

129 FERC ¶ 61,067  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

October 26, 2009

In Reply Refer To:  
Ozark Gas Transmission, L.L.C.  
Docket No. RP09-1040-000

Ozark Gas Transmission, L.L.C.  
P.O. Box 1642  
Houston, TX 77251-1642

Attention: Christine Pallenik, Esq.  
Associate General Counsel

Ladies and Gentlemen:

1. On September 9, 2009, Ozark Gas Transmission, L.L.C (Ozark) filed tariff sheets<sup>1</sup> proposing revisions to its FERC Gas Tariff, First Revised Volume No. 1, to incorporate modifications needed to implement a new electronic bulletin board system.
2. Ozark explains that it was purchased by Spectra Energy Partners (Spectra) on May 6, 2009, and that, since that date, Spectra has modified its LINK ® Customer Interface System (the LINK ® System) to accommodate Ozark. Ozark explains, further, that it will conduct its daily business activities electronically via the LINK ® System, effective November 16, 2009. Specifically, Ozark revises its tariff sheets to: (1) add the Form of Service Agreement for the LINK ® System, and a new General Terms and Conditions (GT&C) section; (2) modify the contracting, discounting and electronic communications provisions in the tariff; (3) modify the right-of-first-refusal (ROFR) provisions; (4) revise the Forms of Service Agreement under Rate Schedules FTS, ITS and PAL; (5) consolidate the discounting provisions contained in Rate Schedules FTS and ITS into a new GT&C section for requesting and confirming discounted transactions; (6) include the procedures that Ozark will require releasing shippers and potential prearranged and replacement shippers to follow to effectuate the temporary or permanent release of capacity; (7) incorporate provisions such as the nomination and scheduling procedures used by the other Spectra pipelines, how and when an Intra-Day Nomination may flow through a Posted Point of Restriction, the opportunities for a shipper to have an

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<sup>1</sup> See Appendix.

ROFR applicable, and the opportunities for processing non-biddable capacity release transactions; (8) clarify the scheduling and curtailment provisions; (9) incorporate defined terms that describe the points located on Ozark's system; (10) reflect that Ozark will make available monthly invoices via the LINK ® System; (11) describe the services provided by Ozark; (12) establish priorities for point and throughput scheduling; and, (13) correct typographical errors, section references, capitalization, terminology and point references, and include the NAESB WGQ Standards. Ozark requests the Commission permit its proposed tariff sheets to become effective November 16, 2009. Ozark also requests the Commission to issue an order accepting the revised tariff sheets by October 22, 2009, to allow Ozark and its customers the time to ensure a smooth transition to the LINK ® System.

3. Notice of Ozark's filing issued on September 11, 2009. Interventions and protests were due as provided in section 154.210 of the Commission's regulations, 18 C.F.R. § 154.210. Pursuant to Rule 214, 18 C.F.R. § 385.214, 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 the proceeding or place additional burdens on existing parties.

4. BP America Production Company & BP Energy Company (BP) filed a protest requesting three modifications. Specifically, BP requests the Commission to reject the proposed restrictions on a shipper's acquisition of firm capacity more than 90 days prior to the effective date of the contract. BP requests the Commission to retain the existing tariff language that Ozark proposes to delete that states that secondary service within a firm shipper's primary flowpath (Within-the-Path service) has the same mainline curtailment priority as primary firm service (referred to as Within-the-Path Parity). Finally, BP requests the Commission to reject the proposed requirement that permits Ozark to terminate an interruptible transportation (IT) contract that is not used within 60 days of a contract's execution date or effective date.

5. On September 30, 2009, Ozark filed an answer. Ozark is willing to modify its proposed tariff provisions to preserve the agreement it made in 2008 regarding priorities afforded to a customer's use of its Primary Path. Ozark now proposes to modify the tariff's priorities of service provisions to include detailed provisions regarding mainline capacity priorities (referred to as "throughput" scheduling priorities).<sup>2</sup> Ozark states that, at the Commission's direction, it is willing to delete the proposed tariff provision in GT&C Section 18.9 that states that an Interruptible Service Agreement will terminate if the customer does not use the IT within 90 days of execution. Ozark notes its IT form of service agreement includes a provision that allows either party to terminate the agreement

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<sup>2</sup> See Tariff Change Filing, First Revised Sheet Nos. 121-122, General Terms and Conditions (GT&C), Section 10.2.

after an initial Primary Term by providing advance written notice to the other party.<sup>3</sup> Ozark states this bilateral right to terminate an IT service agreement is sufficient to address its concerns as to administrative efficiency. Finally, Ozark avers BP's challenge of Ozark's existing tariff requirement that firm service begin no later than 90 days following the customer's request for service is not properly raised in this proceeding. Ozark points out that the provision limiting advance contracting to a 90-day period is not new. According to Ozark, BP's protest of GT&C section 18.3 is a challenge to an existing tariff provision, and, as such, it is an attempt to expand the scope of this proceeding. Ozark, therefore, requests the Commission to reject BP's protest of Ozark's 90 day in advance limitation.

6. The Commission finds Ozark's explanation reasonable, and conditionally accepts Ozark's revised tariff sheets effective November 16, 2009. Granting these changes will enable Ozark to update its tariff sheets to reflect Spectra's acquisition of Ozark. The Commission directs Ozark to submit a compliance filing with the revised tariff sheets it agreed to submit in its answer within 15 days of the date this order issues.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

cc: All Parties

Janice K. Devers  
General Manager, Tariffs and Commercial Development  
Ozark Gas Transmission, L.L.C.  
P.O. Box 1642  
Houston, TX 77251-1642

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<sup>3</sup> See Tariff Change Filing, First Revised Sheet No. 220.

**Appendix**

**Ozark Gas Transmission, L.L.C.**  
FERC Gas Tariff, First Revised Volume No. 1

*Tariff Sheets Accepted Effective November 16, 2009:*

First Revised Sheet No. 1	Original Sheet No. 132A	Second Revised Sheet No. 177
First Revised Sheet No. 10	First Revised Sheet No. 133	First Revised Sheet No. 190B
Third Revised Sheet No. 20	First Revised Sheet No. 134	Original Sheet No. 191
First Revised Sheet No. 30	Original Sheet No. 134A	Original Sheet No. 191A
First Revised Sheet No. 31	First Revised Sheet No. 135	Original Sheet No. 192
First Revised Sheet No. 32	First Revised Sheet No. 136	Original Sheet No. 192A
Second Revised Sheet No. 33	First Revised Sheet No. 137	Original Sheet No. 192B
First Revised Sheet No. 34	First Revised Sheet No. 138	Original Sheet No. 192C
First Revised Sheet No. 36	First Revised Sheet No. 139	Original Sheet No. 192D
First Revised Sheet No. 37	First Revised Sheet No. 140	Original Sheet No. 192E
Second Revised Sheet No. 48	First Revised Sheet No. 141	Original Sheet No. 192F
First Revised Sheet No. 49	First Revised Sheet No. 142	Original Sheet No. 192G
First Revised Sheet No. 50	First Revised Sheet No. 143	Original Sheet No. 192H
Second Revised Sheet No. 51	First Revised Sheet No. 144	Original Sheet No. 192I
Second Revised Sheet No. 52	First Revised Sheet No. 145	Original Sheet No. 192J
First Revised Sheet No. 53	First Revised Sheet No. 146	Original Sheet No. 193
First Revised Sheet No. 54	First Revised Sheet No. 147	Sheet Nos. 194-199
First Revised Sheet No. 55	First Revised Sheet No. 148	First Revised Sheet No. 200
Second Revised Sheet No. 56	Original Sheet No. 148A	First Revised Sheet No. 201
First Revised Sheet No. 57	Original Sheet No. 148B	First Revised Sheet No. 202
First Revised Sheet No. 58	First Revised Sheet No. 149	First Revised Sheet No. 203
First Revised Sheet No. 59	First Revised Sheet No. 150	First Revised Sheet No. 204
First Revised Sheet No. 60	First Revised Sheet No. 151	First Revised Sheet No. 205
Second Revised Sheet No. 100	First Revised Sheet No. 152	First Revised Sheet No. 206
Second Revised Sheet No. 101	First Revised Sheet No. 153	First Revised Sheet No. 207
First Revised Sheet No. 102	First Revised Sheet No. 155	First Revised Sheet No. 208
First Revised Sheet No. 103	First Revised Sheet No. 156	First Revised Sheet No. 210
Second Revised Sheet No. 104	First Revised Sheet No. 157	First Revised Sheet No. 220
Original Sheet No. 104A	First Revised Sheet No. 158	Second Revised Sheet No. 221
First Revised Sheet No. 105	Original Sheet No. 158A	Second Revised Sheet No. 222
First Revised Sheet No. 106	First Revised Sheet No. 159	Second Revised Sheet No. 223
First Revised Sheet No. 107	First Revised Sheet No. 160	First Revised Sheet No. 224
First Revised Sheet No. 108	First Revised Sheet No. 161	First Revised Sheet No. 225
First Revised Sheet No. 112	First Revised Sheet No. 162	First Revised Sheet No. 226
First Revised Sheet No. 113	First Revised Sheet No. 163	First Revised Sheet No. 227
First Revised Sheet No. 114	First Revised Sheet No. 164	Second Revised Sheet No. 228
First Revised Sheet No. 115	First Revised Sheet No. 165	First Revised Sheet No. 229
First Revised Sheet No. 116	First Revised Sheet No. 166	First Revised Sheet No. 230

First Revised Sheet No. 117	First Revised Sheet No. 167	First Revised Sheet No. 231
First Revised Sheet No. 119	First Revised Sheet No.168	First Revised Sheet No. 232
Second Revised Sheet No. 120	First Revised Sheet No. 169	First Revised Sheet No. 233
First Revised Sheet No. 121	Original Sheet No. 169A	First Revised Sheet No. 234
First Revised Sheet No. 122	Original Sheet No. 169B	First Revised Sheet No. 235
Second Revised Sheet No. 123	Original Sheet No. 169C	First Revised Sheet No. 237
First Revised Sheet No. 124	Original Sheet No. 169D	Original Sheet No. 238
Original Sheet No. 124-A	Original Sheet No. 169E	Original Sheet No. 239
Second Revised Sheet No. 127	First Revised Sheet No. 170	Original Sheet No. 240
First Revised Sheet No. 128	First Revised Sheet No. 171	Original Sheet No. 241
First Revised Sheet No. 129A	First Revised Sheet No. 172	Original Sheet No. 242
First Revised Sheet No. 130	First Revised Sheet No. 173	Sheet Nos. 243-249
Original Sheet No. 130A	First Revised Sheet No. 174	Original Sheet No. 250
First Revised Sheet No. 131	First Revised Sheet No. 175	Original Sheet No. 251
First Revised Sheet No. 132	First Revised Sheet No. 176	Original Sheet No. 252