

135 FERC ¶ 61,262  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Enogex LLC

Docket No. PR11-83-000

ORDER EXTENDING TIME FOR ACTION

(Issued June 27, 2011)

1. This order addresses a petition for rate approval that Enogex LLC (Enogex) filed in Docket No. PR11-83-000.<sup>1</sup>

**Background**

2. On January 28, 2011, Enogex filed a petition for rate approval pursuant to section 284.123(b)(2) of the Commission's regulations.<sup>2</sup> Enogex seeks approval of a change from its currently effective zone rates for transportation service under section 311 of the Natural Gas Policy Act of 1978 (NGPA).<sup>3</sup> Specifically, Enogex is proposing to implement a new firm section 311 transportation service on the West Zone of its transmission system at a rate of \$0.0954 per MMBtu. Additionally, Enogex proposes a rate reduction to \$0.1005 per MMBtu for interruptible transportation service in the West Zone and to maintain its rate of \$0.1655 per MMBtu for firm transportation service and \$0.1523 per MMBtu for interruptible transportation service in the East Zone.

3. Contemporaneously with its rate petition, Enogex requested an extended deadline for protests to facilitate settlement discussions. Subsequently, Enogex filed two additional requests for extensions of the deadline for protests. The Commission has granted Enogex's requests, most recently extending the deadline for protests to June 6, 2011. On June 3, 2011, Enogex filed an additional motion requesting the Commission extend the time for Commission action and further extending the deadline

---

<sup>1</sup> Enogex is an intrastate pipeline with facilities located in the State of Oklahoma.

<sup>2</sup> 18 C.F.R. § 284.123(b)(2) (2011).

<sup>3</sup> 15 U.S.C. § 3364 (2006).

for protests until August 1, 2011. Enogex states that it has made significant progress in settlement discussions but such discussions are not concluded. Enogex asserts that reaching a settlement in the instant proceeding will allow Enogex and the affected parties to avoid the expenditure of financial and other resources in pre-litigation and litigation activities.

4. Enogex states that no customer will be harmed by the extension of time for Commission action or by an additional extension of the protest deadline until August 1, 2011. Enogex affirms that it has contacted all of the intervening parties concerning the instant motion and that all parties indicate that they either support or have no objection to the extension.

5. Public notice of Enogex's June 3, 2011 filing was issued on June 7, 2011. Interventions and protests were due as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (2011)). Pursuant to Rule 214 (18 C.F.R. § 385.214 (2011)) all timely filed motions to intervene and any unopposed motion to intervene out-of-time filed before the issuance date of this order are granted. Granting late interventions at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. No party filed a protest or adverse comment.

### **Discussion**

6. Section 284.123(b)(2)(ii) of the Commission's regulations provides that a proposed rate will be deemed to be "fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for providing similar transportation service, unless within 150 days the Commission either extends the time for action, or institutes a proceeding in which all interested parties will be afforded an opportunity for written comments and for the oral presentation of views, data and arguments."<sup>4</sup> The 150-day period for review of Enogex's rates will expire on June 27, 2011. Because the Commission has been unable to make a determination that Enogex's proposed rates are fair and equitable, the Commission must extend the time for action or institute rate proceedings.

7. At Enogex's request, we will extend the time for action until the Commission can make a determination whether Enogex's rates are fair and equitable. This should serve to encourage settlement of the issues among the parties. Within 120 days of the date this order issues, Commission Staff will report to the Commission on the status of settlement negotiations.

---

<sup>4</sup> 18 C.F.R. § 284.123(b)(2)(ii) (2011).

The Commission orders:

Pursuant to the Commission's authority under section 311 of the NGPA and section 284.123(b)(2)(ii) of the Commission's regulations, time for action on Enogex's petition for rate approval is extended until the Commission can make a determination whether Enogex's rates are fair and equitable or until it determines that formal proceedings are necessary.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.