

136 FERC ¶ 61,158
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

September 2, 2011

In Reply Refer To:
Transwestern Pipeline Company, LLC
Docket No. RP06-614-000

Transwestern Pipeline Company, LLC
711 Louisiana, Suite 77002
Houston, TX 77002

Attention: Shelley A. Corman, Sr. Vice President

Reference: Petition to Amend Filing Requirement in Stipulation and Agreement

Dear Ms. Corman:

1. On August 24, 2011, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure,¹ Transwestern Pipeline Company, LLP (Transwestern) petitioned the Commission to amend Article V of a 2007 Settlement to provide for an extension of the currently required effective date for new system-wide base rates that Transwestern must file pursuant to the 2007 Settlement.² The proposed amendment will provide additional time for Transwestern and its shippers to continue to conduct ongoing settlement discussions to resolve all issues involving Transwestern's upcoming Natural Gas Act (NGA) section 4 rate case filing.

¹ 18 C.F.R. § 385.207(a)(5) (2011).

² The Commission approved the 2007 Settlement on April 27, 2007, *Transwestern Pipeline Co., LLC*, 119 FERC ¶ 61,096 (2007) (*Transwestern*).

2. Transwestern also requests that the Commission grant Transwestern a waiver of section 154.303³ of the Commission's regulations, and such other of the Commission's regulations as may be necessary, to allow Transwestern to continue to use a base period ending on May 31, 2011, and a test period ending on February 29, 2012, in its next required NGA section 4 general rate case filing, in the event that the parties do not agree to a settlement before the date on which Transwestern is required to file its rate case. Notice of the Petition was issued requiring comments to be filed by August 30, 2011.

3. Under Article V of the 2007 Settlement, Transwestern is required to file an NGA section 4 rate case no later than October 1, 2011.⁴ Transwestern states that interested parties have recently been engaged in settlement discussions concerning the possible resolution of all rate case issues prior to October 1, 2011, which would eliminate the need for Transwestern to file the required section 4 rate case. However, Transwestern and the parties involved in these settlement discussions are not certain that these discussions will conclude in a settlement agreeable to all parties in sufficient time to permit Transwestern to file the settlement prior to October 1, 2011. To allow additional time for settlement discussions, all of the parties involved in these settlement discussions have agreed that Transwestern would file a petition with the Commission to amend the 2007 Settlement to change the rate case filing date under Article V from October 1, 2011, to December 1, 2011.

4. Transwestern states the Commission has approved similar requests in nearly identical circumstances involving other pipelines.⁵

5. Transwestern states that it is authorized to state that all parties participating in these settlement discussions have no objection to the end dates for the base period and the test period remaining as May 31, 2011 and February 29, 2012, respectively. Transwestern requests waiver of the Commission's regulations, in particular,

³ Section 154.303 states: "The base period consists of 12 consecutive months of the most recently available actual experience. The last day of the base period may not be more than 4 months prior to the filing date." "The test period may not extend more than 9 months beyond the filing date."

⁴ *Transwestern*, 119 FERC ¶ 61,096 at P 4.

⁵ *Colorado Interstate Gas Co.*, 114 FERC ¶ 61,173 (2006); *Colorado Interstate Gas Co.*, 115 FERC ¶ 61,039 (2006); *Colorado Interstate Gas Co.*, 115 FERC ¶ 61,304 (2006); *Trailblazer Pipeline Co. LLC*, 129 FERC ¶ 61,173 (2009); *Pine Needle LNG Co. LLC*, 132 FERC ¶ 61,113 (2010); *Colorado Interstate Gas Co.*, 135 FERC ¶ 61,122 (2011).

section 154.303, to allow Transwestern to use such dates in its next required NGA section 4 general rate case filing, in the event that the parties do not agree to a settlement which is approved by the Commission. No comments were filed objecting to Transwestern's petition.

6. The Commission finds that the proposed amendment to the 2007 Settlement appears fair and reasonable and in the public interest because it is unopposed and will allow time to achieve a new settlement without disruption by the filing deadline under the 2007 Settlement.

7. For good cause shown, the Commission grants Transwestern's request for waiver of section 154.303 of the Commission's regulations to allow it to use a base period ending May 31, 2011, and a test period ending February 29, 2012, in its next required NGA section 4 general rate case filing. The waiver allows Transwestern to maintain the same cost and revenue period that would be examined in its next section 4 general rate case, should the parties be unable to reach a settlement.

8. Accordingly, the Commission grants Transwestern's August 24, 2011, petition to amend the 2007 Settlement, as discussed above.

By direction of the Commission.

Kimberly D. Bose,
Secretary.