

128 FERC ¶ 61,108  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

July 30, 2009

In Reply Refer To:  
Black Marlin Pipeline Company  
Docket No. RP09-672-000

Black Marlin Pipeline Company  
2800 Post Oak Blvd-Level 7  
Houston, Texas 77056

Attention: Roslyn Bryant  
Regulatory Affairs Analyst

Reference: Order No. 587-T Compliance Filing

Dear Ms. Bryant:

1. On June 1, 2009, Black Marlin Pipeline Company (Black Marlin) filed Original Sheet No. 0, Tenth Revised Sheet No. 201A, and First Revised Sheet No. 201A.01 to its FERC Gas Tariff, Original Volume No. 1, to comply with Order No. 587-T.<sup>1</sup> As discussed below, the referenced tariff sheets generally comply with Order No. 587-T and are accepted effective August 1, 2009, conditioned upon Black Marlin filing revised tariff sheets, within 15 days of the date of this order.
2. In Order No. 587-T, the Commission incorporated by reference into its regulations Version 1.8 of the North American Energy Standards Board (NAESB) Wholesale Gas Quadrant's standards. The Version 1.8 standards include several standards already adopted by the Commission in Order Nos. 698<sup>2</sup> and 587-S,<sup>3</sup> including gas-electric

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<sup>1</sup> *Standards for Business Practices for Interstate Natural Gas Pipelines*, Order No. 587-T, 74 FR 9162 (March 3, 2009), FERC Stats. & Regs. ¶ 31,289 (2009).

<sup>2</sup> *Standards for Business Practices for Interstate Natural Gas Pipelines*, Order No. 698, 72 FR 38,757 (July 16, 2007), FERC Stats. & Regs. ¶ 31,251 (2007); *order granting clarification and denying reh'g*, Order No. 698-A, 121 FERC ¶ 61,264 (2007).

<sup>3</sup> *Standards for Business Practices of Interstate Natural Gas Pipelines*, Order No. 587-S, FERC Stats. & Regs. ¶ 31,179 (2005). Pursuant to the June 14, 2005 errata notice in Docket No. RM96-1-026, the title of the May 9, 2005 Final Rule was changed from Order No. 654 to Order No. 587-S.

coordination standards, gas quality reporting standards, and business practice standards to support implementation of Order No. 2004 on Standards of Conduct.<sup>4</sup> In addition to modifying prior versions of the standards, the Version 1.8 standards changed the Electronic Delivery Mechanism Related Standards to be the Quadrant Electronic Delivery Mechanism Related Standards. The Version 1.8 standards also add a new set of standards, the Internet Electronic Transport Related Standards.

3. Public notice of the filing was issued on June 3, 2009. Interventions and protests were due on June 15, 2009, as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (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 or adverse comments were filed.

4. Black Marlin proposes to add a new section 1.7(b)(viii), entitled "Various Standards Not Adopted by Transporter" which lists those standards that are not being adopted by Black Marlin.<sup>5</sup> Black Marlin states that the Commission has consistently granted Black Marlin extensions of time to comply with certain Interactive/Internet web site related standards, title transfer tracking related standards, and the capacity release data sets from previous NAESB versions adopted.<sup>6</sup> In light of these historical extensions of time being granted Black Marlin, it is now requesting a permanent waiver from these standards in the instant filing.

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<sup>4</sup> *Standards for Business Practices for Interstate Natural Gas Pipelines*, Notice of Proposed Rulemaking, 73 FR 55460 (Sep. 2008), FERC Stats. & Regs. ¶ 32,636 (2008).

<sup>5</sup> Those standards include: 1.1.7, 1.1.10, 1.1.11, 1.1.13, 1.1.20, 1.1.21, 1.3.17, 1.3.18, 1.3.47 through 1.3.50, 1.3.52 through 1.3.74, 1.3.76, 1.3.77, 1.3.79, 1.4.1 through 1.4.7, 2.3.32 through 2.3.35, 2.3.40 through 2.3.44, 2.3.46, 2.3.51 through 2.3.53, 2.3.65, 2.4.1 through 2.4.18, 3.3.23, 3.3.24, 3.4.1 through 3.4.4, 4.1.6, 4.1.7, 4.1.22 through 4.1.24, 4.1.26 through 4.1.28, 4.1.31 through 4.1.39, 4.2.10 through 4.2.13, 4.2.16 through 4.2.20, 4.3.39, 4.3.42 through 4.3.62, 4.3.65 through 4.3.69, 4.3.72 through 4.3.76, 4.3.78 through 4.3.87, 5.1.1, 5.1.4, 5.3.10 through 5.3.12, 5.3.30 through 5.3.34, 5.3.41 through 5.3.43, 5.3.48, 5.4.1 through 5.4.23, 10.1.4, 10.1.8, 10.1.9, 10.2.1 through 10.2.7, 10.2.9 through 10.2.36, 10.3.2, 10.3.7, 10.3.8, 10.3.12, 10.3.13, 10.3.15, 10.3.17, 10.3.18, 10.3.21, 10.3.22 and 10.3.25.

<sup>6</sup> *Black Marlin Pipeline Company*, Docket No. RP05-471-000 (August 26, 2005) (unpublished letter order); *Black Marlin Pipeline Company*, Docket No. RP03-351-000 (June 30, 2003) (unpublished letter order); and *Black Marlin Pipeline Company*, Docket No. RP02-454-000 (September 27, 2002) (unpublished letter order).

5. The Commission has consistently granted Black Marlin an extension of time to comply with Interactive/Internet web site related standards, title transfer tracking related standards, and capacity release data sets until such time as a shipper requests implementation of the standards. The extensions were based on the limited nature of Black Marlin's pipeline operations. Since there is no evidence that Black Marlin's circumstances have changed, the Commission will not grant Black Marlin a permanent waiver of the Interactive/Internet web site related standards, title transfer tracking related standards, and capacity release data sets. However, the Commission will grant Black Marlin an extension of time to implement such standards under the same terms and conditions as we have previously granted. Accordingly, Black Marlin must file to implement the standards within 90 days from the date any customer first requests that Black Marlin implement such standards.

6. Black Marlin also states in its transmittal letter that it proposes not to adopt new NAESB standard 4.3.93, which requires that pipelines post on their web sites specific information on how it determines gas quality. Black Marlin asserts that it is not adopting the standard because it does not have the necessary equipment installed along its mainline to provide representative gas quality information. Although Black Marlin stated in its transmittal letter that it proposes not to adopt NAESB standard 4.3.93, the pipeline included this standard in the GT&C of its tariff.

7. Order No. 587-T adopted standards 4.3.89 through 4.3.93 which addressed a transportation service provider's (TSP) gas quality information. Specifically, standard 4.3.93 requires the TSP to provide on its informational postings web site a list that identifies the industry standard (or other methodology, as applicable) used by the TSP for the following: (a) the procedures used for obtaining natural gas samples; (b) analytical test method(s); and (c) calculation method(s), in conjunction with any physical constant(s) and underlying assumption(s) for the locations posted pursuant to NAESB standard 4.3.90. NAESB standard 4.3.90 requires the TSP to provide on its informational postings web site the average gas quality information for prior gas days, to the extent available, for locations that are representative of mainline gas flow. Black Marlin has incorporated by reference standard 4.3.90, and has not requested a waiver of nor stated that it is unable to comply with the gas quality standards in section 4.3.90. Because Black Marlin is complying with the requirement to post average gas quality, we can see no reason why it cannot post the basis by which it determines the gas quality information it posts. Since Black Marlin has not justified its request to omit standard 4.3.93, its request is denied. Because Black Marlin did in fact include NAESB standard 4.3.93 in its GT&C section 1.7(v), no further action is required.

8. Black Marlin's tariff sheets are accepted, effective August 1, 2009, subject to Black Marlin filing revised tariff sheets, within 15 days of the date of this order, to remove section 1.7(b)(viii) "Standards Not Adopted By Transporter" from its tariff or to add clarifying language that states the foregoing standards are subject to the extension of time to comply with the Interactive/Internet web site related standards, title transfer

tracking related standards, and capacity release data sets until 90 days following a request from one of Black Marlin's customers to implement the Interactive/Internet web site related standards, title transfer tracking related standards, and capacity release data sets until such time as a shipper requests implementation of the standards.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.