

129 FERC ¶ 61,061
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Mid-America Pipeline Company, LLC	Docket Nos.	IS05-216-000 IS05-216-003 IS05-216-005 IS05-216-006 IS05-216-007 IS06-238-000 IS06-238-001 IS06-238-002 IS06-520-000
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Williams Energy Services, LLC and Williams Power Company, Inc.	Docket No.	OR06-5-000 (Consolidated)
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v.

Mid-America Pipeline Company, LLC
and Seminole Pipeline Company

Mid-America Pipeline Company, LLC	Docket No.	IS09-364-000 (Not consolidated)
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ORDER APPROVING UNCONTESTED SETTLEMENT AND REQUIRING
SUPPLEMENTAL FILINGS

(Issued October 23, 2009)

1. On August 18, 2009, Mid-America Pipeline Company, LLC (MAPL) and the Propane Group¹ submitted for approval pursuant to Rule 602,² an Offer of Settlement

¹ The Propane Group consists of the National Propane Gas Association, AmeriGas Propane, L.P., CHS Inc., ConocoPhillips Company, Targa Liquids Marketing and Trade (formerly, Dynegy Liquids Marketing and Trade), and Ferrellgas, L.P.

² 18 C.F.R. § 385.602 (2009).

(Settlement) in the captioned proceedings. The Settlement includes Appendix F, which is a Conditional Notice of Withdrawal of Protests (Notice) pursuant to Rule 216³ and section 343.3(d) of the Commission's Rules and Regulations.⁴ The parties state that the Settlement resolves all matters at issue in Docket Nos. IS05-216-000, IS06-238-000, and IS09-364-000.

2. No parties filed comments or reply comments addressing the Settlement. However, subsequent to the deadlines for comments and reply comments, Flint Hills Resources, LP (Flint Hills) filed a motion to intervene out of time and a request for clarification of the Settlement.
3. In the motion to intervene out of time and request for clarification, Flint Hills emphasizes that it does not contest the Settlement, but seeks clarification that Commission approval of the Settlement will be without prejudice to Flint Hills' rights as a shipper on MAPL's system to seek rate relief similar to that established in the Settlement.
4. MAPL and the Propane Group ask the Commission to reject Flint Hills' motion to intervene out of time and request for clarification, as the Commission may address any right Flint Hills might have to seek similar relief if and when Flint Hills seeks such relief.
5. The Commission denies Flint Hills' late motion to intervene and request for clarification as untimely and misplaced. Flint Hills cannot insert itself at this juncture into a proceeding in which an uncontested settlement has been filed. The Settlement speaks for itself and neither diminishes nor enlarges the rights of non-parties such as Flint Hills.
6. The Settlement filed by MAPL and the Propane Group establishes new rates for propane movements on MAPL's Northern System and provides for payments, including refunds, with interest, for all propane shippers for the period from May 1, 2005, through the effective date of the new agreed-upon rates. MAPL shall file with the Commission, a report of said refunds and payments, within 30 days after the refunds and payments are made. The Settlement appears fair and reasonable, and in the public interest, and is hereby approved. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

³ 18 C.F.R. § 385.216 (2009).

⁴ 18 C.F.R. § 343.3(d) (2009).

7. The issues remaining in the above-referenced proceedings, and not resolved by the Settlement concern (1) the complaint filed by Williams Energy Services, LLC, and Williams Power Company, Inc. (jointly, Williams) against Seminole Pipeline Company (Seminole) in Docket No. OR06-5-000, and (2) Williams' protest in Docket No. IS06-520-000 with respect to the Rocky Mountain System/Seminole joint rates and the cancellation of certain ethane discounts in FERC Tariff No. 45.

8. To ensure that the remaining issues are addressed appropriately by the Commission in a subsequent order, the Commission directs each participant to submit a supplemental filing delineating those portions of its briefs on and opposing exceptions and the portions of the Initial Decision that pertain to these unresolved issues. Such supplemental filings should be made within 15 days of the date of this order. The Commission anticipates no need for replies to these supplemental filings, because their sole purpose is to delineate those parts of each participant's previously-filed briefs on and opposing exceptions and the Initial Decision that pertain to the unresolved issues in Docket Nos. OR06-5-000 and IS06-520-000.

9. Pursuant to Article 7 of the Settlement, upon the effectiveness of the Propane Group's Conditional Notice of Withdrawal of Protests (Appendix F of the Settlement), the protests in Docket Nos. IS05-216-000, IS06-238-000, and IS09-364-000 shall be considered withdrawn, and those dockets, including the subdockets listed above, are terminated.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.