

130 FERC ¶ 61,098
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

February 11, 2010

In Reply Refer To:
Columbia Gulf Transmission Company
Docket No. RP10-109-000

Columbia Gulf Transmission Company
5151 San Felipe, Suite 2500
Houston, TX 77056

Attention: James R. Downs
Director of Regulatory Affairs

Reference: Request for Waiver of Tariff Provision

Dear Mr. Downs:

1. On October 30, 2009, Columbia Gulf Transmission Company (Columbia Gulf) filed a petition for limited waiver of the Delivery Point Scheduling Penalty provision in section 19.4 of the General Terms and Conditions (GT&C) of its FERC Gas Tariff.¹ As discussed below, the Commission conditionally grants limited waiver of scheduling penalties.

2. The Commission by order issued June 11, 2007, approved Columbia Gulf's proposal to implement a Delivery Point Scheduling Penalty on its system.² The scheduling penalties apply to the difference between a shipper's scheduled deliveries at a delivery point and gas quantities the shipper takes at the point each day. Columbia Gulf's scheduling penalty provisions were accepted by the Commission, effective August 1, 2008, to coincide with the launch date of Navigates, Columbia Gulf's new electronic bulletin board (EBB). However, Columbia Gulf states that since August 1, 2008, it has provided customers with additional time to adjust to the Navigates system and has

¹ Tenth Revised Sheet No. 216 to FERC Gas Tariff, Second Revised Volume No. 1.

² *Columbia Gulf Transmission Company*, 119 FERC ¶ 61,268 (2007), *order on reh'g*, 124 FERC ¶ 61,121 (2008).

waived the effective scheduling penalty provision pursuant to GT&C section 19.8(d),³ which permits Columbia Gulf to waive its right to collect all or a portion of the penalty assessed against a shipper, provided that such waiver is granted in a non-discriminatory manner. Columbia Gulf states that it notified shippers of waiving the scheduling penalties through EBB notices, discussions at its customer meeting on October 20, 2008, and in filings related to Columbia Gulf's proposed Scheduling Variance Service.⁴

3. Columbia Gulf requests that the Commission grant waiver of the scheduling penalty provision of GT&C section 19.4 until further notice. Columbia Gulf asserts that the requested waiver will benefit all shippers by eliminating their exposure to scheduling penalties. Columbia Gulf states that it will provide shippers with notice at least thirty days prior to implementing the scheduling penalties through a filing in this docket and notifying the shippers and the Commission.

4. Public notice of Columbia Gulf's filing was issued on November 2, 2009, with interventions and protests due by November 12, 2009. Pursuant to Rule 214, 18 C.F.R. § 385.214 (2009), 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 adverse comments or protests were filed.

5. The Commission finds that there is good cause for granting limited waiver of section 19.4 of the GT&C related to the Delivery Point Scheduling Penalty, as requested by Columbia Gulf. The requested waiver is granted subject to the requirement that Columbia Gulf at least 30 days prior to implementing the scheduling penalties submits an application in this docket and post on its EBB to inform its shippers and the Commission of that implementation.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ Seventh Revised Sheet No. 217 to FERC Gas Tariff, Second Revised Volume No. 1.

⁴ *Citing*, Motion of Columbia Gas Transmission, LLC and Columbia Gulf Transmission Company to withdraw Tariff Filings Without Prejudice filed January 26, 2009 in Docket Nos. RP09-141-000, RP09-141-001 and Docket Nos. RP09-142-000, RP09-142-001.