

130 FERC ¶ 61,083
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Marc Spitzer, Philip D. Moeller,
and John R. Norris.

CenterPoint Energy Gas Transmission Company

Docket No. RP10-240-000

ORDER REJECTING REQUEST FOR LIMITED WAIVER

(Issued February 2, 2010)

1. On December 15, 2009, CenterPoint Energy Gas Transmission Company (CenterPoint Transmission) filed a request for a limited, one-time waiver of its tariff provision which requires it to assess certain charges on firm storage volumes subject to an in-field transfer. Because CenterPoint Transmission has not shown good cause to waive its tariff, we deny CenterPoint Transmission's request for a limited, one-time waiver.

I. Details of Filing

2. Section 8 of Rate Schedule FSS of CenterPoint Transmission's Sixth Revised Volume No. 1 FERC Gas Tariff (Tariff) provides that a shipper on CenterPoint Transmission may transfer title to all or part of its storage balance to either CenterPoint Transmission or another party.¹ CenterPoint Transmission states that section 8 of the Tariff also requires that if such a transfer of title occurs, the shipper transferring volumes is responsible for certain charges associated with those volumes, including Fuel Use and gas lost or otherwise unaccounted for (LUFG) related to the initial transportation of the storage volumes to the storage injection point.

3. CenterPoint Transmission states that, effective November 1, 2009, CenterPoint Energy Resources Corp. (CenterPoint Energy) entered into an asset manager agreement (AMA) to allow another party to manage its transportation and storage contracts. CenterPoint Transmission states that as required by Rate Schedule FSS, it assessed the Rate Schedule FT commodity rate and the Fuel Use and LUFG percentages on those storage volumes transferred to CenterPoint Energy's asset manager.

¹ Original Sheet Nos. 195-197 of CenterPoint Transmission's Tariff.

4. CenterPoint Transmission states that, after assessing the charges to CenterPoint Energy, CenterPoint Energy notified CenterPoint Transmission that it was unaware of this tariff provision when it negotiated its AMA, disputed the retention of volumes for transportation Fuel Use and LUFUG, and asked that CenterPoint Transmission return those volumes. CenterPoint Transmission notes that although Rate Schedule FSS requires it to retain such transportation Fuel Use and LUFUG volumes in connection with in-field transfer transactions, it agreed to file this request for limited waiver in order to refund such Fuel Use and LUFUG volumes to CenterPoint Energy in connection with the November 1, 2009 in-field transfers only.

5. CenterPoint Transmission states that it views the November 1, 2009 in-field transfers as a unique circumstance and plans to charge the applicable transportation Fuel Use and LUFUG and any other applicable charges in connection with any future in-field transfers to CenterPoint Energy's asset manager.

II. Public Notice, Intervention and Comments

6. Notice of CenterPoint Transmission's filing was issued on December 16, 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. Tenaska Marketing Ventures (Tenaska) submitted a motion to intervene and protest on December 22, 2009. On January 4, 2010, Tenaska filed notice of withdrawal of its protest.

III. Discussion

7. Granting waiver of a pipeline's existing tariff is within the discretion of the Commission, but is not automatic. A pipeline must show good cause to support its request for a waiver. CenterPoint Transmission's support for its waiver request, i.e., CenterPoint Energy's claim to have been unaware of the charges associated with in-field transfers are unique circumstances, does not rise to the level of good cause to support granting a waiver. Section 8 of Rate Schedule FSS clearly outlines the responsibility of CenterPoint Energy for charges applicable to in-field transfers.² Center Point Transmission provides no clear explanation or reason why CenterPoint Energy was

² Section 8 of Rate Schedule FSS states, "If such transfer of title shall occur, the original shipper shall be responsible for charges applicable to the transportation to Storage Points of Injection as if such quantities had been delivered to such Shipper's other Deliver Points." Original Sheet No. 196 to CenterPoint Transmission's Tariff.

unaware of these charges, or why CenterPoint Energy should be relieved of its obligation to provide the applicable fuel retention volumes pursuant to CenterPoint Transmission's tariff.

8. Accordingly, the Commission finds CenterPoint Transmission has not shown good cause or provided adequate support for a limited one-time waiver of its tariff.

The Commission orders:

CenterPoint Transmission's request for a limited, one-time waiver of its tariff is denied.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.