

129 FERC ¶ 61,072
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

BP Pipelines (Alaska) Inc.	Docket No. IS09-348-000
ConocoPhillips Transportation Alaska Inc.	Docket No. IS09-384-000
ExxonMobil Pipeline Company	Docket No. IS09-391-000
BP Pipelines (Alaska) Inc.	Docket No. IS09-395-000
ExxonMobil Pipeline Company	Docket No. IS09-177-000
Unocal Pipeline Company	Docket No. IS09-176-000 (consolidated)

ORDER GRANTING MOTION TO LIFT ABEYANCE

(Issued October 27, 2009)

1. On October 21, 2009, the Participants¹ in the above-captioned proceeding filed a motion requesting the Commission to lift the abeyance previously ordered in this case, transfer the case to the Chief Administrative Law Judge (ALJ) to initiate settlement judge procedures, and waive the 15 day answer period provided for in Rule 213 of the Commission's Rules of Practice and Procedure.² As discussed below, the Commission grants the Participants' motion.

Background

2. The tariff filings at issue in this proceeding were filed by four of the five Trans Alaska Pipeline System (TAPS) Carriers – ExxonMobil Pipeline Company (ExxonMobil), Unocal Pipeline Company (Unocal), BP Pipelines (Alaska) Inc. (BP), and

¹ The Participants include the State of Alaska (State); ExxonMobil Pipeline Company; Anadarko Petroleum Corporation (Anadarko); ConocoPhillips Transportation Alaska, Inc.; BP Pipelines (Alaska) Inc.; Commission Trial Staff; Unocal Pipeline Company; Flint Hills Resources Alaska, LLC; and Petro Star, Inc.

² 18 C.F.R. § 385.213 (2009).

ConocoPhillips Transportation Alaska, Inc. (ConocoPhillips), at various times in 2009.³ The filings concern the Carriers' rates for transportation service over their respective shares of TAPS for 2009.

3. The State and Anadarko protested the rate filings submitted by BP, ExxonMobil, and ConocoPhillips, and the State protested Unocal's filing. On April 28, 2009, the Commission accepted Unocal's volume incentive rate filing in Docket No. IS09-176-000, subject to refund and the outcome of the proceedings concerning the TAPS Carriers' underlying rates in Docket Nos. IS07-75-000, *et al.*⁴ On April 29, 2009, the Commission accepted and suspended, subject to refund, ExxonMobil's rate filing in Docket No. IS09-177-000 and established hearing procedures.⁵ On June 30, 2009, the Commission accepted and suspended the rates in the remaining captioned dockets, made them subject to refund, consolidated the proceedings with the proceedings in Docket Nos. IS09-176-000 and IS09-177-000, and established hearing and settlement judge procedures.⁶ The Commission ordered that the hearing and settlement judge procedures be held in abeyance pending the outcome of the underlying TAPS rate proceedings in Docket No. IS07-75-000, *et al.*

4. The proceedings described above are separate from the proceedings in Docket No. IS07-75-000, *et al.*, which concern the TAPS Carriers' transportation rates for 2008 (2008 Rate Proceeding). For the past several months, the parties involved in the 2008 Rate Proceeding have been engaged in settlement discussions. According to the Participants, on October 15, 2009, the parties to the 2008 Rate Proceeding reached an agreement in principle to settle all issues and are in the process of preparing settlement papers to file with the Commission.

Motion

5. In light of the settlement in the 2008 Rate Proceeding, the Participants filed a motion requesting the Commission to lift the abeyance previously ordered in this case, transfer the case to the Chief ALJ to initiate settlement judge procedures, and waive the

³ Koch Alaska Pipeline Company, LLC (Koch) has not submitted a rate filing in 2009.

⁴ *Unocal Pipeline Co.*, 127 FERC ¶ 61,088 (2009).

⁵ *ExxonMobil Pipeline Co.*, 127 FERC ¶ 61,089 (2009).

⁶ *BP Pipelines (Alaska) Inc.*, 127 FERC ¶ 61,316 (2009) (June 30 Order).

15 day answer period provided for in Rule 213 of the Commission's Rules of Practice and Procedure, since the motion is unopposed. The Participants explain that once the settlement in the 2008 Rate Proceeding has been filed with the Commission, the Participants wish to convene settlement negotiations in this proceeding immediately. In order to begin settlement discussions as soon as the settlement in the 2008 Rate Proceeding has been filed, the Participants request expedited Commission action on this motion.

Discussion

6. For good cause shown, the Commission will grant the Participants' motion. The Commission has consistently encouraged parties to resolve disputes through settlement.⁷ To encourage the Participants in this proceeding to enter into such a settlement, the Commission established formal settlement judge procedures in the June 30 Order.⁸ However, the Commission held the settlement procedures in abeyance pending the outcome of the 2008 Rate Proceeding.⁹ Given that the 2008 Rate Proceeding has settled, and no party objects to the Participants' motion, the Commission will lift the abeyance previously ordered in this case and transfer the case to the Chief ALJ to initiate settlement judge procedures. In addition, the Commission waives the 15 day answer period in Rule 213 to permit the Participants to begin settlement discussions as soon as possible.

The Commission orders:

The Participants' motion is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁷ See 18 C.F.R. § 343.5 (2009)

⁸ June 30 Order at P 30.

⁹ *Id.* P 31.