

135 FERC ¶ 61,258
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

June 21, 2011

In Reply Refer To:
Northern Natural Gas Company
Docket No. RP11-2122-000

Northern Natural Gas Company
1111 South 103rd Street
Omaha, NE 68124

Attention: Dari R. Dornan, Senior Counsel

Reference: Waiver Request

Ladies and Gentlemen:

1. On May 23, 2011, Northern Natural Gas Company (Northern) filed a petition for limited waiver of section 3 of its TFX Rate Schedule¹ to allow Quad County Corn Processors Cooperative (Quad County) to continue operating under a transportation service agreement that includes a maximum daily quantity (MDQ) that is less than the 50 MMBtu per day required by the rate schedule.² During an internal review of its contracts, Northern discovered that it currently provides transportation service to Quad County pursuant to a TFX agreement that includes an MDQ of 10 Dt per day, and therefore the agreement does not meet the minimum MDQ level required by its rate schedule. Northern states that the service agreement with Quad County originally included an MDQ of 500 Dt per day, but Quad County permanently released 490 Dt per day under the agreement to Trega Foods, LTD, effective July 1, 2009. Northern requests limited waiver of section 3 of TFX Rate Schedule to allow Quad County to maintain the portion of its entitlement that was not part of the capacity release. Northern adds that its

¹ Northern provides a modified firm transportation service to shippers under its TFX Rate Schedule.

² Section 3 of TFX Rate Schedule provides that the “minimum level of MDQ applicable to a TFX service agreement under this Rate Schedule shall be 50 MMBtu per day.”

capacity release system does not currently have a validation to ensure that agreements include MDQs above the minimum MDQs set forth in its tariff, but it is developing revisions to its capacity release system to ensure tariff compliance.

2. Public notice of the filing was issued on May 24, 2011. Interventions and protests were due as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (2011)). Pursuant to Rule 214 (18 C.F.R. § 385.214 (2011)), all timely filed motions to intervene and any unopposed motions to intervene out-of-time 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.

3. For good cause shown, the Commission grants Northern a limited waiver of the provision set forth in section 3 of its TFX Rate Schedule that requires a TFX service agreement to have a minimum MDQ of 50 MMBtu per day. Granting Northern this limited waiver will allow Quad County to continue to receive service from Northern under its TFX service agreement. Further, granting Northern a limited waiver will not adversely impact other shippers on Northern's system.

By direction of the Commission.

Kimberly D. Bose,
Secretary.