

122 FERC ¶ 61,179  
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.

Enogex Inc.

Docket No. PR08-1-000

ORDER EXTENDING TIME FOR ACTION

(Issued February 28, 2008)

1. This order addresses a petition for rate approval filed by Enogex Inc. (Enogex).

**Background**

2. On October 1, 2007, Enogex filed a petition for rate approval pursuant to section 284.123(b)(2) of the Commission's regulations.<sup>1</sup> Enogex seeks approval of maximum rates for interruptible transportation service under section 311 of the Natural Gas Policy Act of 1978 (NGPA).<sup>2</sup>

3. Public notice of Enogex's filing was issued on October 9, 2007. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,<sup>3</sup> all timely unopposed motions or notices are granted.

**Discussion**

4. Section 284.123(b)(2)(ii) provides that a proposed rate will be deemed to be "fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for providing similar transportation service, unless within 150 days the Commission either extends the time for action, or institutes a proceeding in which all

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<sup>1</sup> Enogex is an intrastate pipeline with facilities in the State of Oklahoma.

<sup>2</sup> 18 C.F.R. § 284.123(b)(2) (2007).

<sup>3</sup> 18 C.F.R. § 385.214 (2007).

interested parties will be afforded an opportunity for written comments and for the oral presentation of views, data, and arguments.”<sup>4</sup> The 150-day period for review of Enogex’s rates will expire on February 28, 2008. Because the Commission has been unable to make a determination that Enogex’s proposed rates are fair and equitable, the Commission must extend the time for action or institute rate proceedings.

5. We will extend the time for action until the Commission can make a determination whether Enogex’s rates are fair and equitable. This should serve to encourage settlement of the issues among the parties. Within 120 days of the date this order issues, Commission Staff will report to the Commission on the status of settlement negotiations.

The Commission orders:

Pursuant to the Commission’s authority under section 311 of the NGPA and Section 284.123(b)(2)(ii) of the Commission’s regulations, time for action on Enogex’s petition for rate approval is extended until the Commission can make a determination whether Enogex’s rates are fair and equitable or until it determines that formal proceedings are necessary.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>4</sup> 18 C.F.R. § 284.123(b)(2)(ii) (2007).