

123 FERC ¶ 61,111
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.

Energy Transfer Partners, L.P.

Docket No. IN06-3-003

Energy Transfer Company

ETC Marketing Ltd.

Houston Pipeline Company

Oasis Pipeline, L.P.

Oasis Pipeline Company Texas, L.P.

ETC Texas Pipeline Ltd., Oasis Division

ORDER DENYING MOTION AND REJECTING ANSWER

(Issued May 1, 2008)

1. On December 20, 2007, the Commission issued an order on rehearing,¹ which among other things, established certain procedures in the show cause proceeding established by the Commission's July 26, 2007 Order.² The December 20 Order directed the Commission's Enforcement Litigation Staff (Enforcement Litigation Staff) to file a brief, within 60 days of the date of the order, addressing certain issues in the show cause proceeding. The order also permitted Energy Transfer Partners, L.P. (ETP) to file a response to Enforcement Litigation Staff's brief within 20 days of the date of the brief.³ No other pleadings were directed by the order.

¹ *Energy Transfer Partners, L.P.*, 121 FERC ¶ 61,282 (2007) (December 20 Order).

² *Energy Transfer Partners, L.P.*, 120 FERC ¶ 61,086 (2007).

³ Enforcement Litigation Staff filed its brief on February 14, 2008, and ETP filed its reply on March 31, 2008, after being granted an extension of time.

2. On April 25, 2008, Enforcement Litigation Staff filed a motion for leave to answer and answer to ETP's March 31, 2008 reply. Rule 213 of the Commission's Rules of Practice and Procedure⁴ does not permit answers to answers unless otherwise ordered by the decisional authority. In this case, the December 20 Order only permitted a brief by Enforcement Litigation Staff and a response by ETP. Accordingly, Enforcement Litigation Staff's motion for leave to answer is denied and its answer is rejected.

The Commission orders:

Enforcement Litigation Staff's April 25, 2008 motion for leave to answer is denied and its answer is rejected.

By the Commission. Commissioner Kelly concurring with a separate statement attached.

(S E A L)

Kimberly D. Bose,
Secretary.

⁴ 18 C.F.R. § 385.213 (2007).

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KELLY, Commissioner, *concurring*:

I agree with the disposition of this order. However, I am writing separately to make clear that I believe the information tendered by the Enforcement Litigation Staff in its answer to ETP's March 31, 2008 reply would be helpful to the Commission in our decision making in this case. I also believe that any reply to the answer by ETP, including any rebuttal evidence, would also be helpful to the Commission in our decision making. I am hopeful that the Commission will find another way to allow all this information to come before us.

Accordingly, I concur with this order.

Suedeem G. Kelly