

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

October 17, 2006

In Reply Refer To:  
Chandeleur Pipe Line Company  
Docket Nos. RP06-513-000 and  
RP06-539-000

Chandeleur Pipe Line Company  
c/o Chevron Pipe Line Company  
4800 Fournace Place  
Bellaire, TX 77402-0430

Attention: Sanna Lilburn

Reference: Requests for Temporary Waivers

Dear Ladies and Gentlemen:

1. On August 25, 2006, Chandeleur Pipe Line Company (Chandeleur) filed a request in Docket No. RP06-513-000 to temporarily waive certain tariff provisions, Commission regulations, and NAESB<sup>1</sup> standards, as delineated below, so that it can implement computer system upgrades beginning at 5:00 pm on Friday, August 25, 2006, through Sunday, August 27, 2006. Chandeleur states that these waivers are necessary since implementing its system upgrades will result in an Internet outage where certain website functions may be unavailable or unreliable for short periods of time.

2. In addition, on August 30, 2006, Chandeleur filed another request, in Docket No. RP06-539-000, to temporarily waive the same tariff provisions, Commission regulations, and NAESB standards so that it can perform additional computer system maintenance from Friday, September 1, 2006, through Saturday, September 2, 2006. Chandeleur states that this additional system maintenance will result in another Internet outage where certain website functions may be unavailable or unreliable for short periods of time.

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<sup>1</sup> North American Energy Standards Board.

3. The specific tariff provisions, Commission regulations, and NAESB standards that Chandeaur seeks waiver of in both requests include: (1) NAESB Standard 5.3.34, set forth in section 6 of its General Terms and Conditions (GT&C), which governs the noticing of recalled capacity, bumped capacity, and operational flow orders; (2) NAESB Standard 5.3.40, set forth in section 22 of its GT&C, which delineates what information such notices should include; (3) ten NAESB standards set forth in section 23 of its GT&C,<sup>2</sup> all of which involve Electronic Delivery Mechanism standards and all of which Chandeaur incorporates by reference into its tariff; (4) section 284.12(b)(3)(vi) of the Commission's regulations, which requires a pipeline to post notices of operational flow orders, critical periods, and other critical notices on its website; and, (5) section 284.13(d) of the Commission's regulations, which governs what information a pipeline must post on its website with regard to available capacity. In Docket No. RP06-539-000, Chandeaur also seeks waiver of section 284.13(b) of the Commission's regulations, which delineates contractual data a pipeline must post on its Internet website.

4. Chandeaur asserts that its computer system modifications are necessary to ensure business continuity on its system in case of an unanticipated emergency. Chandeaur states that, for both system outages, it posted a notice of the pending outage period on its website and distributed the notice to subscribing parties. Chandeaur asserts that, due to its small size, the limited number of website functions affected by its proposed maintenance, and the short duration of the scheduled outage, its proposed waiver will not significantly impact existing or potential shippers, nor impede the flow of gas on its system or on the interstate grid. Chandeaur asserts that the Commission has granted similar requests for waivers under similar circumstances.<sup>3</sup>

5. Notice of Chandeaur's waiver requests in Docket No. RP06-513-000 and Docket No. RP06-539-000 were issued on September 6 and 15, 2006, respectively, allowing for protests and interventions as provided by Rule 211 and 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.211 and 385.214 (2006). Pursuant to Rule 214, 18 C.F.R. § 385.214 (2006), all timely filed motions to intervene and any motions to intervene out-of-time filed 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. No interventions or protests with respect to either waiver request were filed.

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<sup>2</sup> Specifically, NAESB Standards 4.1.40, 4.3.23, 4.3.27, 4.3.28, 4.3.29, 4.3.89, 4.3.90, 4.3.91, 4.3.92, and 5.3.18.

<sup>3</sup> Citing, *Texas Eastern Transmission Co., et al.*, 116 FERC ¶ 61,152 (2006); *Gulfstream Natural Gas System, L.L.C.*, 113 FERC ¶ 61,256 (2005); and, *Transcontinental Gas Pipe Line Corp., Pine Needle LNG Co., L.L.C.*, and *Northwest Pipeline Corp.*, 113 FERC ¶ 61,252 (2005).

6. We grant Chandeaur's requests to waive the tariff provisions, Commission regulations, and NAESB standards discussed above so that it can perform computer system upgrades. The Commission recently granted similar waivers to *Texas Eastern*<sup>4</sup> and *Columbia Gas*<sup>5</sup> so that those pipelines could effectuate computer system upgrades. However, Chandeaur should have known about the need for these waivers well in advance of the date on which it filed its requests and, therefore, should have filed its waiver requests well in advance of the date it needed the waiver in order to give sufficient notice of its intended actions. Accordingly, although we will grant the subject waiver requests, we expect Chandeaur and other jurisdictional entities to file any such requests as far in advance of the date when the waiver is needed as reasonably possible, and certainly within a time frame to allow appropriate notice and comment under the Commission's regulations. Failure to do so could result in the denial of the requested waiver and possibly other Commission action. We do, however, wish to clarify that we recognize that it is not always possible to make the filing sufficiently in advance in cases of true emergencies, and that we would not expect to take punitive action in those instances.

By direction of the Commission. Commissioner Moeller concurring with a separate statement attached.

Magalie R. Salas,  
Secretary.

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<sup>4</sup> *Texas Eastern Transmission Co., et al.*, 116 FERC ¶ 61,152 (2006).

<sup>5</sup> *Columbia Gas Transmission Co., et al.*, 116 FERC ¶ 61,067 (2006).

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Chandeleur Pipe Line Company

Docket Nos. RP06-513-000  
RP06-539-000

(Issued October 17, 2006)

MOELLER, Commissioner, concurring:

Unless otherwise permitted, jurisdictional entities must abide by the terms of their tariffs and adhere to our regulations. While Chandeleur cites to precedent where the Commission has approved tariff waivers, the facts of those cases are distinguishable since the pipelines in question either provided sufficient advance notice or informed the Commission of extenuating circumstances that necessitated the waiver. In this case, Chandeleur provided neither sufficient notice nor an explanation for why it could not provide such notice.

Since Chandeleur's unauthorized action, in this instance, has not resulted in any reported harm, I join in the decision to grant the waiver requests. However, the fact that a jurisdictional entity deviated from its tariff without prior approval from this Commission is troubling since even the most minor tariff violation has the potential to trigger a series of events that could adversely affect the reliability of our nation's energy supply and infrastructure. As a result, I will pay particular attention to such actions going forward.

For these reasons, I respectfully concur with the Commission's order.

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Philip D. Moeller  
Commissioner