

130 FERC ¶ 61,125
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Platte Pipe Line Company

Docket No. IS10-108-000

ORDER ACCEPTING AND SUSPENDING TARIFF, SUBJECT TO CONDITIONS,
ESTABLISHING TECHNICAL CONFERENCE, AND DENYING MOTION TO
CONSOLIDATE

(Issued February 19, 2010)

1. On January 20, 2010, Platte Pipe Line Company (Platte) filed Supplement No. 15 to its FERC Tariff No. 1456 cancelling Supplement No. 14 to that tariff. Platte proposes to change the prorationing procedure approved December 19, 2006, in Docket No. IS06-259-000.¹ Platte proposes an effective date of February 20, 2010, for Supplement No. 15, but also requests that the filing be suspended for seven months, subject to the outcome of a technical conference.
2. Platte filed a separate motion asking the Commission to consolidate this proceeding with the pending complaints in Docket Nos. OR09-6-000 and OR09-7-000 to permit a full examination of the just and reasonable prorationing procedure in the period covered by the complaints and thereafter.
3. A number of intervenors protested the filing and opposed the motion to consolidate.
4. As discussed below, the Commission accepts and suspends Supplement No. 15 to FERC Tariff No. 1456 to be effective September 20, 2010, subject to the outcome of the technical conference established in this order. The Commission denies the motion to consolidate this filing with the complaints in Docket Nos. OR09-6-000 and OR09-7-000.

¹ *Platte Pipe Line Co.*, 117 FERC ¶ 61,296 (2006) (December 2006 Order).

Background

5. Platte owns an interstate pipeline that originates at Casper, Wyoming, and extends approximately 950 miles to Wood River, Illinois. Platte explains that it operates in tandem with Express Pipeline LLC and Express Pipeline Ltd. (the Canadian segment), in an integrated system extending from Hardisty, Alberta, a major Canadian petroleum hub, to Wood River, Illinois, a major refinery location and pipeline hub. Platte further explains that it has interconnections with other pipelines at Casper and Guernsey, Wyoming, at Holdrege, Nebraska, and at Wood River, Illinois. According to Platte, it receives a wide range of petroleum types from the Express system, Red Butte Pipe Line, and trucks at Casper, and from Eighty-Eight Oil and Bridger Pipeline at Guernsey. Additionally, continues Platte, it delivers to downstream pipelines at Casper (Frontier Pipeline), Guernsey (Suncor and Plains), Holdrege (Jayhawk Pipeline), and Wood River (numerous pipelines). Platte further explains that a substantial portion of volumes flowing from the Express system and other sources at Casper are delivered at Guernsey for further transportation to refineries in the Cheyenne and Denver areas. Platte also points out that, at Guernsey, substantial additional volumes are received for delivery downstream, and capacity narrows from roughly 163,000 barrels per day to roughly 143,000 barrels per day.²

6. Platte states that its rules and regulations historically provided for allocation of capacity by prorating all nominations. Platte maintains that, although it was not required to prorate between 1996 and November 2005, beginning in late 2005, it began to prorate nominations on the segment between Guernsey, Wyoming, and Holdrege, Nebraska, because of increasing volumes from Canada to points east of Guernsey combined with higher domestic volumes entering the system at Guernsey for transportation to eastern destinations. According to Platte, under the prorating procedure then in effect, many shippers began increasing their nominations dramatically, so that by 2006, nominations into the Platte system for delivery east of Guernsey sometimes approached 200 percent of pipeline capacity. Platte explains that the resulting severe prorating on the segment between Guernsey and Wood River created uncertainty for its shippers.

7. To remedy that uncertainty, Platte states that, on April 19, 2006, it filed an entirely new procedure based on historical volumes for shipments moving east of Guernsey. Platte contends that shippers representing 85 percent of total volumes supported the proposed procedure, but the Commission suspended the April 2006 filing for seven months, faulting the proposal in part for not permitting shippers to build a history of shipments prior to the imposition of historical volume-based prorating. Platte adds

² Platte also explains that its nominal maximum capacity on either segment varies depending on the mix of heavy and lighter petroleum types, the weather, and the destination of the volumes.

that the Commission established a technical conference to address the proposal,³ and following the technical conference and further refinements to the proposed procedure, the Commission issued the December 2006 Order in which it generally approved the historical approach for the Guernsey-to-Wood River segment.

8. Platte cites the pending complaints filed by Frontier Oil and Refining Company (Frontier)⁴ and Suncor Energy Marketing Inc. and Suncor Energy (U.S.A.) Inc. (together, Suncor)⁵ challenging its application of the current prorating procedure for a limited period of time in 2009. Platte adds that the parties spent significant time and effort in unsuccessful settlement talks, assisted by the Commission's Dispute Resolution Service.

9. Platte maintains that it is necessary to implement a change from the historic allocation method adopted in 2006 and that its proposed prorating procedure would address both the prospective concerns raised by the Complainants regarding the Casper-to-Guernsey segment, as well as another problem that has been affecting the Guernsey-to-Wood River segment for the past two years. Platte points out that the Guernsey-to-Wood River segment is prorated under a different procedure. Platte further emphasizes that it implemented the historical method in response to significant gaming of the original pro-rata methodology.

Platte's Proposal

10. Platte states that its proposed prorating methodology combines elements of the two existing methodologies, pro-rata and historical, but would apply the approach consistently across virtually all of the entire pipeline system. Specifically, continues Platte, its proposal would continue the allocation of capacity on the basis of historical volumes, but would do so on the basis of the historical delivery patterns, i.e., volumes delivered to defined destinations, rather than based on the history of all volumes transported within a segment for the account of individual shippers. Platte further explains that the allocation of capacity to each defined destination would be based on historical volumes as measured by the highest five months of the preceding six months

³ *Platte Pipe Line Co.*, 115 FERC ¶ 61,215 (2006).

⁴ Docket No. OR09-7-000 (filed April 17, 2009).

⁵ Docket No. OR09-6-000 (filed April 10, 2009). Frontier and Suncor are sometimes referred to in this order as Complainants. The two complaint proceedings are referred to in this order as Complaint Proceedings.

(or a minimum of five percent).⁶ Platte adds that capacity allocations to individual shippers would be based on their pro-rata shares of nominations to each destination.

11. Platte contends that, because of the pro-rata allocation for shipper nominations, there would no longer be a need to include a “new shipper” set-aside. However, Platte explains that additional defined destinations may be added because of new physical connections or changes in ownership of the destination facilities. Therefore, asserts Platte, its filing includes a proposed “New Destination Acceptance Process” with procedures similar to those employed for accepting new crude types. Because the rolling historical basis for allocation reflects the highest five or six months, Platte maintains that the allocation allows flexibility to adjust delivery allocations due to refinery turnarounds or similar events that typically occur within a month-long period.

12. Platte claims that the proposed prorationing procedure assures shippers that adequate capacity will be available to serve each specific market destination historically supplied by Platte. However, Platte points out that the change would remove the ability of shippers, including speculating new shippers, to use their allocations based on their own segment-wide history as if the allocations were contract entitlements and to monetize the value of those allocations when they do not need to use them.

13. Platte contends that the proposed prorationing procedure is reasonable and lawful and resolves the harmful consequences of the current procedures. According to Platte, the Commission has not specified prorationing policies, and in fact has stated that “[t]here is no single method of allocating capacity in times of excess demand on oil pipelines and pipelines should have some latitude in crafting capacity allocation methods to meet circumstances specific to their operations.”⁷ Indeed, continues Platte, the principal elements of its proposal – both the concept of relying on historical volumes (here patterns of delivery), and the use of pro-rata allocations among shippers based on nominations – have been accepted by the Commission for other pipelines, as well as for Platte itself. Platte argues that the key issue is not whether the proposal falls readily

⁶ Platte states that the defined destinations consist of: (1) refineries that are the ultimate market for the petroleum, typically located at the end of connecting pipelines; (2) some merchant storage facilities attached to the pipeline, which are used to store petroleum for marketing purposes, and which typically represent little daily capacity; and (3) Marathon Pipe Line, which leads to a number of PADD II refinery markets and is treated for this purpose as a single destination.

⁷ Platte cites *ConocoPhillips Transportation Alaska, Inc.*, 112 FERC ¶ 61,213, at P 21 (2005) (quoting *Mid-America Pipeline Company, LLC*, 106 FERC ¶ 61,094, at p. 61,336 (2004)). See also *Platte Pipe Line Co.*, 117 FERC ¶ 61,296, at P 42 (2006).

within existing precedents, but whether the proposal is just, reasonable, and non-discriminatory.

14. Platte also contends that the proposed prorationing procedure would address the concerns in the Complaint Proceedings, one of which is an alleged unfair imbalance between the rights of upstream and downstream shippers to capacity within the Casper-to-Guernsey segment. Platte states that the Complainants would be guaranteed access, on a percentage-of-pipeline-capacity basis, to the historical volume deliveries made to Guernsey destinations. Platte further states that the main purpose of the historical allocation method was to ensure that shippers on the Guernsey-to-Wood River segment would have reasonable access to their markets based on historical flow patterns, rather than based on the unpredictable monthly results of the nomination-based competitions.

15. Platte submits that the nearly three years of experience has shown that the “new shipper” provision has not provided a needed safety valve to allow new producers and marketers to enter the system. Instead, Platte claims that it has created a loophole for entities intending solely to acquire capacity with which to arbitrage and obtain premiums.⁸ Platte also recognizes that the retention and brokering of capacity not needed to meet refining or contract obligations does not appear to be restricted to the “new shippers.”

16. Platte next states that it has considered and rejected alternatives to its proposal that would effectively prevent the arbitrage of allocations under the historical method. Platte recognizes that this proposal may be opposed, especially by those who benefit from the current system of allocation and arbitrage. Platte states that it is willing to modify the proposal, if appropriate, to reflect concerns regarding the operation of the proposed method. However, Platte does not believe that the status quo, even with modifications, could provide the benefits of the proposed new methodology.

Interventions and Protests⁹

17. Cenovus Marketing (USA) Inc. (Cenovus) filed a timely motion to intervene and a protest. Cenovus explains that, as the result of a corporate restructuring of EnCana Corporation, it now holds certain assets that were owned by EnCana Marketing (USA) Inc. (EnCana). Cenovus states that EnCana has been a long-term shipper on Platte and that it intervened in both Complaint Proceedings.

⁸ Platte cites the details described in the Verified Statement of Reynold Hinger (Attachment B to its filing).

⁹ Eighty-Eight Oil, LLC, Enserco Energy Inc., and the Wyoming Pipeline Authority also filed timely motions to intervene, but did not protest the filing.

18. Cenovus points out that Platte admits that its proposed prorating methodology is unprecedented, and Cenovus asserts that the proposed procedure is unjust, unreasonable, and unduly preferential or discriminatory. Cenovus emphasizes that the current prorating procedure was implemented after considerable scrutiny and was intended to overcome the gamesmanship associated with nomination-based allocations.¹⁰ Further, states Cenovus, a prorating policy based on historical usage is a common model in the industry because it rewards loyal shippers when there are constraints on the system. Cenovus contends that Platte has failed to justify its proposal to depart from this methodology. Cenovus also questions whether it is wise to revise Platte's prorating policy while the Complaint Proceedings are pending. Additionally, Cenovus observes that Platte admits that the evidence it cites in support of its proposed policy is circumstantial. However, Cenovus maintains that the proposal seems to attempt to insulate Platte from the competitive pressures of newer pipelines.

19. Cenovus also claims the proposal would place control over the allocation of capacity in non-jurisdictional entities without protection against undue discrimination and preference, in violation of sections 6 and 3(1) of the Interstate Commerce Act (ICA) and section 341.8 of the Commission's regulations,¹¹ which requires a pipeline to establish rules governing prorating. Additionally, Cenovus asserts that the proposed procedure fails to clarify whether Platte or the "destinations" would be responsible for allocating capacity that is assigned to them.

20. If the Commission does not reject Platte's filing, Cenovus asks the Commission to suspend it for the maximum seven-month period and set it for a hearing or technical conference. Cenovus does not oppose consolidating this filing with the Complaint Proceedings.

21. Flint Hills Resource, LP (Flint Hills) filed a timely motion to intervene and a protest, arguing that the proposal is unduly discriminatory to shippers that rely on access to the Wood River market center to purchase crude oil transported by Platte to other Wood River delivery points. Flint Hills states that Platte's proposal would limit its access to a competitive market for essential feedstock for its Pine Bend, Minnesota refinery. Additionally, Flint Hills states that allowing such a procedure to become a precedent would have a major adverse impact on other crude oil markets around the country. Flint Hills points out that Platte has cited no precedent that would support its proposal. Moreover, continues Flint Hills, there is no shipper support for the proposal,

¹⁰ *Platte Pipe Line Co.*, 115 FERC ¶ 61,215 (2006), *order following technical conference*, 117 FERC ¶ 61,296 (2006).

¹¹ 18 C.F.R. § 341.8 (2009).

and no shipper has complained about the historical-based methodology on the Guernsey-to-Wood River segment.

22. Flint Hills contends that resolution of the Complaint Proceeding does not require disruption of the current historical-based methodology on the Guernsey-to-Wood River segment. According to Flint Hills, the Casper-to-Guernsey segment has not been prorated since April 2009, and Platte does not anticipate that it will be prorated prior to the 2010 in-service date of the new Keystone Pipeline, so these circumstances provide an opportunity to implement historical-based proration on the Casper-to-Guernsey segment.

23. Flint Hills disputes the claim that Platte's shippers are engaged in direct brokering of their capacity rights. Flint Hills asserts that Platte's tariff expressly prohibits any shipper from assigning allocated capacity rights to other shippers. However, continues Flint Hills, Platte seeks to implement a broader prohibition that would prevent shippers from reselling their crude oil on a delivered basis at alternate delivery points at Wood River.

24. Finally, Flint Hills contends that Platte's proposal is unjust and unreasonable because it violates the Commission's broad policy of promoting maximum efficient usage of pipeline systems. Flint Hills claims that the effect of the proposal would be to limit shippers to their primary delivery points and to restrict access to secondary points on the mainline, thereby destroying competition and stunting the development of market centers such as Wood River.

25. Frontier filed a timely motion to intervene and a conditional protest, stating that Platte admits that its proposal is a novel method of allocating constrained capacity. Frontier submits that the Commission should suspend the filing and conduct a technical conference. If it does not do so, Frontier protests the filing because it may run afoul of ICA precedent. Frontier also contends that Platte's method for approving new destinations will not prevent the unwarranted proliferation of new destinations and the subsequent reduction of capacity to existing destinations.

26. Nexen Marketing U.S.A. Inc. (Nexen) also filed a timely motion to intervene and a protest, claiming that the proposal would violate Interstate Commerce Act (ICA) section 1(4).¹² According to Nexen, instead of accepting its obligation to transport crude oil to a destination at the request of a shipper, Platte's new allocation system accords shipping rights not to shippers, but instead to destinations. Nexen asserts that the new procedure would place a quota for all shipments on the pipeline based on a destination only, rather than ensuring shipments between an origin and a destination. Nexen also

¹² 49 App. U.S.C. § 1(4) (1988). Section 1(4) requires a carrier to provide "transportation upon reasonable request therefore"

states that the proposed procedure is unlikely to be able to adapt rapidly or sufficiently to avoid stifling economic growth. According to Nexen, there are far less drastic ways to resolve the problem Platte claims to be attempting to remedy. Nexen contends that crude oil marketers do not introduce manipulation into the markets, but rather ensure that crude oil will be delivered to the markets that require it.

27. Suncor filed a timely motion to intervene and a protest, asking the Commission to reject the filing or, in the alternative, suspend it for seven months and establish a hearing. Suncor echoes the concerns voiced by other protestors that the filing would violate Platte's common carrier duties to furnish transportation upon reasonable request and to establish, observe, and enforce reasonable regulations and practices. Suncor asserts that the proposal (1) is unreasonably vague and unclear, (2) would improperly allow non-shippers to control pipeline capacity, (3) is based on false and irrelevant competitive considerations designed to protect Platte from competition, (4) is based on false and irrelevant allegations of consumer impacts, and (5) fails to consider an alternative policy based on shipper history, which would be just, reasonable and non-discriminatory. For example, states Suncor, it is not the function of a prorating procedure to influence commercial relationships, protect consumers against price increases, or protect the pipeline against competition. Suncor opposes a technical conference and states that the plan should be rejected or suspended for seven months and set for hearing.

28. Suncor claims that a carrier cannot restrict the amount of capacity available to shippers it considers to be less worthy. In fact, continues Suncor, contrary to Platte's assertions, Suncor and other marketers do have a legitimate need for capacity on Platte's system because they make crude oil markets more competitive and efficient. Suncor argues that marketers require flexibility, while producers and refiners have relatively fixed needs for capacity, although the proposal would favor them by locking in supply patterns and creating barriers for marketers.

29. Further, Suncor claims that the filing does not provide sufficient information to determine how the proposal would work in practice or give shippers adequate notice or guidance. Among other things, continues Suncor, it is not clear how "take-away capacity" is defined or would be applied. According to Suncor, this is compounded by the novelty of the proposal, which could create the opportunity for arbitrary action. For example, Suncor points out that it is not clear that the proposed "New Destination Acceptance Process" is part of the formal procedure that would be filed with the Commission.

30. Suncor states that, in shipper meetings that preceded the tariff filing, Platte declined to consider any alternative prorating procedure, including retaining the historical shipper procedure for the Guernsey-to-Wood River segment, which is well established and understood. Suncor attaches to its protest a draft proration procedure applying Platte's current historical procedure to both segments of the pipeline.

31. ConocoPhillips Canada Marketing and Trading ULC (ConocoPhillips) filed a motion for leave to intervene out-of-time and a protest. Citing its status as one of the larger shippers on Platte's system, ConocoPhillips states that Platte's proposed change to its prorationing procedure may unduly reduce the amount of capacity available to it. ConocoPhillips also states that the proposed change would restrict the ability of shippers to deliver to different destinations as market conditions warrant and thus imposes an artificial constraint on shippers. For this reason, continues ConocoPhillips, the proposed procedure undermines well-functioning markets. ConocoPhillips asks the Commission to reject the proposal or, in the alternative, to accept and suspend it for seven months, subject to investigation or further proceedings. The Commission will accept ConocoPhillips' motion to intervene out of time because, at this early stage of the proceeding, the late intervention will not disrupt or delay the proceeding or prejudice any other party.

32. Tidal Energy Marketing (U.S.) L.L.C. (Tidal) protested the filing, raising the same issues raised by the other protestors.

Platte's Response

33. Platte argues that Supplement No. 15 to FERC Tariff No. 1456 is just, reasonable, and consistent with the ICA. Platte emphasizes that the protestors do not deny that regular and new shippers are gaining a premium by remarketing their allocations of capacity under the existing prorationing procedure. Platte further contends that the protestors have not shown that its proposal does not meet their asserted need for improved certainty of capacity at Guernsey. Platte dismisses the suggestion that its proposed prorationing procedure is not consistent with Commission precedent, emphasizing that regulated companies and the Commission are entitled to implement new methodologies to meet changing circumstances. Additionally, Platte asserts that the protestors have not supported their claim that there is no significant harm resulting from the current methodology.

34. Platte denies that its proposal would result in discrimination and denial of access to its system. However, to the extent that the proposed methodology is unclear or confusing, Platte expresses its willingness to discuss revisions at the proposed technical conference. Platte maintains that there are three principal aspects to the methodology:

- All shippers – new or existing – would be free to make nominations to any destination on the system subject to prorationing.
- Platte would allocate capacity to destinations (for prorationing purposes) based on the delivery pattern as evidenced by deliveries by all shippers during five of the last six months.

- Within the capacity allocated based on the delivery pattern, shippers' nominations would be allocated by prorationing all nominations.

Platte contends that its approach is designed to protect the historic usage patterns of the shippers on the system, ultimately protecting shipper expectations that they may be able to serve historic markets.

35. Platte next argues that the protestors have not described how its proposal results in undue discrimination. Rather, continues Platte, its proposal would better stimulate the operation of an unencumbered, non-prorated, pipeline system to the extent possible. Platte denies that its proposal would discriminate against marketers who, according to Platte, are the most likely to engage in arbitrage. Further, states Platte, its proposal would not discriminate against localities. Platte claims that its proposal would allow all shippers to nominate to all delivery points, making it more of an "open access" than the current methodology. According to Platte, its proposed prorationing methodology would not give capacity rights or control of those rights to non-shippers. Platte also asserts that the protestors have not offered any feasible alternatives to its proposal.

36. Platte denies that its proposed tariff is confusing or subject to inappropriate discretion. However, Platte maintains that this and other issues raised by the protests can be addressed by a technical conference. Platte also points out that none of the protestors responded to its statement that, if the Commission rejects this proposal, it would propose a return to its original methodology with pure, pro-rata allocation, which Platte claims would resolve most of the objections raised in the protests, but might eventually develop the same problems that led to the adoption of its current prorationing procedure.

Motion to Consolidate

37. Platte filed a separate motion asking the Commission to consolidate this tariff filing with the pending Complaint Proceedings and establish a technical conference. Platte contends that this would be the most efficient way to handle the issues common to all three cases.

38. Frontier opposes the motion to consolidate, arguing that the issues in the Complaint Proceedings are distinct from the issues in the instant proceeding and that consolidation will only serve to delay resolution of the Complaint Proceedings. Frontier points out that the events leading to the Complaint Proceedings occurred in March and April 2009 and further, that the issues involved in those proceedings are almost purely legal issues concerning application of Platte's prorationing policy as it existed at the time. Frontier argues that the new prorationing policy is entirely new policy and will have future application.

39. Tidal also opposed the motion to consolidate and request for a technical conference, largely raising the same concerns expressed by Frontier. It also cites the

differences in the two portions of Platte's system and explains that the Complaint Proceedings primarily address issues relating to shippers on the western portion of the system, while the proposed new prorationing procedure affects the economic interests of a very different group of shippers that ship on the eastern segment. However, Tidal states that it is not affected by the issues in the Complaint Proceedings.

40. Suncor opposes the motion to consolidate and request for a technical conference. Suncor distinguishes the Complaint Proceedings from the instant tariff filing. Suncor emphasizes that the three proceedings do not share common issues that would make them appropriate for consolidation, and thus consolidation would not promote procedural efficiency.

41. Platte filed a Motion for Leave to Answer and Answer to Motions in Opposition to Consolidation. Platte states that it hopes to work with its shippers to reach an agreement that resolves all outstanding issues related to prorationing on its system, and it believes that a rejection of its motion to consolidate would impair its ability to achieve that result. Platte asserts again that the instant filing and the Complaint Proceedings share common issues and will affect all shippers. Moreover, suggests Platte, the narrow issue of potential damages applicable to the March-April 2009 period can be addressed separately, possibly in a second phase of a consolidated proceeding. Suncor filed an answer to Platte's motion for leave to answer and answer, asserting that Platte has not justified a waiver of the prohibition against answers.

Commission Analysis

42. On review of Supplement No. 15 to FERC Tariff No. 1456, the protests, the motion to consolidate, and the answers, the Commission concludes that a number of issues require additional clarification and can best be addressed at a technical conference. A technical conference is an informal, off-the-record conference at which the parties and the Commission's Staff can explore the issues raised by the filing, gain an understanding of the facts, and obtain additional information regarding the positions of the parties to facilitate a more prompt resolution of the issues raised by the filing. Following the conference, the parties will have an opportunity to file comments that will be included in the formal record of the proceeding and will form the basis for the Commission's final decision on the filing.

43. The shippers have raised serious issues concerning the possible effect of Supplement No. 15 to FERC Tariff No. 1456, including the likely impact on their own businesses, as well as on the crude oil markets generally. In addition, they have raised questions concerning the legality of Platte's admittedly unique proposal, and they have questioned the speculative nature of Platte's support for the filing. Platte's filing in this proceeding and its response to the protests are inadequate for the Commission to find that Supplement No. 15 to FERC Tariff No. 1456 is just and reasonable and not unduly

discriminatory or preferential and whether Platte's proposal is consistent with its common carrier obligation.

44. Accordingly, the Commission will accept and suspend Supplement No. 15 to FERC Tariff No. 1456 to be effective September 20, 2010, subject to the outcome of the technical conference established in this proceeding. The Commission will direct the Staff to convene a technical conference and to report the results of the technical conference to the Commission within 80 days of the date this order is issued. Platte must be prepared at the technical conference to address the issues raised by the protests and the Commission and to provide full support for its position on each issue. The Commission favors resolution of contested issues through informal means to the extent possible and encourages the parties to explore these issues further in advance of the technical conference to facilitate discussion at the technical conference.

45. Finally, the Commission denies Platte's motion to consolidate this filing with the Complaint Proceedings in Docket Nos. OR09-6-000 and OR09-7-000. The Complaint Proceedings address issues of Platte's application of its existing prorating procedure during a brief period in 2009, and thus are not relevant to the instant tariff filing, which proposes a prospective new prorating policy.

The Commission orders:

(A) Platte's Supplement No. 15 to its FERC Tariff No. 1456 is accepted and suspended to be effective September 20, 2010, subject to the outcome of the technical conference established in this proceeding.

(B) The Commission's Staff is directed to convene a technical conference to explore the issues raised by Platte's filing and to report to the Commission within 80 days of the date of issuance of this order.

(C) Platte's motion to consolidate this filing with the Complaint Proceedings in Docket Nos. OR09-6-000 and OR09-7-000 is denied, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.