

111 FERC ¶ 61,289  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

May 27, 2005

In Reply Refer To:  
Midwestern Gas Transmission Company  
Docket No. RP05-290-000

Midwestern Gas Transmission Company  
P.O. Box 542500  
Omaha, NE 68154-8500

Attention: Raymond D. Nepl, Vice President  
Regulatory Affairs and Market Services

Reference: Removal of Shipper Discount Retention Provisions

Ladies and Gentlemen:

1. On April 27, 2005, Midwestern Gas Transmission Company (Midwestern) filed First Revised Sheet No. 270B to its FERC Gas Tariff, Third Revised Volume No. 1 to remove tariff provisions that implemented the *CIG/Granite State Policy* discounting policy. Midwestern proposes to delete the provisions in response to the Commission's Second Order on Remand issued March 3, 2005, in *Williston Basin Interstate Pipeline Co.* (March 3 Order).<sup>1</sup> Among other things the March 3 Order vacated the requirement that permitted a shipper to retain a service rate discount through a streamlined request process when it moved gas receipts or deliveries to segmented points or secondary points. For the reasons detailed below, we will accept the referenced tariff sheet to become effective May 27, 2005, as requested. Acceptance of this filing benefits the public because Midwestern's tariff now conforms to the Commission's current discount policies.

2. Notice of Midwestern's filing was issued on May 5, 2005. Interventions and protests were due as provided in section 154.210 of the Commission's regulations, (18 C.F.R. § 154.210 (2004)). Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214 (2004)), all timely filed motions to

---

<sup>1</sup> 110 FERC ¶ 61,210 (2005).

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. On May 9, 2005, ProLiance Energy, LLC (ProLiance) filed a protest.

3. As mention briefly above, the March 3 Order vacated the Commission's existing policy governing the portability of shipper rate discounts. Specifically, the Commission concluded that it cannot, at this time, satisfy its burden under section 5 of the Natural Gas Act (NGA) to require pipelines to modify their tariffs to incorporate the *CIG/Granite State* policy. The March 3 Order also provided that other pipelines whose tariffs implemented the *CIG/Granite State* policy could file, pursuant to NGA section 4, to remove the tariff provisions implementing the *CIG/Granite State* policy.

4. ProLiance contends that Midwestern failed to comply with fundamental filing requirements applicable to NGA section 4 filings. Specifically, ProLiance states that Midwestern has not identified any reason, nor provides any support which would allow the Commission to delete the *CIG/Granite State* language. Further, ProLiance states, under NGA section 4, pipelines have the burden and responsibility to demonstrate that its proposed tariff change was "just and reasonable," including the responsibility to provide evidentiary support.

5. Contrary to ProLiance's assertion the Midwestern's proposal to delete the tariff provisions related to the *CIG/Granite State* policy is completely unsupported, we find Midwestern's filing is consistent with the March 3 Order. Midwestern's reference to the March 3 Order satisfies the need to explain the reason for the change. As noted above, the remand order clearly permits pipelines to remove tariff language implementing the *CIG/Granite State* discounting policy for the reasons given in that order.

6. While ProLiance has filed for rehearing of *Williston's Basin Interstate Pipeline Co.* in Docket No. RP00-463, the filing of a request for rehearing does not operate as a stay of a Commission order, unless specifically ordered by the Commission, which the Commission has not done.<sup>2</sup> Accordingly, the Commission finds the revised tariff sheet

---

<sup>2</sup> NGA section 19(c).

Docket No. RP05-290-000

3

removing the *CIG/Granite State* discount retention language is consistent with the March 3 Order. Therefore, we accept First Revised Sheet No. 270B to Third Revised Volume No. 1 of Midwestern's FERC Gas Tariff to become effective May 27, 2005, as proposed.

By direction of the Commission.

Linda Mitry,  
Deputy Secretary.

Cc: All Parties

Eva N. Neufeld  
Assistant General Counsel  
Northern Plains Natural Gas Company, LLC, Operator  
Midwestern Gas Transmission Company  
P.O. Box 542500  
Omaha, Nebraska 68154-8500