

131 FERC ¶ 61,061
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

April 22, 2010

In Reply Refer To:
Northern Natural Gas Company
Docket No. RP10-424-000

Northern Natural Gas Company
1111 South 103rd Street
Omaha, NE 68124

Attention: Dari R. Dornan, Senior Counsel

Reference: Waiver Request

Ladies and Gentlemen:

1. On March 1, 2010, Northern Natural Gas Company (Northern) filed a petition for limited waiver of its Rate Schedule Firm Throughput (TF) to allow Metropolitan Utilities District (MUD) to have a transportation agreement with a maximum daily quantity (MDQ) of less than 50 MMBtu per day. According to Northern, effective March 1, 2010, Black Hills Energy (Black Hills) is selling its Elkhorn, Nebraska, gas distribution assets to MUD as part of the annexation of the city of Elkhorn, Nebraska, by the city of Omaha, Nebraska. Northern states that, as a result, Black Hills permanently released 16 MMBtu per day of winter entitlement and 13 MMBtu of summer entitlement that serve the Elkhorn area to MUD on February 24, 2010.

2. Section 7 of Northern's Rate Schedule TF states in relevant part that "[t]he minimum level of Total Aggregate MDQ applicable to a TF Agreement under this Rate Schedule shall be 50 MMBtu per day." However, MUD's TF agreement will have less than the tariff-required 50 MMBtu per day effective March 1, 2010, through October 31, 2013. Therefore, Northern requests a limited waiver of its Rate Schedule TF to allow MUD to have a TF agreement with an MDQ of less than 50 MMBtu per day.

3. Public notice of Northern's filing was issued on March 2, 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 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.

4. For good cause shown, the Commission grants Northern a limited waiver of the provision set forth in section 7 of its TF Rate Schedule, which requires a TF agreement to have a minimum level of Total Aggregate MDQ of 50 MMBtu per day. Granting Northern a limited waiver will allow MUD to acquire the MDQ entitlements related to Black Hills' sale of its Elkhorn, Nebraska, gas distribution assets to MUD following the annexation of Elkhorn by the city of Omaha, Nebraska. Further, granting Northern a limited waiver will not adversely impact other shippers on Northern's system.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: Public File
All Parties

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