

129 FERC ¶ 61,264
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Corning Natural Gas Company

Docket No. PR09-30-000

ORDER EXTENDING TIME FOR ACTION

(Issued December 22, 2009)

1. This order addresses an initial rate filing by Corning Natural Gas Company (Corning), seeking approval of an election of state-approved rates for interruptible transportation performed under its section 284.224¹ blanket certificate. Accordingly, Corning is proposing its initial interruptible transportation rate and Statement of Operating Conditions (SOC), pursuant to section 311 of the Natural Gas Policy Act (NGPA)² and section 284.123 of the Commission's regulations.³

Background

2. On July 27, 2009, Corning filed a Notice of Rate Election with the Commission pursuant to section 284.123(b)(1)(ii) of the Commission's regulations.⁴ On October 23, 2009, in Docket No. CP09-470-000, Corning was granted a section 284.224 blanket certificate authorizing interstate transportation of natural gas.⁵

3. Public notice of Corning's rate election was issued on July 29, 2009, with interventions and protests due on or before August 14, 2009, as provided in section

¹ 18 C.F.R. § 284.224 (2009).

² 15 U.S.C. § 3364 (2006).

³ 18 C.F.R. § 284.123 (2009).

⁴ 18 C.F.R. § 284.123(b)(1)(ii) (2009).

⁵ *Corning Natural Gas Co.*, 129 FERC ¶ 62,060 (2009).

154.210 of the Commission's regulations.⁶ Pursuant to Rule 214,⁷ 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.

Discussion

4. 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.⁸

5. To the extent section 284.123(b)(2) applies, the 150-day period for review of Corning's rates will expire on December 24, 2009. Because the Commission has been unable to make a determination that Corning's proposed filing is fair and equitable, and because settlement discussions remain ongoing, the Commission must extend the time for action or institute rate proceedings.

6. We will extend the time for action until the Commission can make a determination whether Corning'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.

⁶ 18 C.F.R. § 154.210 (2009).

⁷ 18 C.F.R. § 385.214 (2009).

⁸ 18 C.F.R. § 284.123(b)(2)(ii) (2009).

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 Corning's rate election is extended until the Commission can make a determination whether Corning's rates are fair and equitable or until it determines that formal proceedings are necessary.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.