

136 FERC ¶ 61,145
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

August 30, 2011

In Reply Refer To:
Wyoming Interstate Company, L.L.C.
Docket No. RP11-2348-000

Wyoming Interstate Company, LLC
2 North Nevada Avenue
Colorado Springs, CO 80944

Attention: Susan C. Stires, Director
Regulatory Affairs

Reference: Limited Waiver of Capacity Release Provision

1. On August 1, 2011, Wyoming Interstate Company, LLC (WIC) filed a request for a limited waiver section 9.13(b) (Capacity Release Program – Execution of Agreements or Amendments) of its General Terms & Conditions (GT&C) to permit a permanent capacity release by Western Gas Resources, Inc. (WGR) to Anadarko Energy Services Company (Anadarko) that releases WGR from any future obligations under the contract even though Anadarko is paying less than the maximum recourse rate.

2. Section 9.13(b) of WIC's GT&C states:

The Releasing Shipper shall remain bound by and liable for payment of the Reservation Charge under the Service Agreement unless the Replacement Shipper is paying the maximum Reservation Rate for the entire contract term, provided that any requisite consent(s) are obtained from applicable financial institution(s).

3. WIC states that it is seeking waiver of this tariff provision to allow WIC to release WGR from any future obligations under Contract No. 41143000 despite the fact that the

replacement shipper, Anadarko, will be paying a discounted reservation rate.¹ WIC further states that it posted the capacity as an open season biddable release at the discounted reservation rate and that no bids were received other than Anadarko's. WIC states that under the terms of the release, the capacity held under Contract No. 41143000 is awarded to Anadarko through the end of the contract term (i.e., August 31, 2016) at the daily discounted rate of \$0.1150 per Dth with an effective date of September 1, 2011.²

4. WIC states that this limited waiver is warranted because the replacement shipper will pay the full amount that would have been paid by the original shipper and the action would not adversely affect any similarly situated shippers on its system since no party expressed an interest in acquiring the capacity.

5. Public notice of the filing was issued on August 2, 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 motion 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.

6. For good cause shown, we grant WIC a limited waiver of section 9.13(b) of its GT&C to permit the permanent release of capacity to Anadarko and to release WGR from any future obligations under Contract No. 41143000 to be effective September 1, 2011. Granting this waiver will not result in undue discrimination or adversely affect other shippers on WIC's system.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

¹ Contract No. 41143000 is a maximum rate contract through August 31, 2011. Effective September 1, 2011 through the end of the contract term on August 31, 2016 provides for a discounted reservation rate.

² On August 19, 2011, WIC amended its transmittal letter request to clarify that the effective date of the capacity release arrangement from WGR to Anadarko was September 1, 2011, not October 1, 2011, as stated in its initial letter.