

130 FERC ¶ 61,252
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 29, 2010

In Reply Refer To:
Northern Border Pipeline Company
Docket No. RP10-445-000

Northern Border Pipeline Company
13710 FNB Parkway
Omaha, NE 68154-5200

Attention: Bambi L. Heckerman
Manager, Regulatory Affairs

Reference: New Tariff Sheets Listing Non-Conforming Agreements

Ladies and Gentlemen:

1. On March 1, 2010, Northern Border Pipeline Company (Northern Border) filed ninety-five service agreements containing potential material deviations from the *pro forma* service agreement found in its FERC Gas Tariff and tariff sheets listing the non-conforming service agreements.¹ Northern Border also filed copies of the referenced agreements for Commission review. Northern Border requests the Commission accept these tariff sheets to be effective March 31, 2010. Northern Border also requests that the Commission accept the agreements and grant any waivers necessary to allow each of the agreements to remain effective for their respective terms. The Commission will accept the tariff sheets, effective March 31, 2010, as proposed and subject to further review and order of the Commission.² The Commission will also accept all of the accompanying

¹ Seventh Revised Sheet No. 303A and Original Sheet No. 303B to FERC Gas Tariff, First Revised Volume No. 1.

² Northern Border requested a March 31, 2010 effective date for the filed tariff sheets, which provided the Commission one day less than the 30-day notice required by section 4(d) of the Natural Gas Act and the Commission's regulations. 18 C.F.R. § 154.207 (2009). The Commission grants waiver of the 30-day notice requirement to allow the sheets to become effective as proposed.

agreements, effective on their respective effective dates, subject to further review and order of the Commission.

2. Northern Border states it recently undertook a review of its currently effective service agreements to identify and submit previously unfiled non-conforming agreements with the Commission. Northern Border states its review was precipitated by the Commission's recent order in *Southern Star Central Gas Pipeline, Inc.*³ To perform the review, Northern Border compared its currently effective agreements under Rate Schedules T-1, IT-1, T-1B, TPB, FCS-DP, ITS-DP, and PAL to the applicable *pro forma* service agreement in effect at the time of execution of any particular agreement.

3. In its filing, Northern Border provided the Commission with a binder containing the ninety-five agreements and various appendices including a matrix identifying and an associated key describing the deviations in each agreement. Northern Border also submitted copies of Northern Border's historical *pro forma* service agreements that were used as the basis for comparison to the executed agreements, and copies of the submitted agreements showing deviations from the relevant versions of the *pro forma* service agreements.

4. Northern Border states that all of the ninety-five agreements contain deviations from the *pro forma* service agreement which was in effect as of the execution date of the agreement. However, Northern Border contends the identified deviations are not material or do not present a risk of undue discrimination. Northern Border requests the Commission accept the agreements and tariff sheets and grant all necessary waivers to allow such agreements to remain effective for their respective terms.

5. Notice of Northern Border's filing was issued on March 3, 2010. Interventions and protests were due as provided in section 154.210 of the Commission's regulations, 18 C.F.R. § 154.210 (2009). Pursuant to Rule 214, 18 C.F.R. § 385.214 (2009), 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 the proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.

6. While the agreements submitted by Northern Border may contain deviations from its tariff, the Commission has not completed its review of the ninety-five agreements and the tariff sheets reflecting these agreements.⁴ Accordingly, the Commission will accept

³ *Southern Star Central Gas Pipeline, Inc.*, 125 FERC ¶ 61,082 (2008).

⁴ It appears that Northern Border failed to timely file the subject service agreements in compliance with section 154.1(d) of the Commission's regulations. Northern Border is reminded that it must submit required filings on a timely basis, or face

the tariff sheets referenced in footnote 1, to become effective March 31, 2010, as proposed, subject to further review and order of the Commission. Since the Commission has yet to complete its review of the agreements, and because certain of the agreements have been in effect for a significant period already, the Commission will also accept all of the agreements accompanying the instant filing, effective on their respective effective dates, subject to further review and order of the Commission.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.