

119 FERC ¶ 61,198
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Hardy Storage Company, LLC

Docket No. CP05-150-004

ORDER GRANTING CLARIFICATION

(Issued May 25, 2007)

1. On April 16, 2007, Hampshire Gas Company (Hampshire Gas) filed a request for clarification or, in the alternative, rehearing of the order amending certificate authority issued by the Commission on March 15, 2007 (March 15, 2007 Order).¹ The March 15, 2007 Order amended the certificate issued on November 1, 2005, authorizing Hardy Storage Company, LLC (Hardy Storage) to develop and operate underground gas storage facilities in Hampshire and Hardy Counties, West Virginia (Hardy Storage Project).² This order grants the clarification.

2. The Hardy Storage Project involves, among other things, Hampshire Gas leasing capacity from Hardy Storage in existing pipeline facilities on the storage field property to transport gas for Washington Gas Light Company. Hardy Storage did not seek approval of the lease because the parties were still negotiating the lease's terms. However, the Commission noted that the proposed lease must be approved by the Commission and Hampshire Gas must have a rate schedule on file for service on the leased capacity to the extent it is different from its existing rate schedules.³

3. The March 15, 2007 Order approved Hardy Storage's request to implement an uncontested settlement agreement, executed by Hardy Storage and all of its customers, to revise Hardy Storage's initial rates approved by the November 1, 2005 Order. In addition, the March 15, 2007 Order reiterated the statement that any agreement for Hampshire Gas' lease of capacity in Hardy Storage's pipeline facilities must be approved by the Commission and Hampshire Gas must have a rate schedule on file. However, the

¹ *Hardy Storage Co., LLC*, 118 FERC ¶ 61,200 (2007).

² *Columbia Gas Transmission Corp.*, 113 FERC ¶ 61,118 (2005).

³ *Id.* at P 88.

order added that the rate schedule must be on file with the West Virginia Public Service Commission.⁴

4. Hampshire Gas requests that the Commission clarify that the rate schedule which Hampshire Gas is required to have on file is to be on file with the Commission, and not the West Virginia Public Service Commission.

5. The Commission will grant the clarification. Since Hampshire Gas is a natural gas company providing Commission-certificated storage service, the rate schedule for the subject service on the leased capacity must be placed on file with the Commission. Since we are granting the clarification, the alternative request for rehearing is moot.

The Commission orders:

Hampshire Gas' request for clarification is granted.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁴ 118 FERC ¶ 61,200 at P 26.