

126 FERC 61,273  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

March 25, 2009

In Reply Refer To:  
Northern Natural Gas Company  
Docket No. RP09-362-000

Northern Natural Gas Company  
1111 South 103rd Street  
Omaha, NE 68124

Attention: Dari R. Dornan,  
Senior Counsel

Reference: Waiver Request

Ladies and Gentlemen:

1. On February 12, 2009, Northern Natural Gas Company (Northern) filed a petition for a limited waiver of its tariff to resolve the prior period imbalance with Atmos Energy Corporation (Atmos) incurred as a result of a billing error.
2. Northern states an imbalance invoice issued to Atmos stated it owed Atmos 4,957 dekatherms (Dth) for November 2008. Northern explains that under section 32(D) of its General Terms and Conditions (GT&C), it calculates charges related to imbalances by multiplying the high or low Monthly Index Price (MIP) for the month by certain percentages depending on the volume of the imbalance.
3. However after further review, Northern states the November 2008 invoice issued to Atmos was incorrect. According to Northern, using the correct imbalance volume shows Atmos actually owes Northern 163 Dths. To correct the billing error, Northern states that it issued a revised imbalance invoice in December 2008 that billed Atmos for 5,120 Dths, the sum of the 4,957 Dths incorrectly attributed to Atmos plus the 163 Dths. In the revised invoice, Northern states it charged the Field Area Average Weekly Index Price consistent with section 32H of its GT&C, which states that "Any transportation imbalance in a given month. . . created by throughput occurring in a previous month, will have a Dollar Valuation based on the applicable Market Area, Field Area, or Gulf Coast

Average Weekly Index Price without tiering for the month in which the throughput occurred for purposes of using the Monthly Cash-out/in Mechanism.”

4. Northern states Atmos later asked Northern to issue another imbalance invoice for November 2008 billing and requested that Northern apply the high MIP for the month to the 163 Dths. Northern states this is the amount it would have originally invoiced to Atmos had no billing error occurred. Therefore, Northern seeks a limited waiver to allow it to cash-out Atmos’ entire imbalance amount using the high MIP for November 2008 rather than the Field Area Average Weekly Index Price. Northern asserts that to resolve the imbalance that resulted from circumstances beyond the customer’s control, a limited waiver of its tariff is appropriate.

5. The Commission noticed Northern’s filing on February 17, 2009, allowing for protests as provided by section 154.210 of the Commission’s regulations. Pursuant to Rule 214, 18 C.F.R. § 385.214 (2008), all timely filed motions to 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. No party filed a protest or adverse comments. For good cause shown, we grant Northern’s request for a limited waiver of its tariff to allow Northern to resolve Atmos’ November 2008 imbalance using the high MIP. Granting this limited waiver will result in a billing adjustment of \$9,187.75 and will not adversely impact other shippers on Northern’s system.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

c: All Parties

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