

138 FERC ¶ 61,144
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

SFPP, L.P.

Docket No. IS12-145-000

ORDER ACCEPTING AND SUSPENDING TARIFF RECORDS SUBJECT
TO REFUND AND CONDITIONS

(Issued February 29, 2012)

1. On January 30, 2012, SFPP, L.P. (SFPP) filed revised tariff records modifying its current West Line rates.¹ SFPP requests a waiver of the 30-day notice period² and proposes an effective date of February 1, 2012. The Commission grants waiver and accepts and suspends the proposed tariff records, to be effective February 1, 2012, subject to refund and a further Commission order in this docket pending the outcome of the ongoing proceedings in Docket Nos. IS08-390-000, *et al.*, and IS11-444-000, *et al.*

2. The proposed rates decrease SFPP's rates (i) from Watson, East Hynes, and the Colton Transmix Facility in California to Phoenix Arizona as shown in Tariff No. 198.5.0 and (ii) from Watson and East Hynes in California to Calnev Pipe Line L.L.C., as shown in Tariff No. 196.5. SFPP states the proposed rate reductions are consistent with Opinion No. 511-A, which addressed requests for rehearing of Opinion No. 511,³ reviewed SFPP's compliance filing made pursuant to Opinion No. 511, and required SFPP to file a revised compliance filing consistent with Opinion No. 511-A. Concurrently with this filing, on January 30, 2012, SFPP made a compliance filing in Docket Nos. IS08-390-004 and IS08-390-006 (January 30 Compliance Filing) which SFPP states conforms to Opinion No. 511-A. SFPP states the proposed rates are supported by its January 30 Compliance Filing.

¹ F.E.R.C. Tariff No. 196.5.0 (Cancels F.E.R.C. Tariff No. 196.4.0) and F.E.R.C. Tariff No. 198.5.0 (Cancels F.E.R.C. Tariff No. 198.4.0).

² 49 app. U.S.C. § 6(3); 18 C.F.R. § 341.14 (2011).

³ *SFPP, L.P.*, Opinion No. 511-A, 137 FERC ¶ 61,220 (2011). Opinion No. 511 made numerous determinations regarding the reasonableness of rates that SFPP had previously filed in Docket No. IS08-390-000 on June 30, 2008.

3. On February 14, 2012, ConocoPhillips Company (ConocoPhillips), ExxonMobil Oil Corporation (ExxonMobil), and BP West Coast Products LLC (BP) protested SFPP's January 30 Filing. Also, on February 14, 2012, Chevron Products Company, Valero Marketing and Supply Company, Continental Airlines, Inc., Delta Air Lines, Inc., Southwest Airlines Co., and US Airways, Inc. (collectively, ACV Shippers) filed a joint protest. SFPP filed its answer on February 21, 2012.

4. The protests claim the rates reflected in the instant filing may decrease as a result of judicial review of the Commission's orders in Docket No. IS08-390-000, *et al.*, and the Commission's review of the January 30 Compliance Filing. The protests also state the rates reflect the application of the full 2011 index increase, which has been set for hearing in Docket No. IS11-444-000, *et al.* Thus, the protests urge the Commission to make the proposed rates effective subject to refund and the final resolution of the proceedings related to Docket Nos. IS08-390-000, *et al.*, and IS11-444-000, *et al.*

5. In its answer, SFPP urges the Commission to accept the proposed tariff records as filed. SFPP adds that it has sought rehearing of Opinion No. 511-A and judicial review of Opinion Nos. 511 and 511-A. SFPP states that Commission rehearing of Opinion No. 511-A or judicial review of Opinion Nos. 511 and 511-A may permit SFPP to charge higher rates than those reflected in the proposed tariff records, which are based upon SFPP's January 30 Compliance Filing. SFPP states that it reserves its rights and remedies, including the right to obtain from shippers the difference between the amounts charged under the proposed tariff records and the amounts that may properly be charged as a result of the pending rehearing order and judicial review.

6. The Commission accepts and suspends the proposed tariff records, effective February 1, 2012, subject to refund and a further Commission order in this docket pending the resolution of the proceedings in Docket Nos. IS08-390-000, *et al.*, and IS11-444-000, *et al.* The proposed rates were determined based upon SFPP's January 30 Compliance Filing in Docket Nos. IS08-390-004 and IS08-390-006. The January 30 Compliance Filing is currently pending Commission review, and SFPP has also sought rehearing of Opinion 511-A, which served as the basis for the January 30 Compliance Filing. The proposed rates also incorporate the full 2011 index increase of 6.9 percent which the Commission set for hearing⁴ and settlement judge procedures in Docket Nos. IS11-444-000, *et al.* Thus, the Commission's acceptance of this filing must be conditioned upon the resolution of those proceedings. Pursuant to section 6(3) of the Interstate Commerce Act⁵ and section 341.14 of the Commission regulations,⁶ the

⁴ *SFPP, L.P.*, 135 FERC ¶ 61,274 (2011).

⁵ 49 app. U.S.C. § 6(3).

⁶ 18 C.F.R. § 341.14.

Commission grants waiver of the 30-day notice requirement because the proposed rates will result in lower rates for West Line shippers.

The Commission orders:

The tariff records listed in footnote one are accepted and suspended, effective February 1, 2012, subject to refund and a further Commission order in this docket pending the outcome of the proceedings in Docket Nos. IS08-390-000, *et al.* and IS11-444-000, *et al.*

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.