

129 FERC ¶ 61,173
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Trailblazer Pipeline Company LLC

Docket No. RP03-162-000

ORDER GRANTING MOTION TO AMEND SETTLEMENT

(Issued November 24, 2009)

1. On November 19, 2009, pursuant to Rule 212 of the Commission's Rules of Practice and Procedure,¹ Trailblazer Pipeline Company LLC (Trailblazer) filed a motion to amend a settlement approved by the Commission on January 23, 2004 (2003 Settlement) in the above-captioned docket.² As discussed below, the Commission grants Trailblazer's motion.
2. Pursuant to Article IV of the 2003 Settlement, Trailblazer is required to file a general rate case under section 4 of the Natural Gas Act (NGA) to be effective no later than January 1, 2010. In order to comply with this provision and the Commission's regulations,³ Trailblazer would have to file the rate case with the Commission by December 1, 2009. Trailblazer states that it is currently in the process of settlement negotiations with its shippers to resolve all issues related to the upcoming rate case filing. Accordingly, Trailblazer requests that the Commission amend the 2003 Settlement to allow the parties more time to conduct settlement negotiations. Specifically, Trailblazer requests that the first sentence in paragraph 4.1 of Article VI of the 2003 Settlement be amended to state (the change is in brackets):

Trailblazer shall file a general rate case under Section 4 of the Natural Gas Act conforming to the requirements of the Commission's applicable regulations to be effective no earlier than January 1, 2006 and no later than [April 1, 2010], and no Consenting Party shall have the right to file a complaint

¹ 18 C.F.R. § 385.212 (2009).

² *Trailblazer Pipeline Company*, 106 FERC ¶ 61,034 (2004).

³ 18 C.F.R. § 154.207 (2009).

seeking revision in Trailblazer's rates to be effective before January 1, 2006.

3. The single change to this provision would be to delete "January 1, 2010" and replace it with "[April 1, 2010]." Trailblazer states that the Commission has previously approved similar requests to amend settlements.⁴ Trailblazer requests expedited action on this motion in order to have a ruling by November 24, 2009, one week before Trailblazer's rate case filing is due.

4. Notice of Trailblazer's motion was issued on November 19, 2009. Answers to Trailblazer's motion were due on November 20, 2009. No party filed an answer.

5. The Commission finds that the requested settlement amendment is fair and reasonable and in the public interest, because it will allow parties to continue settlement negotiations consistent with the Commission's policy favoring settlements. Moreover, no party opposes the amendment. Therefore, the Commission grants Trailblazer's motion to amend the 2003 Settlement.

The Commission orders:

Trailblazer's motion is granted, as discussed in the body of the order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁴ See *Colorado Interstate Gas Co.*, 114 FERC ¶ 61,173 (2006).