

128 FERC ¶ 61,083  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Humble Gas Pipeline Company

Docket No. PR09-17-000

ORDER EXTENDING TIME FOR ACTION

(Issued July 23, 2009)

1. This order addresses a petition for rate approval that Humble Gas Pipeline Company (HGPC) filed in Docket No. PR09-17-000.<sup>1</sup>

**Background**

2. On February 27, 2009, HGPC filed a petition for rate approval pursuant to section 284.123(b)(2) of the Commission's regulations.<sup>2</sup> HGPC seeks approval of a maximum usage rate of \$0.06546 per MMBtu for gas transported on HGPC's Inlet System and a maximum usage rate of \$0.0476 per MMBtu for gas transported on HGPC's Header System.<sup>3</sup> Further, HGPC requests that each of the two transportation services be subject to a 0.54 percent retainage for fuel and lost and unaccounted-for gas for transportation service under section 311 of the Natural Gas Policy Act of 1978 (NGPA).

3. Public notice of the filing was issued on March 18, 2009. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,<sup>4</sup> all timely unopposed motions or notices are granted.

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<sup>1</sup> HGPC is an intrastate pipeline with an Inlet and Header System located in the State of Texas. The Inlet System gathers and transports processable gas while the Header System delivers residue, bypassed or other third-party gas.

<sup>2</sup> 18 C.F.R. § 284.123(b)(2) (2008).

<sup>3</sup> 15 U.S.C. § 3364 (2006).

<sup>4</sup> 18 C.F.R. § 385.214 (2008).

**Discussion**

4. Section 284.123(b)(2)(ii) of the Commission's regulations 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 interested parties will be afforded an opportunity for written comments and for the oral presentation of views, data, and arguments."<sup>5</sup> The 150-day period for review of HGPC will expire on July 27, 2009. Because the Commission has been unable to make a determination that HGPC'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 HGPC'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 HGPC's petition for rate approval is extended until the Commission can make a determination whether HGPC's rates are fair and equitable or until it determines that formal proceedings are necessary.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>5</sup> 18 C.F.R. § 284.123(b)(2)(ii) (2008).