

132 FERC ¶ 61,081
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

July 29, 2010

In Reply Refer To:
Gas Transmission Northwest Corporation
Docket No. RP10-901-000

Gas Transmission Northwest Corporation
717 Texas Street
Houston, TX 77002-2761

Attention: John A. Roscher
Director, Rates and Tariffs

Reference: Non-Conforming Agreements

Ladies and Gentlemen:

1. On June 29, 2010, Gas Transmission Northwest Corporation (GTN) submitted for filing revised tariff sheets¹ reflecting one-hundred and seven currently effective, potentially non-conforming service agreements for inclusion in its FERC Gas Tariff, Third Revised Volume No. 1-A. GTN requests that the Commission accept and make these tariff sheets effective August 1, 2010. The Commission accepts the tariff sheets, to become effective August 1, 2010, as proposed, subject to further review and order of the Commission. The Commission will also accept all of the accompanying agreements, effective on their respective effective dates, subject to further review and order of the Commission.

2. GTN notes that in the Commission's 2008 order, *Southern Star Central Gas Pipeline, Inc.*,² the Commission provided further guidance regarding what the Commission considers a material deviation from a *pro forma* agreement. Based on the

¹ Original Sheet Nos. 29C and 29D.

² 125 FERC ¶ 61,082 (2008) (*Southern Star*).

Commission recommendation in *Southern Star* that pipelines identify and submit previously unfiled non-conforming agreements,³ GTN states it conducted a review of its currently effective agreements under Rate Schedules FTS-1, ITS-1, AIS-1 and PS-1 by comparing the effective agreements to the respective *pro forma* agreement in effect at the time of execution. GTN goes on to say the agreements executed prior to July 25, 2003, were compared to the standards set forth in *Columbia Gas Transmission Corporation*, 97 FERC ¶ 61,221 (2001) and agreements executed on or after July 25, 2003, were compared to the standards set forth in the *Natural Gas Pipeline Negotiated Rate Policies and Practices*, 104 FERC ¶ 61,134 (2003).

3. GTN states that all the filed agreements contain deviations from the *pro forma* agreement, which was in effect as of the execution date of the agreements. However, GTN states that the deviations identified in the accompanying agreements are not material, do not substantially affect the rights of parties, and/or are now moot, and do not present a risk of undue discrimination. The one-hundred and seven agreements consist of (1) twenty Rate Schedule FTS-1 service agreements; (2) forty-five Rate Schedule PS-1 agreements; (3) thirty-eight Rate Schedule AIS-1 service agreements; and (4) four Rate Schedule ITS-1 service agreements. GTN requests that to the extent the Commission finds any of the agreements non-conforming, the Commission accept the agreements and grant any waivers necessary to allow each of the agreements to be effective as of their respective effective dates, and permit them to remain in effect in accordance with their respective terms.

4. Notice of GTN's filing was issued on July 1, 2010. Interventions and protests were due July 12, 2010, as provided in section 154.210 of the Commission's regulations.⁴ Pursuant to Rule 214,⁵ the Commission grants all timely filed motions to intervene and any motions to intervene out-of-time filed before the issuance date of this order. Granting late interventions at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. On July 12, 2010, Sierra Pacific Power Company (Sierra) filed a protest, and on July 15, 2010, GTN moved for leave to answer, and an answer in response to Sierra's protest. On July 21, 2010, Iberdrola Renewables, Inc. (Iberdrola) also filed a motion for leave to answer and an answer to Sierra's protest. On July 23, 2010, Sierra filed a motion for leave to reply and reply to the GTN and Iberdrola answers.

³ *Id.* at 61,485.

⁴ 18 C.F.R. § 154.210 (2010).

⁵ 18 C.F.R. § 385.214 (2010).

5. While the one-hundred and seven potential non-conforming service agreements submitted by GTN may contain material deviations from GTN's tariff, the Commission has not completed its review of these agreements or tariff sheets. Accordingly, the Commission will accept the tariff sheets, to become effective August 1, 2010, subject to further review and order of the Commission. Since the Commission has yet to complete its review of the service agreements, and because they have been in effect for a significant period already, the Commission will also accept all of the service agreements accompanying the instant filing, effective on their respective effective dates, subject to further review and order of the Commission. The Commission will also address the protest and answers filed by Sierra, GTN, and Iberdrola respectively, in its subsequent order.

By direction of the Commission.

Kimberly D. Bose,
Secretary.