

130 FERC ¶ 61,021  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

January 8, 2010

In Reply Refer To:  
Rockies Express Pipeline LLC  
Docket No. RP10-151-000

Rockies Express Pipeline LLC  
370 Van Gordon Street  
Lakewood, CO 80228

Attention: Robert F. Harrington, Vice President  
Regulatory Affairs

Reference: Limited Waiver Request

Dear Mr. Harrington:

1. On November 18, 2009, Rockies Express Pipeline LLC (Rockies Express) filed a request for limited one-time waiver of section 154.112(b) and section 154.601 of the Commission's filing requirements in order to reflect temporary changes to delivery points of non-conforming agreements due to a *force majeure* event. Rockies Express states that the temporary change in delivery points was necessary in order to provide substitute firm service on the pipeline to affected shippers<sup>1</sup> during the outage. Rockies Express asserts that no other changes to non-conforming agreements were made during the outage. Rockies Express also requests waiver of the Commission's 30-day notice requirement in order to allow the temporary delivery point changes to take effect November 17, 2009. For the reasons discussed below, the Commission will grant a limited one-time waiver of section 154.112(b) and section 154.601 of the Commission's filing requirements, and will also waive its 30-day notice requirement.

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<sup>1</sup> The affected shippers include Arrowhead Resources (U.S.A.) Ltd., Bill Barrett Corporation, Conoco Phillips, Sempra Rockies Marketing, LLC, and Ultra Resources, Inc.

2. The instant filing was noticed with interventions and protests due as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (2009)). No protest or comments were filed. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,<sup>2</sup> all timely filed notices of intervention and 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.

3. On November 14, 2009, Rockies Express issued a notice of *force majeure* event east of Chandlersville compressor station in Muskingum County, Ohio. As a result, delivery points downstream of Chandlersville to Clarington were not available during the *force majeure* outage. Therefore, shippers affected by this outage requested temporary changes in primary delivery points upstream of the affected area. On November 16, 2009, Rockies Express posted a notice to all shippers on its electronic bulletin board (EBB) of the availability of primary delivery points. On November 17, 2009, Rockies Express executed temporary primary delivery point changes nominated by affected shippers.

4. Rockies Express states that section 154.112(b) of the Commission's regulations requires that non-conforming agreements are to be filed with the Commission. Likewise, section 154.601 of the Commission's regulations requires that changes or revisions to service agreements must be filed in the form of superseding executed service agreements. Rockies Express explains that these non-conforming agreements are already on file with the Commission and have been reviewed. Rockies Express states that the only changes to these agreements are the temporary delivery points in effect as a result of the *force majeure* outage. Rockies Express contends that it would be an administrative burden to Rockies Express and the Commission to re-file amended non-conforming agreements to reflect the temporary delivery point changes. Rockies Express states that after the *force majeure* outage is over, all affected contracts will revert back to the very same delivery points and terms already on file with the Commission. Under these circumstances, Rockies Express believes that a temporary waiver of the Commission's filing requirements is in the public interest and should be granted. Finally, Rockies Express requests waiver of the Commission's 30-day notice requirements in order to allow the temporary delivery point changes to take effect November 17, 2009.

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<sup>2</sup> 18 C.F.R. § 385.214 (2009).

5. The Commission finds that granting the requested waivers is appropriate and in the public interest given the circumstances of this *force majeure* event. Rockies Express has provided full disclosure to its shippers of the temporary changes for the affected shippers through its EBB and transactional postings, and has provided the Commission in the instant filing with a matrix that outlines the temporary delivery point changes created by the *force majeure* outage and the corresponding dates associated with the outage. Accordingly, the Commission will grant a limited one-time waiver of section 154.112(b) and section 154.601 of the Commission's filing requirements. Finally, the Commission will grant waiver of the 30-day notice requirement to enable service to continue for the affected shippers to the new delivery points on a temporary basis commencing November 17, 2009, and continuing until the *force majeure* event ends.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.