

138 FERC ¶ 61,242  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Sea Robin Pipeline Company, LLC

Docket Nos. RP12-313-001  
RP12-469-000

ORDER ON COMPLIANCE TARIFF AND  
HURRICANE SURCHARGE FILINGS

(Issued March 30, 2012)

1. On March 1, 2012, Sea Robin Pipeline Company, LLC (Sea Robin) filed revised tariff records<sup>1</sup> in its semi-annual Hurricane Surcharge Filing (Docket No. RP12-469-000) pursuant to section 24 of Sea Robin's General Terms and Conditions (GT&C). On March 1, 2012, Sea Robin also filed revised tariff records<sup>2</sup> (Docket No. RP12-313-001) to comply with the Commission's February 23, 2012 order in Docket No. RP12-313-000.<sup>3</sup> For the reasons discussed below, the Commission accepts and suspends the tariff records filed in Docket No. RP12-469-000, to be effective April 1, 2012, subject to refund and conditions. The Commission also accepts the compliance tariff records filed in Docket No. RP12-313-001, to become effective on the dates shown in the Appendices, subject to the pending rehearing requests in Docket Nos. RP09-995-004 and RP10-422-003.

**Background**

2. On August 31, 2009, in Docket No. RP09-995-000, Sea Robin filed to establish a surcharge mechanism to record and recover hurricane-related expenses not recovered from insurance proceeds or from third parties (Initial Filing). The Hurricane Surcharge

---

<sup>1</sup> See Appendix A.

<sup>2</sup> See Appendix B.

<sup>3</sup> *Sea Robin Pipeline Co., LLC*, 138 FERC ¶ 61,131 (2012) (Order on Compliance Tariff Filing, issued February 23, 2012) (February 23 Order).

provisions, outlined in section 24 of the GT&C of Sea Robin's tariff, provide for the recovery of capital and related operation and maintenance expenditures that Sea Robin incurs to repair the damage to its facilities caused by Hurricane Ike, as well as costs related to future named hurricanes, for a period beginning October 1, 2009 and continuing through September 30, 2013. In its Initial Filing, Sea Robin proposed that it would include any balance remaining in its Hurricane Surcharge account on September 30, 2013 in its next section 4 general rate proceeding. According to the settlement agreement on Sea Robin's most recent general rate case, Sea Robin must file a new section 4 rate case no later than January 1, 2014.<sup>4</sup>

3. On September 30, 2009, the Commission accepted and suspended Sea Robin's proposed tariff records for five-months, to become effective March 1, 2010, subject to refund and the outcome of a hearing.<sup>5</sup> The Commission ruled that Sea Robin could recover hurricane-related costs through a special tracking mechanism established in a limited section 4 filing without filing a general section 4 rate case, and that such recovery did not violate the filed rate doctrine. However, the Commission set all other issues raised by the protesters for hearing, including the proper design of the Hurricane Surcharge, the types of hurricane-related costs which should be eligible for recovery in the surcharge, and application of the Hurricane Surcharge to discount and negotiated rate agreements.<sup>6</sup> As required by GT&C section 24.4(a), Sea Robin has made semi-annual filings to update the Hurricane Surcharge and to make any necessary adjustments.<sup>7</sup>

---

<sup>4</sup> *Sea Robin Pipeline Co., LLC*, 125 FERC ¶ 61,185 (2008).

<sup>5</sup> *Sea Robin Pipeline Co., LLC*, 128 FERC ¶ 61,286 (2009) (Suspension Order), *order on reh'g*, 130 FERC ¶ 61,191, at P 11 (2010) (Rehearing Order), *appeal dismissed, ExxonMobil Gas & Marketing Co., et al. v. FERC*, No. 10-1098 (D.C. Cir. Oct. 21, 2011) (collectively, *Sea Robin*). On January 29, 2010, Sea Robin filed its motion to place the tariff records into effect. *See Sea Robin Pipeline Co., LLC*, Docket No. RP09-995-002 (February 25, 2010) (unpublished letter order).

<sup>6</sup> Suspension Order, 128 FERC ¶ 61,286 at P 44.

<sup>7</sup> On March 1, 2010, in Docket No. RP10-422-000, Sea Robin filed to increase the Hurricane Surcharge to be effective April 1, 2010. On March 31, 2010, the Commission consolidated that proceeding with the underlying hearing proceeding in Docket No. RP09-955-000 and accepted and suspended the proposed tariff records, to become effective April 1, 2010, subject to refund and the outcome of the hearing scheduled in Docket No. RP09-995-000. *Sea Robin Pipeline Co., LLC*, 130 FERC ¶ 61,261 (2010). On August 31, 2010, in Docket No. RP10-1133-000, Sea Robin filed to

(continued...)

4. The Administrative Law Judge (ALJ) issued an initial decision on in the Docket No. RP09-995 proceeding December 13, 2010 (Initial Decision). On December 15, 2011, the Commission issued Opinion No. 516 affirming the Initial Decision in part and reversing in part.<sup>8</sup>

5. In Opinion No. 516, the Commission reversed the ALJ's findings regarding the Hurricane Surcharge recovery period, the date carrying charges should begin to accrue, and applicability of the Hurricane Surcharge to certain discount agreements. The Commission affirmed the remainder of the Initial Decision.

6. The Commission required Sea Robin to modify three aspects of its proposed Hurricane Surcharge. First, the Commission held that Sea Robin's proposal to amortize its recovery of hurricane repair costs over four years is generally just and reasonable. However, the Commission directed Sea Robin to modify its tariff to provide that, "if it files to recover new hurricane repair costs (i.e., costs not included in a previous Hurricane Surcharge Filing), whether from a future or past hurricane, Sea Robin must base the calculations to derive the surcharge to recover those costs on a 4-year amortization period from the effective date of such filing."<sup>9</sup> Second, the Commission rejected Sea Robin's proposal to commence recovering carrying costs at the Commission-published interest rate on O&M expenditures as of the date those expenses were incurred and on capital expenditures from the date the associated facilities were placed into service. The

---

increase the Hurricane Surcharge and on September 30, 2010, the Commission accepted and suspended the proposed tariff records, to become effective October 1, 2010. On March 1, 2011, in Docket No. RP11-1850-000, Sea Robin filed to increase the Hurricane Surcharge and on March 31, 2011, the Commission accepted and suspended the proposed tariff records, to become effective April 1, 2011. On August 31, 2011, in Docket No. RP11-2494-000, Sea Robin filed to increase the Hurricane Surcharge and on September 30, 2011, the Commission accepted and suspended the proposed tariff records, to become effective October 1, 2011. In these orders, the Commission made the tariff records subject to refund and the outcome of the ongoing hearing in Docket Nos. RP09-995-000 and RP10-422-000.

<sup>8</sup> *Sea Robin Pipeline Co., LLC*, 137 FERC ¶ 61,201 (Dec. 15, 2011) (Opinion No. 516).

<sup>9</sup> Opinion No. 516, 137 FERC ¶ 61,201 at P 51. The Commission also stated that, as is the case with costs related to Hurricane Ike, Sea Robin may include any balance remaining in the Hurricane Surcharge account on September 30, 2013 in the rate proceeding proposing new base rates that Sea Robin must file by January 1, 2014.

Commission directed Sea Robin to modify its tariff to provide that carrying charges should begin to accrue the later of (1) the August 1, 2009 date Sea Robin filed to establish the Hurricane Surcharge, or (2) the date the associated cost is incurred.<sup>10</sup> Third, the Commission rejected Sea Robin's proposal to include language in its tariff prohibiting Sea Robin from providing discounts of the Hurricane Surcharge.<sup>11</sup> The Commission directed Sea Robin to file revised tariff records removing the Hurricane Surcharge from its minimum rates and any language from its tariff records indicating the Hurricane Surcharge is not discountable.<sup>12</sup> The Commission directed Sea Robin to file revised tariff records and rates, including workpapers, consistent with Opinion No. 516.

7. On January 13, 2012, Sea Robin filed revisions to the tariff records in compliance with Opinion No. 516 (Docket No. RP12-313-000). Indicated Shippers;<sup>13</sup> Arena Energy, LP; and ExxonMobil Gas & Power Marketing Company, a division of Exxon Mobil Corporation (Exxon) and Hess Corporation (Hess) filed protests. In the February 23 Order, the Commission accepted the proposed tariff records, subject to refund and conditions, and to Sea Robin modifying its tariff language as directed in the February 23 Order.

### **Sea Robin's Filings**

8. On March 1, 2012, Sea Robin filed its semi-annual Hurricane Surcharge Filing in Docket No. RP12-469-000 pursuant to section 24 of its GT&C, proposed to become effective April 1, 2012. The proposed Hurricane Surcharge is 19.90 cents per Dth, which is a 6.76 cents per Dth increase from the currently effective Hurricane Surcharge of 13.14 cents per Dth. The increase primarily reflects the continued decline in actual throughput on Sea Robin's system.

---

<sup>10</sup> *Id.* P 61.

<sup>11</sup> Specifically, GT&C section 15.5 states that the "Hurricane Surcharge shall not be subject to discount" and GT&C section 24.7(b) states that "[a]ny rate discount agreed to by Sea Robin shall not be considered a discount of the Hurricane Surcharge." Rate Schedules FTS, FTS-2 and ITS also provide that, in accordance with section 24 of the GT&C, the Hurricane Surcharge shall be charged.

<sup>12</sup> February 23 Order, 138 FERC ¶ 61,131 at P 94.

<sup>13</sup> The Indicated Shippers include Apache Corporation and Chevron U.S.A. Inc.

9. On the same date, Sea Robin filed in Docket No. RP12-313-001 to comply with the February 23 Order. Sea Robin also submits the following tariff revisions to comply with the February 23 Order.

10. First, Sea Robin states the Commission clarified that Sea Robin is “to amortize each hurricane repair cost over a four-year period calculated from the effective date of the first semi-annual Hurricane Surcharge Filing which included that particular cost, regardless of whether other repair costs related to the same hurricane may have been included in earlier semi-annual Filings.”<sup>14</sup> Sea Robin states the Commission further clarified that the four-year amortization period is associated with each new repair cost and not a particular named hurricane. Sea Robin proposes to make the required clarification in GT&C section 24.2 and remove the concept of separate subaccounts for each named Hurricane from GT&C sections 24.2, 24.5, and 24.6.

11. Second, Sea Robin states the February 23 Order directed it to reinstate the Hurricane Surcharge termination date of September 30, 2013. Sea Robin proposes to modify GT&C sections 24.2, 24.4(a) and 24.6(a) accordingly. Sea Robin notes the February 23 Order stated “[o]ur holding here is without prejudice to Sea Robin making a separate filing pursuant to NGA section 4, proposing to continue the Hurricane Surcharge mechanism in effect beyond September 30, 2013.”<sup>15</sup>

12. Third, Sea Robin states the Commission determined that carrying charges should begin to accrue the later of August 31, 2009, or the date the particular repair cost was incurred, without regard to the associated named storm.<sup>16</sup> Sea Robin proposes to revise GT&C section 24.5(d) accordingly.

13. Last, Sea Robin states the Commission required it to recalculate the periodic Hurricane Surcharges that include new repair costs to reflect the amortization of the new costs over a four-year period beginning on the effective date of the particular surcharge.<sup>17</sup> Sea Robin states it added new repair costs to the Hurricane Surcharges to be effective on (1) April 1, 2010 in Docket No. RP10-422-000, (2) October 1, 2010 in Docket No. RP10-1133-000, (3) April 1, 2011 in Docket No. RP11-1850-000 and (4) October 1, 2011 in Docket No. RP11-2494-000. In compliance with the directive in the Commission’s

---

<sup>14</sup> February 23 Order, 138 FERC ¶ 61,131 at P 24.

<sup>15</sup> *Id.* P 33.

<sup>16</sup> *Id.* P 41.

<sup>17</sup> *Id.* P 26.

February 23 Order, Sea Robin recalculated the Hurricane Surcharge for each of the previous tracker filings. Sea Robin states the most notable change is the presentation of the individual surcharges to reflect any new costs in each period that it will initially recover over 48 months from the effective date of each filing. After that, Sea Robin states it will track each semi-annual period separately to reflect the monthly reduction of each period's remaining months of recovery.

14. Sea Robin states that although the Commission found that Sea Robin's recalculation of its carrying charges filed in Docket No. RP12-313-000 complied with Opinion No. 516,<sup>18</sup> the recalculation of the Hurricane Surcharge for each periodic Hurricane Surcharge Filing herein necessitates recalculation of the associated carrying charges for each effective date of the Hurricane Surcharge as well.

15. Sea Robin states it included as Appendix B a summary of the original Hurricane Surcharge and the restated Hurricane Surcharge for each effective date, and that Appendices C (Docket No. RP09-995-000), D (Docket No. RP10-422-000), E (Docket No. RP10-1133-000), F (Docket No. RP11-1850-000), and G (Docket No. RP11-2494-000) show the detail of each restated Hurricane Surcharge as described. Sea Robin's compliance filing restates the currently effective surcharge of 16.20 cent per Dth as 13.14 cents per Dth, in compliance with the Commission's directives in its February 23 Order in Docket No. RP12-313-000. Sea Robin states it will refund the difference between the restated Hurricane Surcharges on Appendix B and the amounts actually collected in accordance with Ordering Paragraph (C) of the February 23 Order.

### **Public Notice, Interventions and Protests**

16. Public notice of Sea Robin's Filings issued March 2, 2012. 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 motions to intervene out-of-time before the issuance 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. Indicated Shippers, ExxonMobil, and Hess filed timely protests. On March 20, 2012, the Producer Coalition<sup>19</sup> filed a protest out-of-time. On March 21, 2012, Sea Robin filed an answer to the protests. Under Rule 213(a)(2) of the Commission's Rules

---

<sup>18</sup> *Id.* P 42.

<sup>19</sup> The Producer Coalition includes Century Exploration New Orleans, LLC; Dynamic Offshore Resources, LLC; Energy XXI (Bermuda) Ltd.; Hilcorp Energy Company, Inc; McMoran Oil & Gas LLC; Pisces Energy LLC; and W&T Offshore, Inc.

of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2011), answers to protests are prohibited unless otherwise ordered by the decisional authority. We will accept Sea Robin's answer because it provides information that will assist us in our decision-making process. On March 27, 2012, Sea Robin filed a motion for a limited extension of time regarding its refund obligation and to file the corresponding refund report required by the February 23 Order. Sea Robin requests the Commission extend the deadline for Sea Robin to make refunds until 30 days after the date the Commission acts on Sea Robin's March 1, 2012 compliance filing in Docket No. RP12-313-001 because the compliance filing could impact the manner in which Sea Robin is required to calculate refunds. Sea Robin similarly requests the Commission extend the deadline for the corresponding refund report until 45 days following the date the Commission acts on the March 1, 2012 compliance filing.

17. ExxonMobil and Hess state Sea Robin's semi-annual Hurricane Surcharge Filing raises the same legal and factual issues as past filings currently pending before the Commission on rehearing, and request the Commission make its action on the instant Hurricane Surcharge Filing subject to the outcome of the proceedings in Docket Nos. RP09-995-000 and RP10-422-000.

18. Indicated Shippers protest both Sea Robin's compliance filing in Docket No. RP12-313-000 (Compliance Filing) and Sea Robin's Hurricane Surcharge Filing in Docket No. RP12-469-000. Indicated Shippers assert that Sea Robin did not comply with the Commission's February 23 Order and failed to explain anomalies in its Compliance Filing. Specifically, Indicated Shippers assert Sea Robin allocates insurance proceeds and Hurricane Surcharge recoveries to different Hurricane Surcharge accounts without explanation. Indicated Shippers state that Sea Robin does not maintain the methodology the Commission ordered Sea Robin to adopt for returning insurance recoveries to its shippers. Indicated Shippers request the Commission require Sea Robin to allocate the insurance proceeds and Hurricane Surcharge recoveries to the oldest surcharge first and recalculate carrying costs that apply to each Hurricane Surcharge account to reflect any reduced account balances.

19. In addition, Indicated Shippers assert that Sea Robin must correct the capital cost balances for the RP09-995-000 and RP10-422-000 Hurricane Surcharges. Indicated Shippers request the Commission affirm the lower capital cost account balances and require Sea Robin to recalculate the carrying costs for these surcharges and to credit any over-collected carrying costs.

20. Indicated Shippers also request the Commission require Sea Robin to amortize the RP09-995-000 Hurricane Surcharge costs and expenses over a four-year period commencing March 1, 2010, rather than a four-year period commencing on October 1, 2009. Indicated Shippers assert Sea Robin correctly uses a four-year amortization period

from March 1, 2010, for the Docket No. RP09-995-000 costs and expenses on Appendix C, but not for the remaining Appendices.<sup>20</sup>

21. Lastly, Indicated Shippers assert that the tariff records included in Sea Robin's Compliance Filing contain inconsistencies in the effective dates for the Hurricane Surcharges. Therefore, Indicated Shippers ask the Commission to require Sea Robin to clarify these dates in the compliance filing and affirm the effective dates are those set forth in Appendix B of the Compliance Filing.

22. The Producer Coalition protests Sea Robin's proposed Hurricane Surcharge on two grounds. First, the Producer Coalition states the proposed Hurricane Surcharge of 19.90 cents/Dth is nearly equal to Sea Robin's current maximum Rate Schedule ITS rate of 22.07 cents/Dth, and that it is patently unreasonable to permit Sea Robin to recover the capital costs and expenses associated with past hurricane damage on a truncated recovery schedule that results in such a significant rate shock to affected shippers and producers reliant on Sea Robin's system. The Producer Coalition acknowledges that the Commission approved Sea Robin's Hurricane Surcharge mechanism in Opinion No. 516, which is pending rehearing. The Producer Coalition requests the Commission clearly state in any order addressing Sea Robin's Filing in this proceeding that the Hurricane Surcharge proposed by Sea Robin is subject to the ultimate outcome of Docket Nos. RP09-995-000 and RP10-422-000.

23. Second, the Producer Coalition states several of its members are shippers on two pipeline systems that Trunkline Gas Company, LLC (Trunkline) proposes to abandon and convey to Sea Robin. The proposal is set forth in an application pending before the Commission in Docket No. CP12-5-000.<sup>21</sup> In the Joint Application, Sea Robin proposes to assess the Hurricane Surcharge on shippers on the two pipeline systems. The Producer Coalition reiterates its concern and opposition to the proposal to assess the Hurricane

---

<sup>20</sup> Indicated Shippers point out that Sea Robin calculates the amortization period of the other Appendices as if the effective date were October 1, 2009, and references Sea Robin's Compliance Filing at Appendix D (page 10), Appendix E (page 18), Appendix F (page 26), Appendix G (page 34), and Sea Robin's Hurricane Surcharge filing at Appendix B (page 41).

<sup>21</sup> Trunkline and Sea Robin, Joint Abbreviated Application For an Order Permitting and Approving Transfer of Offshore Facilities and Issuing a Certificate of Public Convenience and Necessity to Acquire Offshore Facilities, Docket No. CP12-5-000 (filed Oct. 7, 2011) (Joint Application). The Producer Coalition has intervened and protested the Joint Application.

Surcharge on shippers on the two pipeline systems. The Producer Coalition contends that Sea Robin's proposal to assess the Hurricane Surcharge on shippers on two separate, non-contiguous pipeline systems is unreasonable, and asserts the magnitude of the Hurricane Surcharge supports their argument. The Producer Coalition states that it asserts its argument in this proceeding to clearly illustrate the significant impact Sea Robin's proposed Hurricane Surcharge will have on those entities potentially impacted should the Commission grant the Joint Application and permit Sea Robin to assess the Hurricane Surcharge on the two pipeline systems.

### **Commission Determination**

24. For the reasons discussed below, the Commission accepts and suspends Sea Robin's semi-annual Hurricane Surcharge Filing in Docket No. RP12-469-000, to be effective April 1, 2012, subject to refund. The Commission also finds that the tariff records filed in Docket No. RP12-313-001 comply with the February 23 Order, and therefore the Commission accepts those tariff records effective on the dates shown in Appendix B, subject to the condition described below. The acceptance of the tariff records in both dockets is subject to the outcome of the pending rehearing requests in Docket Nos. RP09-995-004 and RP10-422-003.

25. In the February 23 Order, the Commission stated,

Sea Robin credits all insurance recoveries to the Hurricane Surcharge Account balance as they are received and reflected in each semi-annual filing.<sup>22</sup> This effectively returns the entire amount of any insurance recovery to the shippers immediately as of the effective date of the next semi-annual filing, because it reduces the starting net hurricane repair cost balance to be recovered in that filing. The Commission directs that Sea Robin maintain this methodology.<sup>23</sup>

26. In their protest of Sea Robin's compliance filing, Indicated Shippers state that the Commission should require Sea Robin to allocate the insurance proceeds and Hurricane Surcharge recoveries to the oldest surcharge first. Thus, Indicated Shippers contend that Sea Robin should apply any insurance proceeds against any uncollected costs included in the surcharge established in Docket No. RP09-995 before applying those proceeds against the uncollected costs included in a subsequent surcharge filing.

---

<sup>22</sup> See Sea Robin Answer at 10.

<sup>23</sup> February 23 Order, 138 FERC ¶ 61,131 at P 25.

27. Indicated Shippers' argument that Sea Robin should credit insurance recoveries to the oldest surcharge first is unpersuasive. In its Answer, Sea Robin affirms that, under its existing methodology, it credits insurance proceeds against any costs incurred in a particular semi-annual Filing time period and, as ordered by the Commission, provides a 100 percent credit to the shippers immediately as of the effective date of that semi-annual filing. Sea Robin also states that "[i]n the event that insurance recoveries received by Sea Robin exceed the hurricane costs filed in a particular semi-annual filing period, Sea Robin credits the excess to the oldest Hurricane Surcharge balances."<sup>24</sup> In the February 23 Order, we directed that Sea Robin maintain its existing methodology of crediting insurance proceeds. As Sea Robin explains, that is what it has done, and it is correctly crediting insurance proceeds to its shippers immediately as of the effective date of that semi-annual filing. Therefore, the Commission rejects Indicated Shippers' request to require Sea Robin to recalculate the applicable carrying costs associated with such re-credited insurance proceeds.

28. Indicated Shippers state Sea Robin must correct the capital costs balances for the Docket Nos. RP09-995-000 and RP10-442-000 Hurricane Surcharges and credit any over-collected carrying costs. Indicated Shippers state that Sea Robin's subsequent surcharge filings indicate somewhat lower capital cost balances for the Docket Nos. RP09-995-000 and RP10-442-000 surcharges, than Sea Robin's initial filings in those dockets. Indicated Shippers accordingly request that Sea Robin retroactively correct those balances back to the initial effective dates of the relevant surcharges and recalculate carrying costs. As Sea Robin explains in its answer, the differences in the balances result from accounting adjustments on the hurricane damage repair cost work orders reflected on Sea Robin's books between its semi-annual Hurricane Surcharge Filings. Sea Robin states that, if it were required to retroactively correct the capital balances, it should also be permitted to retroactively correct its forecasted throughput and cost recoveries used in each filing. Sea Robin states that this would increase the surcharges, since its actual throughput has been less than projected. The Commission finds that Sea Robin is reflecting these capital cost adjustments in a timely manner. As Sea Robin explains in its answer, if it retroactively updates its Hurricane Surcharge with lower volumes, the resulting Hurricane Surcharges would increase in each filing because volumes have continued to decline on Sea Robin's system.

29. Indicated Shippers request the Commission require Sea Robin to amortize all of the Docket No. RP09-995-000 Hurricane Surcharge costs and expenses over a four-year period commencing on the March 1, 2010 effective date of that filing. Indicated Shippers assert that the February 23 Order required Sea Robin to commence the four-year

---

<sup>24</sup> Sea Robin Answer at 4.

amortization period for the costs in each semi-annual surcharge filing on the effective date of that filing.<sup>25</sup>

30. The Commission finds that Sea Robin correctly uses October 1, 2009 as the commencement date of the four-year amortization period for recovering its costs in Docket No. RP09-995-000. Sea Robin originally proposed an October 1, 2009 effective date for its Docket No. RP09-995-000 Filing. While the Commission suspended that filing for five months until March 1, 2010, the Commission in Opinion No. 516 nevertheless approved Sea Robin's use of a four-year amortization period commencing October 1, 2009 for recovering the costs in the Docket No. RP09-995-000 Filing. As Sea Robin indicates in its answer, the directive Indicated Shippers cites in the February 23 Order applied only to the costs included in Sea Robin's subsequent Docket Nos. RP11-1850-000 and RP11-2494-000 semi-annual Hurricane Surcharge Filings. The February 23 Order did not modify the Commission-approved four-year amortization period commencing on October 1, 2009 for the costs in the Docket No. RP09-995-000 Filing.<sup>26</sup>

31. Indicated Shippers state that Sea Robin's tariff records included with the Compliance Filing list an effective date of April 1, 2011, for the Docket No. RP11-1850-000 Hurricane Surcharge and October 1, 2011 for the Docket No. RP11-2494-000 Hurricane Surcharge, but show October 1, 2011 as the effective date for both dockets on Appendix A. In its Answer, Sea Robin explains it made two tariff filings with rates proposed to be effective on October 1, 2011. The first filing in Docket No. RP11-2491-000 revised the Annual Charge Adjustment (ACA) effective on October 1, 2011, and the second filing in Docket No. RP11-2494-000 revised the Hurricane Surcharge also proposed to be effective on October 1, 2011. Sea Robin filed the Version 3.2.0 tariff records in this proceeding to show the restated Hurricane Surcharge on the ACA tariff records. Sea Robin states the ACA tariff records (Version 3.2.0) were immediately superseded by the Version 4.2.0 tariff records that include both the ACA rate and the Hurricane Surcharge effective on October 1, 2011. Therefore, on October 1, 2011, Sea Robin states the Version 4.2.0 tariff records are effective and the Version 3.2.0 tariff records are moot as they were immediately superseded.

---

<sup>25</sup> February 23 Order, 138 FERC ¶ 61,131 at P 26.

<sup>26</sup> As indicated in Opinion No. 516, Sea Robin's proposed four-year amortization period commenced on October 1, 2009. This four-year period ends on September 30, 2013, the date Sea Robin may include any remaining Hurricane Surcharge balance in its next rate proceeding.

32. Although the Version 3.2.0 tariff records were immediately superseded by the Version 4.2.0 tariff records, the Commission directs Sea Robin to affirm that the Hurricane Surcharges are shown correctly in the Version 3.2.0 tariff record. The tariff records labeled Version 3.2.0 on Appendix A of the Compliance Filing appear to be related to Docket No. RP11-1850-000 (not Docket No. RP11-2494-000 as Sea Robin references). The Hurricane Surcharge shown on these records is \$0.1061, which, according to Appendix B, is the restated Hurricane Surcharge for Docket No. RP11-1850-000.

33. The Producer Coalition protests that the Hurricane Surcharge proposed in its Docket No. RP12-469-000 semi-annual surcharge filing is unreasonable and nearly equal to Sea Robin's current maximum Rate Schedule ITS rate. In addition, the Producer Coalition asserts that Sea Robin may apply its Hurricane Surcharge to facilities it intends to acquire from Trunkline. The Commission finds the Producer Coalition's concerns regarding the applicability of the Hurricane Surcharge to Trunkline facilities acquired by Sea Robin will be addressed in the Docket No. CP12-5-000 proceeding. In addition, as with Sea Robin's previous semi-annual surcharge filings, our acceptance of the instant semi-annual filing is subject to the ultimate outcome of the Docket Nos. RP09-995-000 and RP10-422-000 proceedings, in which rehearing is currently pending.

34. Accordingly, the Commission accepts Sea Robin's compliance filing in Docket No. RP12-313-000, to be effective on the dates listed in Appendix B. The Commission accepts and suspends Sea Robin's semi-annual surcharge filing in Docket No. RP12-469-000, subject to refund and conditions, effective April 1, 2012.

35. The Commission's policy regarding rate suspensions is that rate filings generally should be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable, or that it may be inconsistent with other statutory standards.<sup>27</sup> It is recognized, however, that shorter suspensions may be warranted in circumstances where suspensions for the maximum period may lead to harsh and inequitable results.<sup>28</sup> Such circumstances exist here with respect to the tariff records in Appendix A related to Sea Robin's semi-annual Hurricane Surcharge Filing in Docket No. RP12-469-000. Therefore, the Commission shall exercise its discretion to suspend the tariff records in Appendix A and permit them to take effect on April 1, 2012, subject to the conditions set forth in the body of this

---

<sup>27</sup> See *Great Lakes Gas Transmission Co.*, 12 FERC ¶ 61,293 (1980) (five-month suspension).

<sup>28</sup> See *Valley Gas Transmission, Inc.*, 12 FERC ¶ 61,197 (1980) (one-day suspension).

order. The Commission accepts the Appendix B tariff records filed to comply with the February 23 Order to be effective on the dates shown in Appendix B.

36. The Commission will grant a limited extension of time for Sea Robin to make refunds and to file the corresponding refund report required by the February 23 Order. Sea Robin states and the Commission finds that there will be no harm to Sea Robin's customers through granting of this limited extension as the refund condition fully protects customers and any refunds will be made with interest at the Commission's specified rate. In the instant order in Docket No. RP12-313-001, the Commission acts on Sea Robin's March 1, 2012 compliance filing. Accordingly, the deadline for Sea Robin to make refunds is extended until 30 days after the date this order issues, and the deadline for the corresponding refund report is extended until 45 days following the date this order issues.

The Commission orders:

(A) The tariff records listed in Appendix A are accepted and suspended, to be effective April 1, 2012, subject to refund and the condition discussed above.

(B) The tariff records listed in Appendix B are accepted to be effective on the dates shown in Appendix B, subject to the conditions discussed above.

(C) Within 20 days of the date this order issues, Sea Robin must clarify and/or revise its tariff record as directed herein.

(D) The deadline for Sea Robin to make refunds is extended until 30 days after the date this order issues, and the deadline for the corresponding refund report is extended until 45 days after the date this order issues.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

**Appendix A**

Sea Robin Pipeline Company, LLC  
FERC NGA Gas Tariff  
Third Revised Volume No. 1

Accepted effective April 1, 2012

- [1. Rate Schedule FTS, Currently Effective Rates, 5.0.0](#)
- [2. Rate Schedule FTS-2, Currently Effective Rates, 5.0.0](#)
- [3. Rate Schedule ITS, Currently Effective Rates, 5.0.0](#)

## **Appendix B**

Sea Robin Pipeline Company, LLC  
FERC NGA Gas Tariff  
Third Revised Volume No. 1

Accepted effective August 24, 2010

1. Rate Schedule FTS, Currently Effective Rates, 0.2.0
2. Rate Schedule FTS-2, Currently Effective Rates, 0.2.0
3. Rate Schedule ITS, Currently Effective Rates, 0.2.0  
GT&C Section 24., Hurricane Surcharge, 0.2.0

Accepted effective October 1, 2010

1. Rate Schedule FTS, Currently Effective Rates, 1.2.0
2. Rate Schedule FTS-2, Currently Effective Rates, 1.2.0
3. Rate Schedule ITS, Currently Effective Rates, 1.2.0

Accepted effective April 1, 2011

1. Rate Schedule FTS, Currently Effective Rates, 2.2.0
2. Rate Schedule FTS-2, Currently Effective Rates, 2.2.0
3. Rate Schedule ITS, Currently Effective Rates, 2.2.0

Accepted effective October 1, 2011

1. Rate Schedule FTS, Currently Effective Rates, 3.2.0
1. Rate Schedule FTS, Currently Effective Rates, 4.2.0
2. Rate Schedule FTS-2, Currently Effective Rates, 3.2.0
2. Rate Schedule FTS-2, Currently Effective Rates, 4.2.0
3. Rate Schedule ITS, Currently Effective Rates, 3.2.0
3. Rate Schedule ITS, Currently Effective Rates, 4.2.0