustments provided for in the settlement approved by the July 3, 2008 Order. Granting this limited waiver will allow customers to reap the full benefits intended by the above-mentioned settlement.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.