

136 FERC ¶ 61,058
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

July 26, 2011

In Reply Refer To:
Ruby Pipeline, L.L.C.
Docket Nos. RP11-2196-000
RP11-2196-001

Ruby Pipeline, L.L.C.
Post Office Box 1087
Colorado Springs, CO 80944

Attention: Susan C. Stires, Director, Regulatory Affairs Department

Reference: Filing in Compliance with Order Issuing Certificate and Order No. 714

Ladies and Gentlemen:

1. On January 27, 2009, Ruby Pipeline, L.L.C. (Ruby) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) to construct and operate a new interstate natural gas pipeline. On June 16, 2011, as amended on July 6, 2011, Ruby filed a baseline electronic filing of its FERC NGA Gas Tariff, *Ruby Tariff*,¹ in compliance with Order No. 714,² the Commission's Preliminary Determination of Non-Environmental Issues issued on September 4, 2009,³ the Order Issuing Certificate and Granting in Part and Denying in Part Requests for Rehearing and Clarification, issued on April 5, 2010,⁴ the Order

¹ See Appendix. Ruby's Tariff Title is "Ruby Tariff." "Tariff Title" is the meta data element used to name the tariff data base. See *Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings* (Jan. 2010) (*Implementation Guide*), available at <http://www.ferc.gov/docs-filing/etariff/implementation-guide.pdf>.

² *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

³ *Ruby Pipeline, L.L.C.*, 128 FERC ¶ 61,224 (2009).

⁴ *Ruby Pipeline, L.L.C.*, 131 FERC ¶ 61,007 (2010) (Certificate Order).

Amending Certificate issued on April 18, 2011,⁵ and the Order Amending Certificate issued concurrently with this order (July Amendment Order).⁶ Ruby's targeted in-service date was originally projected to be March 2011; however, Ruby now estimates that the project will be placed in service in the latter part of July 2011. We accept Ruby's primary tariff records to be effective the later of July 27, 2011 or the date Ruby's facilities are placed in service, subject to further conditions as described below. Ruby's alternate tariff records are rejected as moot.

2. Ruby is a new interstate pipeline that will provide transportation service of up to approximately 1.5 MMDth per day from Opal, Wyoming to Malin, Oregon through a 675.2-mile, 42-inch diameter pipeline, compression facilities, and eight meter stations across four states. Ruby has submitted sixteen non-conforming negotiated rate firm transportation service agreements, as required by the Certificate Order, in a companion filing in Docket No. RP11-2213-000.

3. Ruby states that its filing includes tariff modifications to comply with the prior Commission orders in the Docket No. CP09-54-000 proceeding, as well as certain minor housekeeping revisions. Because Ruby's instant filing was submitted before the July Order Amending Certificate, Ruby filed primary and alternate tariff records. The primary tariff records reflect the proposed rate changes approved in the April Amendment Order as well as those still pending in the second and third certificate amendment filings, while the alternate tariff records only reflect the rate changes approved by the date of the instant filing (the first amendment approved by the April Amendment Order). Ruby requests that the Commission accept the primary tariff records in the event that a Commission order has been issued accepting the second and third amendments revising the recourse and fuel rates. Subsequent to Ruby submitting the instant filing, the Commission issued its July Amendment Order granting the requested second and third certificate amendments. Therefore, we will accept Ruby's primary tariff records, which reflect those amendments.

4. Notice of Ruby's filing was issued on June 21, 2011, and of a corrected substitute filing on July 12, 2011. Interventions and protests were due as provided in section 154.210 of the Commission's regulations.⁷ Pursuant to Rule 214, all timely filed motions to intervene and any unopposed motions to intervene out-of-time filed before the issuance

⁵ *Ruby Pipeline, L.L.C.*, 135 FERC ¶ 61,033 (2011) (April Amendment Order). The April Amendment Order granted Ruby's first certificate amendment to add peak/off-peak rates.

⁶ The July Amendment Order granted Ruby's second and third certificate amendments to revise the recourse rates and the fuel retention percentages, respectively.

⁷ 18 C.F.R. § 154.210 (2011).

date of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt this proceeding or place additional burdens on existing parties. Shell Energy North America (US) L.P. (Shell) filed comments to the June 21 filing. Shell argued that Ruby's modification of GT&C Section 4.9, Right-of-First-Refusal to insert the word "acceptable" is a substantive change to the provision and not a "missing word" as characterized by Ruby.⁸ Shell requested that the Commission reject this tariff change as outside the bounds of a compliance filing and because it provides Ruby with too much discretion to reject bids.

5. On July 6, 2011, Ruby filed certain substitute primary and alternate tariff records in response to Shell's comments. Ruby acknowledged that the insertion of the word "acceptable" was perceived as a substantive change to the tariff provision. Ruby thus filed substitute primary and alternate tariff records removing the word "acceptable" from section 4.9. Ruby also corrected a typographical error in section 29. These modifications address the issues raised in Shell's comments. We will therefore accept the substitute tariff records.

6. Finally, when Ruby files in compliance with 18 C.F.R. § 157.20(c)(2) it should make this informational filing with the Commission through the eTariff portal as a supplement to the existing Docket No. using a Type of Filing Code 620. In addition, Ruby is advised to include as part of the eFiling description, a reference to Docket No. CP09-54-000 and the actual in-service date for this project.

By direction of the Commission. Chairman Wellinghoff is not participating.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁸ The revised section provides that an existing shipper would match the best "acceptable" offer.

Appendix

Ruby Pipeline, L.L.C.
FERC NGA Gas Tariff
Ruby Tariff

Tariff Records Accepted Effective the Later of July 27, 2011
or the Date Ruby's Facilities are Placed in Service

Tariff, Original Volume No. 1, 0.0.0	A
Part I: Overview, Section 1 - Table of Contents, 0.0.0	A
Part I: Overview, Section 2 - Preliminary Statement, 0.0.0	A
Part I: Overview, Section 3 - System Map, 0.0.0	A
Part I: Overview, Section 4 - Points of Contact, 0.0.0	A
Part II: Stmt. of Rates, , 0.0.0	A
Part II: Stmt. of Rates, Section 1 - Service Rates, 0.0.0	A
Part II: Stmt. of Rates, Section 2 – Fuel and L&U Rates, 0.0.0	A
Part II: Stmt. of Rates, Section 3 – Footnotes, 0.0.0	A
Part III: Rate Schedules, , 0.0.0	A
Part III: Rate Schedules, Section 1 – Rate Schedule FT, 0.0.0	A
Part III: Rate Schedules, Section 2 – Rate Schedule IT, 0.0.0	A
Part III: Rate Schedules, Section 3 – Rate Schedule PAL, 0.0.0	A
Part III: Rate Schedules, Section 4 – Rate Schedule SS-1, 0.0.0	A
Part IV: GT&C, , 0.0.0	A
Part IV: GT&C, Section 1 - Definitions, 0.0.0	A
Part IV: GT&C, Section 2 - Measurement, 0.0.0	A
Part IV: GT&C, Section 3 - Quality, 0.0.0	A
Part IV: GT&C, Section 4 – Requests for Services, 0.0.0	A
Part IV: GT&C, Section 4.1 – Request for Service, 0.0.0	A
Part IV: GT&C, Section 4.2 – Information to be Provided, 0.0.0	A
Part IV: GT&C, Section 4.3 – Capacity Bidding and Evaluation Criteria, 0.0.0	A
Part IV: GT&C, Section 4.4 – Execution Requirement, 0.0.0	A
Part IV: GT&C, Section 4.5 – Capacity Reserved for Expansion Projects, 0.0.0	A
Part IV: GT&C, Section 4.6 – Off-System Capacity, 0.0.0	A
Part IV: GT&C, Section 4.7 – Electronic Execution of Agreements, 0.0.0	A
Part IV: GT&C, Section 4.8 – Changes to Shipper's Transportation Service, 0.0.0	A
Part IV: GT&C, Section 4.9 – Right-of-First-Refusal, 0.1.0	A
Part IV: GT&C, Section 4.10 – Extension Rights, 0.0.0	A
Part IV: GT&C, Section 4.11 – Contract Extension, 0.0.0	A
Part IV: GT&C, Section 4.12 – Creditworthiness, 0.0.0	A
Part IV: GT&C, Section 4.13 – Discounting, 0.0.0	A
Part IV: GT&C, Section 4.14 – Negotiated Rate Authority, 0.0.0	A
Part IV: GT&C, Section 4.15 – Statutory Regulation, 0.0.0	A

Part IV: GT&C, Section 4.16 – Assignments, 0.0.0 A
Part IV: GT&C, Section 5 – Service Conditions, 0.0.0 A
Part IV: GT&C, Section 6 – Nominations and Scheduling Procedures, 0.0.0 A
Part IV: GT&C, Section 6.1 – Nomination Cycles, 0.0.0 A
Part IV: GT&C, Section 6.2 – Nomination Procedures, 0.0.0 A
Part IV: GT&C, Section 6.3 – Scheduling of Receipts and Deliveries, 0.0.0 A
Part IV: GT&C, Section 6.4 – Confirmation Procedures, 0.0.0 A
Part IV: GT&C, Section 6.5 – Allocation of Capacity, 0.0.0 A
Part IV: GT&C, Section 6.6 – Flow Day Diversion, 0.0.0 A
Part IV: GT&C, Section 6.7 – Pooling, 0.0.0 A
Part IV: GT&C, Section 6.8 – Protection of Life and Property, 0.0.0 A
Part IV: GT&C, Section 6.9 - Transporter's Non-Liability, 0.0.0 A
Part IV: GT&C, Section 7 – Responsibility for Gas and Products, 0.0.0 A
Part IV: GT&C, Section 8 – Operating Provisions, 0.0.0 A
Part IV: GT&C, Section 8.1 – Firm Service, 0.0.0 A
Part IV: GT&C, Section 8.2 – Interruptible Service, 0.0.0 A
Part IV: GT&C, Section 9 – Capacity Release Program, 0.0.0 A
Part IV: GT&C, Section 9.1 – Purpose, 0.0.0 A
Part IV: GT&C, Section 9.2 – Applicability, 0.0.0 A
Part IV: GT&C, Section 9.3 – Availability of Released Capacity, 0.0.0 A
Part IV: GT&C, Section 9.4 – Qualification for the Capacity Release Program, 0.0.0 A
Part IV: GT&C, Section 9.5 – Capacity Release Timeline, 0.0.0 A
Part IV: GT&C, Section 9.6 – Prearranged Releases, 0.0.0 A
Part IV: GT&C, Section 9.7 – Notice of Capacity Release - Open Season Basis, 0.0.0 A
Part IV: GT&C, Section 9.8 – Notice of Capacity Release - Prearranged Basis, 0.0.0 A
Part IV: GT&C, Section 9.9 – Term of Released Capacity, 0.0.0 A
Part IV: GT&C, Section 9.10 – Bids for Released Capacity - Open Season, 0.0.0 A
Part IV: GT&C, Section 9.11 – Awarding of Released Capacity, 0.0.0 A
Part IV: GT&C, Section 9.12 – Recalls and Reput of Capacity, 0.0.0 A
Part IV: GT&C, Section 9.13 – Execution of Agreements or Amendments, 0.0.0 A
Part IV: GT&C, Section 9.14 – Notice of Completed Transactions, 0.0.0 A
Part IV: GT&C, Section 9.15 – Effective Date of Release and Acquisition, 0.0.0 A
Part IV: GT&C, Section 9.16 – Rates, 0.0.0 A
Part IV: GT&C, Section 9.17 – Marketing Fee, 0.0.0 A
Part IV: GT&C, Section 9.18 – Billing, 0.0.0 A
Part IV: GT&C, Section 9.19 – Compliance by Replacement Shipper, 0.0.0 A
Part IV: GT&C, Section 9.20 – Temporary Capacity Release Obligations, 0.0.0 A
Part IV: GT&C, Section 9.21 – Refunds, 0.0.0 A
Part IV: GT&C, Section 9.22 – Temporary Capacity Release Termination, 0.0.0 A
Part IV: GT&C, Section 9.23 – Segmented Releases, 0.0.0 A
Part IV: GT&C, Section 10 – Imbalance Management, 0.0.0 A
Part IV: GT&C, Section 10.1 – Imbalance Management and Operating Tolerances, 0.0.0 A
Part IV: GT&C, Section 10.2 – Imbalance Adjustments, 0.0.0 A

Part IV: GT&C, Section 10.3 – Cash Out, 0.0.0 A
 Part IV: GT&C, Section 10.4 – Determination of Deliveries, 0.0.0 A
 Part IV: GT&C, Section 10.5 – Operational Balancing Agreements, 0.0.0 A
 Part IV: GT&C, Section 10.6 – Maintenance of System Integrity, 0.0.0 A
 Part IV: GT&C, Section 11 – System Operational Parameters, 0.0.0 A
 Part IV: GT&C, Section 11.1 – Cautionary Condition Procedures, 0.0.0 A
 Part IV: GT&C, Section 11.2 – Force Majeure, 0.0.0 A
 Part IV: GT&C, Section 12 – Billing and Payment, 0.0.0 A
 Part IV: GT&C, Section 13 – Fuel and L&U, 0.0.0 A
 Part IV: GT&C, Section 14 – Penalties, 0.0.0 A
 Part IV: GT&C, Section 15 – Revenue Sharing Mechanism, 0.0.0 A
 Part IV: GT&C, Section 16 – Reservation Charge Credit, 0.0.0 A
 Part IV: GT&C, Section 17 – Miscellaneous Surcharges, 0.0.0 A
 Part IV: GT&C, Section 18 – Waivers, 0.0.0 A
 Part IV: GT&C, Section 19 – Descriptive Headings, 0.0.0 A
 Part IV: GT&C, Section 20 – Electronic Bulletin Board, 0.0.0 A
 Part IV: GT&C, Section 21 – Affiliate-Related Information, 0.0.0 A
 Part IV: GT&C, Section 22 – Adverse Claims to Natural Gas, 0.0.0 A
 Part IV: GT&C, Section 23 – Reserved, 0.0.0 A
 Part IV: GT&C, Section 24 – Taxes, 0.0.0 A
 Part IV: GT&C, Section 25 – Indemnification/Liability, 0.0.0 A
 Part IV: GT&C, Section 26 – Complaint Procedures, 0.0.0 A
 Part IV: GT&C, Section 27 – Incidental Purchases and Sales, 0.0.0 A
 Part IV: GT&C, Section 28 – Electric Power Costs, 0.0.0 A
 Part IV: GT&C, Section 29 – Greenhouse Gas Costs, 0.1.0 A
 Part IV: GT&C, Section 30 – Peak/Off-Peak Rates, 0.0.0 A
 Part V: Service Agreement, , 0.0.0A
 Part V: Service Agreement, Section 1 – Rate Schedule FT, 0.0.0 A
 Part V: Service Agreement, Section 2 – Rate Schedule IT, 0.0.0 A
 Part V: Service Agreement, Section 3 – Rate Schedule PAL, 0.0.0 A
 Part V: Service Agreement, Section 4 – Rate Schedule SS-1, 0.0.0 A
 Part VI: Illustrations, , 0.0.0 A
 Part VII: Non-Conforming, , 0.0.0 A

Ruby Pipeline, L.L.C.
 FERC NGA Gas Tariff
 Ruby Tariff
 Tariff Records Rejected as Moot

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