

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

SFPP, L.P.

Docket Nos. OR92-8-030  
OR04-3-004  
OR05-4-005  
OR05-5-005  
IS06-521-001

ORDER ON REFUND REPORT

(Issued December 5, 2006)

1. On September 28, 2006, SFPP, L.P. (SFPP) submitted a refund report in the captioned proceeding in accordance with the Commission's order dated August 2, 2006.<sup>1</sup> On October 4, 2006, BP West Coast Products LLC and ExxonMobil Corporation filed a joint protest to the report. SFPP filed a response on October 10, 2006, which the Commission will accept in its discretion under Rule 213, 18 C.F.R. § 385.213 (2006). On October 23, BP West Coast Products LLL withdrew its protest. On the same date ExxonMobil Oil Corporation (ExxonMobil) filed a supplemental protest. SFPP filed a response on October 30.
2. ExxonMobil's first protest had no details other than to assert that the refund report was inaccurate and that negotiations were continuing. SFPP's answer asserted that all the supporting detail for the refunds had been provided on a preliminary basis to its shippers, who also received copies of the September 28 filing. According to SFPP, some initial conversations occurred through September 8, but that nothing else was heard from ExxonMobil's counsel before SFPP made the filing on September 28, 2006. It asserts that at no point did ExxonMobil provide any detail, including when it filed its protest. It asserts that ExxonMobil received the exact amount it was entitled to.
3. ExxonMobil's supplemental protest asserts that SFPP acknowledged that it made a mistake and that as result it withheld certain funds that might have otherwise be due. ExxonMobil states that the mistake was reflected on a spreadsheet with certain explanatory notes, but that these notes were never included in the materials filed with the Commission. It asserts that one of the footnotes omitted stated that the "balance due

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<sup>1</sup> *SFPP, L.P.*, 116 FERC ¶ 61,116 (2006).

results from a difference between the stipulated rate and the intrastate rate, which increased to 3.5 cpb [cents per barrel] in December 2004. The increased intrastate rate was inadvertently omitted from the calculation of the escrow amounts. It requests that the matter be referred to the presiding administrative judge that was appointed to this proceeding. SFPP replied that ExxonMobil's second protest stating that all funds due have been paid and that ExxonMobil's allegations of a mistake are without merit.

4. The Commission remands this single protest to the presiding ALJ for a determination of the merits, if any, and whether any additional funds are due ExxonMobil. SFPP's refund report is accepted as to all other amounts and the recipients contained in the report.

The Commission orders:

(A) ExxonMobil's protest to SFPP's refund report filed September 28, 2006 is remanded to the ALJ for a determination of its merits.

(B) SFPP's September refund report is accepted as to all the other amounts and the recipients contained in that report.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.