

126 FERC ¶ 61,183
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Enterprise Texas Pipeline LLC

Docket Nos. PR08-30-000
PR07-12-003
PR07-12-004

ORDER EXTENDING TIME FOR ACTION AND ESTABLISHING TECHNICAL
CONFERENCE

(Issued February 27, 2009)

1. This order addresses a petition for rate approval and revised Statement of Operating Conditions (SOC) that Enterprise Texas Pipeline LLC (Enterprise Texas) filed in Docket No. PR08-30-000 and issues related to Enterprise Texas's revised SOC's filed in Docket No. PR07-12-003 and Docket No. PR07-12-004.

Background

2. On September 30, 2008, Enterprise Texas filed, in Docket No. PR08-30-000, a petition for rate approval pursuant to section 284.123(b)(2) of the Commission's regulations.¹ Enterprise Texas seeks approval of incremental rates for firm and interruptible transportation services under section 311 of the Natural Gas Policy Act of 1978 (NGPA)² for service on its new Sherman Extension lateral. Enterprise Texas's September 30, 2008 filing also included a revision to its SOC for Transportation Service on its system.

¹ Enterprise Texas is an intrastate pipeline with facilities in the State of Texas.

² 18 C.F.R. § 284.123(b)(2) (2008).

3. Public notice of the filing in Docket No. PR08-30-000 was issued on October 6, 2008. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,³ all timely unopposed motions or notices are granted.
4. Previously, on June 23, 2008, Enterprise Texas filed, in Docket No. PR07-12-003, an amended Statement of Operating Conditions for Transportation Service. On July 31, 2008, Enterprise Texas filed, in Docket No. PR07-12-004, an amended Statement of Operating Conditions for Storage Services.

Discussion

5. Section 284.123(b)(2)(ii) of the Commission's regulations provides that a proposed rate will be deemed to be "fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for providing similar transportation service, unless within 150 days the Commission either extends the time for action, or institutes a proceeding in which all interested parties will be afforded an opportunity for written comments and for the oral presentation of views, data, and arguments."⁴ The 150-day period for review of Enterprise Texas's rates, in Docket No. PR08-30-000, will expire on February 27, 2009. Because the Commission has been unable to make a determination that Enterprise Texas's proposed incremental rates for service on the Sherman Extension are fair and equitable, the Commission must extend the time for action or institute rate proceedings.
6. We will extend the time for action until the Commission can make a determination whether Enterprise Texas's rates are fair and equitable. This should serve to encourage settlement of the issues among the parties. Within 120 days of the date this order issues, Commission Staff will report to the Commission on the status of settlement negotiations.
7. The Commission also directs Staff to establish a technical conference to examine Enterprise Texas's proposed incremental rates for firm and interruptible transportation services and the issues raised with respect to the Statement of Operating Conditions. Staff is further directed to report the results of the technical conference to the Commission within 120 days of the issuance of this order.

The Commission orders:

- (A) Pursuant to the Commission's authority under section 311 of the NGPA and Section 284.123(b)(2)(ii) of the Commission's regulations, time for action on

³ 18 C.F.R. § 385.214 (2008).

⁴ 18 C.F.R. § 284.123(b)(2)(ii) (2008).

Enterprise Texas's petition for rate approval is extended until the Commission can make a determination whether Enterprise Texas's rates are fair and equitable or until it determines that formal proceedings are necessary.

(B) Staff shall report the results of the technical conference and the status of settlement negotiations to the Commission within 120 days of the issuance of this order.

By the Commission. Commissioner Kelliher is not participating.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.