

126 FERC ¶ 61,017
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

January 12, 2009

In Reply Refer To:
Cimmarron Gathering, L.P.
Docket No. OR08-14-000

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Attention: Gordon J. Smith
Attorney for Cimmarron Gathering, L.P.

Reference: Request for Temporary Waiver of Tariff Filing and Reporting
Requirements

Ladies and Gentlemen:

1. Cimmarron Gathering, L.P. (Cimmarron) has filed a request for a temporary waiver of the tariff filing and reporting requirements contained in sections 6 and 20 of the Interstate Commerce Act (ICA) for its pipeline that extends from Cimmarron's Pinkston Station in Texas to its Hewitt and Elmore stations in Oklahoma. Upon consideration, the Commission grants the waiver requested by Cimmarron subject to the conditions that Cimmarron maintain its books and records in accordance with the Uniform System of Accounts and that Cimmarron timely notify the Commission of any material change in its operations as specified herein.
2. Cimmarron states that it is a wholly-owned subsidiary of Copano Energy, L.L.C. (Copano). Cimmarron states that it operates a single interstate pipeline that moves crude oil from various sources in Oklahoma and Texas to two destination points in Oklahoma. The Cimmarron pipeline consists of a 63.6-mile, four-inch diameter mainline extending from Pinkston Station in Grayson County, Texas, to the Elmore City Station in Garvin County, Oklahoma, and also includes a six-mile long, six-inch diameter "spur line" that connects the mainline to Cimmarron's Plains Hewitt Station in Carter County, Oklahoma.

3. Cimmarron asserts that following Copano's purchase of Cimmarron, the company determined that Cimmarron performed service under the Commission's jurisdiction and was not a "private line." However, Cimmarron requests a temporary waiver of the Commission's filing and reporting requirements.
4. Cimmarron states that its pipeline is similarly situated to pipelines that have previously received temporary waivers from the Commission. Cimmarron states that the Cimmarron crude oil pipeline is a relatively small-diameter, short pipeline located almost entirely within one state. Cimmarron states that it owns 100 percent of the crude oil transported on the pipeline and that Cimmarron purchases almost its entire throughput directly from wellhead sources. Cimmarron states that the crude oil pipeline has no intermediate interconnections between its origin and destination points and that no person has requested the construction of such an interconnection. Cimmarron also states that no third party has formally requested transportation services or access to the crude oil pipeline. Although Cimmarron states that in 2003 an employee received an informal inquiry regarding the availability of capacity on the system, no formal request for service was ever subsequently tendered. Cimmarron further states that it is unaware of any third party interest in access to the pipeline and that it is unlikely that such interest will materialize.
5. Cimmarron's request for temporary waiver was noticed by the Commission on November 19, 2008. Persons desiring to intervene or protest this filing were accorded an opportunity to do so pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedure.¹ No requests for intervention or protests were received.
6. The Commission has granted temporary requests for waiver of the filing and reporting requirements of sections 6 and 20 of the ICA² where, as here, all of the oil to be transported is owned by the pipeline or an affiliate; no third party has requested, or is likely to request, transportation service over the pipeline; and there is no opposition to the waiver request. In these cases, the Commission determined that there was no active third-party shipper interest to protect under the ICA, and, therefore, a temporary waiver of the sections 6 and 20 filing and reporting requirements was warranted. However, the

¹ 18 C.F.R. §§ 385.211 and 385.214 (2008).

² See, e.g., *Sinclair Oil Corp.*, 4 FERC ¶ 62,026 (1978); *Hunt Refining Co. and East Mississippi Pipeline Co.*, 70 FERC ¶ 61,035 (1995); *Ciniza Pipe Line Inc.*, 73 FERC ¶ 61,377 (1995); *Enbridge Pipelines (NE Texas Liquids) L.P.*, 110 FERC 61,159 (2005); *Enbridge Pipelines (NE Texas Liquids) L.P.*, 117 FERC ¶ 61,046 (2006); *Giant Pipeline Company and Giant Industries Arizona, Inc.*, 120 FERC ¶ 61,275 (2007).

Commission granted the waivers subject to revocation should circumstances change and required the pipelines to keep their books and records in a manner consistent with the Commission's Uniform System of Accounts.

7. Upon consideration of the facts contained in the request as filed by Cimmarron, the Commission grants the temporary waiver of the filing and reporting requirements of sections 6 and 20 of the ICA.

8. Because this waiver is temporary, the Commission also directs Cimmarron to immediately report to the Commission any change in the circumstances which the Commission found to warrant the waiver. In addition, Cimmarron must maintain all books and records in a manner consistent with the Uniform System of Accounts for Oil Pipelines, 18 C.F.R. Part 352, and make such books and records available to the Commission or its duly authorized agents upon request.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: All Parties

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