

129 FERC ¶ 61,201  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

UGI Central Penn Gas, Inc.

Docket Nos. PR09-27-000 and  
PR09-27-001

ORDER EXTENDING TIME FOR ACTION

(Issued December 4, 2009)

1. This order addresses a filing by UGI Central Penn Gas, Inc. (CPG), seeking approval of an election of state-approved rates for transportation and storage services performed under its section 284.224 blanket certificate. Accordingly, CPG is proposing to change its rates and its Statement of Operating Conditions (SOC), pursuant to section 311 of the Natural Gas Policy Act (NGPA) and section 284.123 of the Commission's regulations.<sup>1</sup>
2. On July 7, 2009, CPG filed a Notice of Rate Election with the Commission pursuant to section 284.123(b)(1)(ii) of the Commission's regulations.<sup>2</sup> On August 6, 2009, CPG filed a Revised Statement of Operating Conditions. On August 31, 2009, CPG filed Revised Rate Summaries to reflect approval of revised state tariff rates by the Pennsylvania Public Utility Commission (PA PUC) effective August 28, 2009.
3. CPG proposes an effective date of July 7, 2009 (the date of filing), for the rates contained in its Notice of Rate Election. CPG proposes an effective date of August 28, 2009 (the effective date of CPG's revised state tariff rates as determined by the PA PUC), for the rates contained in its August 31, 2009, Revised Rate Summaries.

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<sup>1</sup> 18 C.F.R. § 284.123 (2009).

<sup>2</sup> 18 C.F.R. § 284.123(b)(1)(ii) (2009).

4. Public notice of CPG's rate election was issued on July 13, 2009, and public notice of the revised rate summaries was issued September 1, 2009, with interventions and protests due on or before July 20, 2009, and September 15, 2009, respectively, as provided in section 154.210 of the Commission's regulations.<sup>3</sup> Pursuant to Rule 214,<sup>4</sup> 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. No protests or adverse comments were filed.

5. The Commission's regulations for pipelines filing pursuant to section 284.123(b)(2) provide:

the rate proposed in the application 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 the 150 day period 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>

6. To the extent section 284.123(b)(2) applies, the 150-day period for review of CPG's rates will expire on December 4, 2009. Because the Commission has been unable to make a determination that CPG's proposed changes are fair and equitable, and because settlement discussions remain ongoing, the Commission must extend the time for action or institute rate proceedings.

7. We will extend the time for action until the Commission can make a determination whether CPG's rates and SOC revisions 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.

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<sup>3</sup> 18 C.F.R. § 154.210 (2009).

<sup>4</sup> 18 C.F.R. § 385.214 (2009).

<sup>5</sup> 18 C.F.R. § 284.123(b)(2)(ii) (2009).

The Commission orders:

Pursuant to section 284.123(b)(2)(ii) of the Commission's regulations, time for action on CPG's rate election is extended until the Commission can make a determination whether CPG'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.