

133 FERC ¶ 61,188
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Marc Spitzer, Philip D. Moeller,
John R. Norris, and Cheryl A. LaFleur.

SFPP, L.P.

Docket Nos. IS10-572-002
IS09-437-005

ORDER GRANTING REHEARING

(Issued November 30, 2010)

1. This order addresses SFPP, L.P.'s (SFPP) narrow request for rehearing of the Commission's September 15, 2010 order in the captioned dockets.¹ SFPP requests expedited consideration of its request and represents that it is unopposed. The Commission grants the request for rehearing.
2. The September 15 Order approved an interim partial settlement in the Docket No. IS09-437-000 proceeding, which is now in the hearing stage. As part of that settlement SFPP agreed to reduce its East Line rates filed in Docket No. IS09-437-002 and did so through its rate filing in IS10-572-000. Among other things, the parties agreed that none of the protests to the rates filed in Docket No. IS09-437-002 were waived except for those expressly addressed by the settlement. The September 15 Order approved this arrangement, but also ordered SFPP to pay interim refunds based on the difference between the rates initially filed in Docket No. IS09-437-002 and those filed in Docket No. IS10-572-000 as part of the settlement. The September 15 order did not require SFPP to make refunds by a specific date but stated that SFPP "shall make and file a refund report regarding the interim refunds due in Docket No. IS09-437-002 as required by the stipulation in that docket."²
3. SFPP asserts that it only agreed to reduce the East Line rates now in litigation and did not agree to provide interim refunds. It states that shipper parties so understood and supports this position with an analysis of the negotiations and supporting pages of the

¹ *SFPP, L.P.*, 132 FERC ¶ 61,235 (2010) (September 15 Order).

² *Id.* at Ordering Paragraph (B).

hearing transcript. SFPP requests that the Commission delete Ordering Paragraph B of the September 15 Order, delete the last three sentences of paragraph 2 of that order and replace them with the following language:

SFPP agreed to do so and to make a tariff filing establishing interim reduced rates. The Shipper Parties have reserved the right to seek lower rates and refunds in both the instant docket and Docket No. IS09-437-002. Given the foregoing, the Commission will accept and suspend the tariff in Docket No. IS10-572-000, effective September 1, 2010, subject to refund, and consolidate the instant filing with Docket No. IS09-437-002.

4. The Commission grants rehearing and will delete Ordering Paragraph B of the September 15 Order, and modifies paragraph 2 of that order as requested by SFPP.

The Commission orders:

The Commission grants SFPP's request for rehearing as stated in the body of the order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.