

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

December 21, 2005

In Reply Refer To:  
Sabine Pipe Line LLC  
Docket No. RP06-103-000

Sabine Pipe Line LLC  
2811 Hayes Road  
Houston, TX 77082-6696

Attention: Janice E. Rogers  
Attorney in Fact

Reference: Non-conforming Interruptible Transportation Service Agreement

Dear Ms. Rogers:

1. On November 21, 2005, Sabine Pipe Line LLC (Sabine) tendered for filing a proposed non-conforming transportation service agreement (Agreement) between Sabine and the Minerals Management Service (MMS) under its IT-1 Rate Schedule. Sabine also tendered tariff sheets<sup>1</sup> to add a "Non-conforming Agreements" section 25 to the General Terms and Conditions (GT&C) of its tariff in order to reference the Agreement. The Commission grants waiver of the notice requirements contained in section 154.207 of its regulations and accepts the Agreement and the tariff sheets listed in footnote 1, effective December 1, 2005.
2. Public notice of the instant filing was issued on November 23, 2005. Interventions and protests were due as provided for in § 154.210 of the Commission's regulations, 18 C.F.R. § 154.210. Pursuant to Rule 214, 18 C.F.R. § 385.214, all timely motions to intervene and any motions to intervene out-of-time filed as of the issuance date of this order are granted. No protests were filed.
3. Sabine states that section 154.112(b) of the Commission's Regulations requires that non-conforming service agreements must be filed with the Commission and referenced in the pipeline's tariff. Accordingly, Sabine tendered for filing the Agreement

---

<sup>1</sup> Third Revised Sheet No. 201, First Revised Sheet No. 305, Original Sheet No. 310 and Original Sheet No. 311 to its FERC Gas Tariff, Original Volume No. 1.

and: (1) Third Revised Sheet No. 201, which has been amended to include a reference to section 25 "Non-conforming Agreements" of the GT&C; (2) Original Sheet No. 310, which contains a list of non-conforming agreements; and (3) First Revised Sheet No. 305 and Original Sheet No. 311, which contain "housekeeping" changes due to the addition of section 25. Sabine requests waiver of 18 CFR § 154.207 and moves that the tariff sheets be placed into effect December 1, 2005, concurrent with the requested effective date of the Agreement.

4. The Agreement deviates from Sabine's tariff by omitting section 8.1 from Article VIII of the IT-1 Rate Schedule Form of Service Agreement. Section 8.1 states that "Sabine and Shipper expressly agree that the laws of the State of Texas shall govern the validity, construction, interpretation and effect of this Service Agreement and of the General Terms and Conditions incorporated by reference in Sabine's IT-1 Rate Schedule." Sabine states that the MMS objects to the language of section 8.1, stating that, as an agency of the Federal government; it is not bound by the laws of a particular state.

5. Eliminating section 8.1 constitutes a material deviation from Sabine's IT-1 Rate Schedule Form of Service Agreement. However, the Commission stated in *Columbia*<sup>2</sup> that a material deviation can be approved where it "is negotiated with an individual shipper to address its unique characteristics, without affecting the quality of service received by that shipper or others." Consistent with *Columbia*, this material deviation (1) addresses a unique situation regarding MMS's concerns based on its status as a Federal agency, and (2) does not affect the quality of the service received by MMS or by other shippers. Therefore, the Commission grants waiver of the notice requirements contained in section 154.207 of its regulations and accepts the Agreement and the tariff sheets listed in footnote 1, effective December 1, 2005.

By direction of the Commission.

Magalie R. Salas,  
Secretary.

---

<sup>2</sup> *Columbia Gas Transmission Corporation*, 97 FERC ¶ 61,221 at 62,004 (2001).