

127 FERC ¶ 61,302
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

June 26, 2009

In Reply Refer To:
Viking Gas Transmission Company
Docket No. RP09-617-000

ONEOK Partners GP LLC
100 West 5th Street
Tulsa, Oklahoma 74103

Attention: Lisa Nishimuta, Manager
Rates and Regulatory Analysis

Reference: Revisions to Backhaul Service Provisions

Ladies and Gentlemen:

1. On May 28, 2009, Viking Gas Transmission Company (Viking) filed revised tariff sheets¹ to modify certain backhaul provisions in its tariff. Viking's proposed tariff sheets are accepted subject to the conditions stated herein, to be effective July 1, 2009, as requested.
2. Viking proposes to modify section 2.3 of Rate Schedule FT-A to state that the pipeline will provide backhaul service to a shipper under Rate Schedule FT-A only in accordance with the terms and conditions of a "non-conforming" service agreement. Viking also proposes to incorporate into section 8.2 of its General Terms and Conditions (GT&C) that it will not issue an operational flow order (OFO) to maintain firm deliveries under a backhaul service agreement when sufficient displacement quantities are not available for the service. Viking contends these revisions should reassure shippers that it will not provide backhaul service to the detriment of other firm forward haul shippers. Viking states the proposed changes are intended to resolve the concerns raised in protests

¹ Fourth Revised Sheet Nos. 10, 57, and 58, to its FERC Gas Tariff, Original Volume No. 1.

filed by Wisconsin Electric Power Company and Wisconsin Gas LLC (“We Energies”) in Viking’s proposed Fargo Lateral expansion project in Docket No. CP09-69-000.²

3. Notice of Viking’s filing issued on June 2, 2009. 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 comments. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) jointly filed comments supporting Viking’s proposed tariff revisions.

4. We accept Viking’s revised tariff sheets, effective as proposed, subject to conditions. Viking proposes the following language as section 2.3 of Rate Schedule FT-A: “Company shall provide backhaul service to a Shipper under this Rate Schedule FT-A only in accordance with the terms and conditions of a non-conforming service agreement approved by the FERC for such service.” Viking’s tariff defines transportation service to include backhaul service.³ Thus, Viking can provide backhaul service without any material deviation from its *pro forma* service agreement, depending upon the specific provisions included in the agreement between Viking and its shipper. Thus, a service agreement between Viking and a shipper for backhaul service under Rate Schedule FT-A is not necessarily a non-conforming agreement.

5. However, we are not opposed to Viking filing its backhaul service agreements with the Commission for the purpose of transparency. Therefore, Viking’s proposed tariff sheets are accepted subject to the condition that Viking files revised tariff sheets within 15 days of the date this order issues removing any reference to backhaul service

² Following the involvement of the Commission’s Dispute Resolution Service (“DRS”), on May 29, 2009, in separate filings, We Energies and Viking represented to the Commission that We’s concerns in Docket No. CP09-69-000 had been resolved and identified certain commitments made by Viking, including the proposed tariff revisions filed concurrently in Docket No. RP09-617-000. On June 9, 2009, the Commission dismissed We Energies’ protest as moot and authorized Viking to construct and operate facilities and abandon facilities as proposed. *Viking Gas Transmission Co.*, 127 FERC ¶ 61,231 (2009).

³ Viking Gas Transmission Co., FERC Gas Tariff, First Revised Volume No. 1, Fourth Revised Sheet No. 41B.

agreements as non-conforming while clarifying that Viking will file all backhaul service agreements under Rate Schedule FT-A for Commission approval.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: All Parties

Joseph Miller
Associate General Counsel
Interstate Regulatory
ONEOK Partners GP LLC
100 West 5th Street
Tulsa, Oklahoma 74103

Jeffrey G. DiSciullo
Jennifer R. Rinker
Wright & Talisman, P.C.
1200 G Street, N.W.
Suite 600
Washington, DC 20005