

127 FERC ¶ 61,237
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Sudeen G. Kelly, Marc Spitzer,
and Philip D. Moeller.

Transcontinental Gas Pipe Line Company, LLC

Docket No. RP09-588-000

ORDER GRANTING LIMITED
WAIVER OF GENERAL TERMS AND CONDITIONS

(Issued June 11, 2009)

1. On May 13, 2009, Transcontinental Gas Pipe Line Company, LLC (Transco) requested an expedited waiver of section 20.3 of the General Terms and Conditions (GT&C) of its tariff to temporarily stay Transco's obligation to respond to interconnection requests on the McMullen Lateral (Lateral) pending issuance of a Commission order on Transco's Joint Application for Order Approving Abandonment of Facilities and Determining Jurisdictional Status of Facilities (Application) to abandon the McMullen Lateral by sale to Copano Field Services/Central Gulf Coast, L.P (Copano).¹ The Commission grants the requested waiver.

I. Background

2. Under section 20.3 of the GT&C of Transco's tariff, Transco is required to respond to each request for interconnect facilities within sixty (60) days after receiving the request.

3. Transco states that on December 19, 2008, Transco and Copan submitted an Application seeking an order approving Transco's abandonment by sale to Copano of Transco's McMullen Lateral. Copano also requested a finding that following the sale, the Lateral would perform a gathering function and will be exempt from the Commission's jurisdiction. In the Application, Transco and Copano requested an order from the Commission by May 31, 2009.

4. Transco states that nearly four months after initiating that proceeding and mere weeks before the date by which Transco and Copano requested an order from the

¹ See *Transcontinental Gas Pipe Line, LLC and Copano Field Services/Central Gulf Coast, L.P., Application for Order Approving Abandonment of Facilities and Determining Jurisdictional Status of Facilities*, Docket No. CP09-38-000 (2008).

Commission, Escondido Gas Storage, LLC (Escondido) submitted a written request to Transco for a bi-directional interconnect on the Lateral with a target in-service date of April 1, 2011.

5. Transco requests an expedited temporary waiver of section 20.3 of its GT&C until an order is issued in Docket No. CP09-38-000. Depending on the Commission's decision concerning the Application, Transco requests the following: (1) if the Commission approves the abandonment of the Lateral in Docket No. CP09-38-000, Transco requests that the stay on its obligation to respond to interconnect requests on the Lateral remain in effect until the Lateral is abandoned to Copano, which Transco intends to effect promptly; or (2) if the Commission denies the abandonment of the Lateral in Docket No. CP09-38-000, Transco requests that it be granted a sixty (60) day period from the date of such order to respond to Escondido's request for an interconnection on the Lateral and any other pending requests to interconnect on the Lateral.

6. Transco submits that, to date, Escondido is the only interconnect request on the Lateral that is pending and given Escondido's interconnect target in-service date of April 1, 2011, an expedited waiver to stay Transco's obligation to respond until after a Commission order in Docket No. CP09-38-000 will not unduly harm Escondido.

II. Notice of Filing and Responsive Pleadings

7. Notice of Transco's filing was issued on May 14, 2009. Interventions and protests were due May 26, 2009, as provided in section 154.210 of the Commission's regulations.² Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,³ all timely 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 protests or adverse comments were filed.

III. Discussion

8. Based on the unique set of facts outlined above, the Commission will grant Transco's request for temporary waiver of section 20.3 of its GT&C with respect to interconnection requests on the McMullen Lateral pending issuance of a Commission order in Docket No. CP09-38-000. Further, if the Commission grants Transco's requested abandonment in Docket No. CP09-38, the waiver will remain in effect until the McMullen Lateral is abandoned. If the Commission denies Transco's waiver request in

² 18 C.F.R. § 154.210 (2008).

³ 18 C.F.R. § 385.214 (2008).

Docket No. CP09-38, Transco will have 60 days from the date of such order to respond to Escondido's and any other pending requests to interconnect on the McMullen Lateral.

The Commission orders:

Transco's waiver request is granted as discussed above.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.