

124 FERC ¶ 61,288
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.

Garden Banks Gas Pipeline, LLC	Docket No. RP08-461-000
Enbridge Pipelines (Midla) L.L.C.	Docket No. RP08-462-000
Enbridge Offshore Pipelines (UTOS) LLC	Docket No. RP08-463-000
Stingray Pipeline Company, L.L.C.	Docket No. RP08-464-000
Nautilus Pipeline Company, L.L.C.	Docket No. RP08-465-000
Mississippi Canyon Gas Pipeline, L.L.C.	Docket No. RP08-466-000
Enbridge Pipelines (AlaTenn) L.L.C.	Docket No. RP08-467-000
Texas Gas Transmission, LLC	Docket No. RP08-468-000
Gulf South Pipeline Company, LP	Docket No. RP08-469-000

ORDER GRANTING EXTENSIONS OF TIME

(Issued September 25, 2008)

1. The above referenced companies filed in the above dockets to request extensions of time to comply fully with 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 bidding requirements of section 284.8 of the Commission's regulations 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 took effect on July 30, 2008.¹ The Commission stated that parties may act in accordance with the revised regulations as of that date.

2. Garden Banks Gas Pipeline, LLC (Garden Banks), Enbridge Pipelines (Midla) L.L.C. (Midla), Enbridge Offshore Pipelines (UTOS) LLC (UTOS), Stingray Pipeline Company, L.L.C. (Stingray), Nautilus Pipeline Company L.L.C. (Nautilus), Mississippi Canyon Gas Pipeline, L.L.C. (Mississippi Canyon) and Enbridge Pipelines (AlaTenn)

¹ Order No. 712 allows pipelines until January 26, 2009 to remove tariff provisions that are inconsistent with the revised regulations.

L.L.C. (AlaTenn) request extensions of time until July 30, 2009, in order to permit capacity releases pursuant to the revised regulations to take place on an electronic basis. These companies state that their outside software vendors are currently designing the new capacity release system and should be fully operational during 2009. These companies state that, in the interim, they will commit to managing the capacity release transactions under the revised regulations manually, and they describe their proposed manual process.

3. Texas Gas Transmission, LLC (Texas Gas) requests an extension of time until September 1, 2008, because it is unable to complete its programming modifications to certain portions of its capacity release system to effectuate Order No. 712 until then. Texas Gas states that it will effectuate capacity release transactions manually in the interim.

4. Gulf South Pipeline Company, LP (Gulf South) requests a limited waiver of the implementation date until October 31, 2008, the date by which its outside vendor states that it can complete the necessary modifications to the capacity release system. In the interim, Gulf South states that it will effectuate capacity release transactions manually.

5. Notice of the filings by Garden Banks, Midla, UTOS, and Nautilus issued on August 4, 2008, with interventions and protests due by August 11, 2008. Notice of the filings by AlaTenn and Texas Gas issued on August 11, with interventions and protests due by August 14, 2008. Notice of the filings by Stingray, Mississippi Canyon and Gulf South issued on August 20, 2008, with interventions and protests due by August 25, 2008. No protests were filed.

6. The Commission grants the petitioners' various requests for additional time to program their computers in order to permit capacity releases pursuant to the new rules to take place electronically based upon their statements that they will implement the new rules using a manual process during the interim period. This is consistent with previous Commission orders granting extensions of time to comply with the software requirements, and requiring the companies to permit shippers on their systems to make releases pursuant to the new rules by use of a manual process.²

² *Southern Star Central Pipeline Inc.*, 124 FERC ¶ 61,114 (2008) and *Iroquois Gas Transmission System, L.P.*, 124 FERC ¶ 61,116 (2008).

The Commission orders:

The above captioned pipelines are granted additional time as requested to program their computers in order to permit capacity releases pursuant to the new rules adopted by Order No. 712. In the interim, these pipelines companies must implement the requirements of Order No. 712 on a manual basis.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.