

131 FERC ¶ 61,133  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

ExxonMobil Pipeline Company	Docket No. IS10-200-000
ExxonMobil Pipeline Company	Docket No. IS09-391-003
ExxonMobil Pipeline Company	Docket No. IS09-177-004
ConocoPhillips Transportation Alaska Inc.	Docket Nos. IS10-205-000 IS10-205-001
ConocoPhillips Transportation Alaska Inc.	Docket No. IS09-384-003
BP Pipelines (Alaska) Inc.	Docket No. IS09-348-004
BP Pipelines (Alaska) Inc.	Docket No. IS10-204-000
BP Pipelines (Alaska) Inc.	Docket No. IS09-395-003
Unocal Pipeline Company	Docket No. IS09-176-003

ORDER ACCEPTING AND SUSPENDING TARIFFS, SUBJECT TO REFUND  
AND CONSOLIDATING PROCEEDINGS

(Issued May 12, 2010)

1. On April 12, 2010 and April 13, 2010, ExxonMobil Pipeline Company (ExxonMobil), BP Pipelines Alaska, Inc. (BP), and ConocoPhillips Transportation Alaska, Inc. (ConocoPhillips), three of the five joint owners of the Trans-Alaska Pipeline System (TAPS) filed Settlement Implementation Tariffs (Implementation Tariffs) to comply with paragraph 3 of the TAPS 2008 Settlement Agreement (2008 Settlement), which the Commission approved on April 1, 2010, in *BP Pipelines (Alaska) Inc.*, 131 FERC ¶ 61,003 (2010). ExxonMobil filed FERC No. 361, BP filed FERC No. 40 and ConocoPhillips filed FERC No. 17, Supplement No. 1. On April 23, 2010, ConocoPhillips filed FERC Tariff No. 17, Supplement No. 2 to correct certain references on the title page of the tariff, but not the rate.

The proposed Implementation Tariffs reduce the currently effective TAPS interstate rates by two cents per barrel.

2. Consistent with the terms of the 2008 Settlement, ExxonMobil, BP and ConocoPhillips propose an effective date of May 1, 2010 and request special permission pursuant to 18 C.F.R. 341.13 to file the Tariffs on less than 30 days' notice. The Commission accepts and suspends the referenced tariffs, subject to refund and consolidates them with the ongoing proceedings in Docket No. IS09-348-000, *et al.* (investigating non-strategic reconfiguration issues) and Docket No. IS09-348-004 *et al.* (investigating strategic reconfiguration issues).

### **Background**

3. The 2008 Settlement established 2008 settlement rates for interstate transportation on TAPS. Paragraph 3 of the 2008 Settlement required ExxonMobil, BP and ConocoPhillips to each reduce their currently effective TAPS interstate tariff rate by two cents per barrel. Paragraph 3 also provided that the settling parties intended that the TAPS joint owners would file to revise these rates in the existing 2009 dockets where the Commission could address them along with the TAPS owners' 2009 tariffs in Docket No. IS09- 348-000, *et al.* Further, the settling parties agreed that, other than reducing rates by 2 cents per barrel, the Implementation Tariffs would have no effect on the proceedings with respect to the TAPS 2009 tariff filings in Docket No. IS09-348-000, *et al.* Finally, the settling parties agreed that a settling party that protested TAPS 2009 tariff filings prior to the date of the 2008 Settlement could protest any Implementation Tariff filing solely to preserve its prior protest and request the Commission to suspend the Implementation Tariff filings for a nominal period, subject to refund and further investigation.

### **Protests**

4. Anadarko Petroleum Company (Anadarko) and the State of Alaska (Alaska), who previously protested the TAPS 2009 rate filings, protested the Implementation Tariffs solely to preserve their prior protests in Docket No. IS09-348-000, *et al.* They also assert that all the issues previously raised in their prior protests apply to the Implementation Tariffs and request the Commission suspend these Implementation Tariff filings for a nominal period, subject to refund and further investigation and consolidate them with the two-phase proceedings in Docket No. IS09-348-000, *et al.*, and Docket No. IS09-348-004, *et al.* The protestors contend that given the commonality of issues presented by the Implementation Tariff filings and rate filings at issue in Docket No. IS09-348-000, *et al.*, and Docket No. IS09-348-004, *et al.*, the Commission should consolidate all of these proceedings.

**Responses to Protests**

5. ExxonMobil, BP, and ConocoPhillips filed responses to Anadarko's and Alaska's protests and incorporate by reference all their responses to the issues raised by Anadarko and Alaska in the prior protests. They agree with Anadarko and Alaska that the Commission should consolidate these proceedings with the two-phase proceedings in Docket No. IS09-348-000, *et al.* and Docket No. IS09-348-004, *et al.*

**Discussion**

6. Consistent with the terms of the 2008 Settlement, settling parties have the right to protest the Implementation Tariffs solely for the purpose of preserving their prior protests. Anadarko and Alaska have done so here. No issues have been raised in the Implementation Tariffs that have not been raised in the other TAPS 2009 rate filings in the consolidated proceedings. Accordingly, the Commission accepts and suspends the filed tariffs, subject to refund, and consolidates Docket No. IS10-200-000, Docket No. IS10-204-000, Docket No. IS10-205-000 and Docket No. IS10-205-001 with the two-phase proceedings in Docket No. IS09-348-000, *et al.* and Docket No. IS09-348-004, *et al.*

**The Commission orders:**

As discussed in the body of this order, the Commission accepts and suspends the filed tariffs, subject to refund and consolidates the Tariffs with the two-phase proceedings in Docket No. IS09-348-000, *et al.* and Docket No. IS09-348-004, *et al.*

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.