

138 FERC ¶ 61,133  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

February 24, 2012

In Reply Refer To:  
ONEOK Rockies Midstream, L.L.C.  
Docket No. OR12-5-000

ONEOK Partners, GP, L.L.C.  
100 West Fifth Street  
Tulsa, OK 74103-4298

Attention: Joseph W. Miller, Associate General Counsel, ONEOK Partners,  
GP, L.L.C.

Reference: Request for Temporary Waiver of Sections 6 and 20 of the Interstate  
Commerce Act and Related Commission Regulations

Ladies and Gentlemen:

1. On December 15, 2011, ONEOK Rockies Midstream, LLC (ONEOK Rockies) filed a request for temporary waiver of the filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act (ICA) and Parts 341 and 357 of the Commission's regulations<sup>1</sup> with respect to a planned natural gas liquids (NGL) pipeline.<sup>2</sup> As discussed in detail below, the Commission grants ONEOK Rockies' request for a temporary waiver.

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<sup>1</sup> See 49 U.S.C. app. §§ 6, 20 (1988) (requiring all interstate oil pipelines to file all rates, fares, and charges for transportation on their systems, to file copies of contracts with other common carriers for any such traffic, and authorizing the Commission to require annual or special reports from carriers subject to the ICA). See also 18 C.F.R. §§ 341, 357 (2011) (implementing the filing and reporting requirements of sections 6 and 20 of the ICA).

<sup>2</sup> ONEOK Rockies' planned Stateline-Riverview pipeline will transport unfractionated NGLs to the Riverview Rail Terminal in Richland County, Montana from two new processing facilities, Stateline 1 and Stateline 2 in Williams County, North Dakota.

2. ONEOK Rockies states the physical characteristics of the proposed line are such that a waiver of the filing and reporting requirements sections 6 and 20 of the ICA and of Parts 341 and 357 of the Commission's regulations is warranted. The proposed line will have no pumping stations and will obtain its pressure from injections at the two Stateline Plants. ONEOK Rockies explains that the only receipt points for the new line will be at the Stateline 1 and 2 Plants and the only delivery point at present is at the Riverview Rail Terminal. ONEOK Rockies further explains that the proposed line does not connect to any other facilities such as gathering systems or gas processing plants.

3. ONEOK Rockies has not received any requests to provide transportation over the line, nor held itself out to provide such transportation, nor does it anticipate receiving any requests in the future. ONEOK Rockies states that it or an affiliate will own all of the products that the line transports.

4. The Commission has previously granted requests for temporary waiver of the filing and reporting requirements of its regulations and of sections 6 and 20 of the ICA when four criteria are met.<sup>3</sup> First, the pipelines requesting temporary waivers (or their affiliates) must own 100 percent of the throughput on the line. Second, there is no demonstrated third-party interest in gaining access to or shipping upon the line. Third, there is no likelihood that such third-party interest will materialize. Fourth, there is no opposition to granting the waivers.

5. In these cases, the Commission determined there were no active third-party shipper interests to protect under the ICA, and therefore, temporary waivers of the section 6 and 20 filing and reporting requirements were warranted. However, such waivers are made subject to revocation should circumstances change, and the pipelines must keep their books and records in a manner consistent with the Commission's Uniform System of Accounts.

6. ONEOK Rockies' request is similar to previous requests granted by the Commission. Under the facts presented, all of the NGLs transported will be owned by ONEOK Rockies or an affiliate. Because of the planned operations and configuration of the Stateline-Riverview pipeline, it is unlikely that a third party will request service on the planned line. There is no opposition to the waiver request.

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<sup>3</sup> See *Sinclair Oil Corp.*, 4 FERC ¶ 62,026 (1978) (*Sinclair*); *Hunt Refining Co. and East Mississippi Pipeline Co.*, 70 FERC ¶ 61,035 (1995) (*Hunt*); *Ciniza Pipe Line Inc.*, 73 FERC ¶ 61,377 (1995) (*Ciniza*); *Enbridge Pipelines (NE Texas Liquids) L.P.*, 110 FERC ¶ 61,159 (2005) (*Enbridge*); and *Jayhawk Pipeline, L.L.C.*, 128 FERC ¶ 61,079 (2009) (*Jayhawk*).

7. The Commission therefore concludes that, given the physical characteristics of the facilities and the limited nature of the planned pipeline operations, ONEOK Rockies meets all of the criteria necessary to qualify for a temporary waiver consistent with the Commission's rulings in *Sinclair*, *Hunt*, *Ciniza*, *Enbridge*, and *Jayhawk*.

8. Accordingly, the Commission grants ONEOK Rockies a temporary waiver of the filing and reporting requirements of ICA sections 6 and 20 and the Commission's related regulations with respect to the proposed Stateline-Riverview NGL line as described above. Because these waivers are temporary, and based on the facts presented in the petition for waiver, the Commission also directs ONEOK Rockies to immediately report to the Commission any change in the circumstances on which these waivers are based. Specifically, ONEOK Rockies must report any changes including, but not limited to, increased accessibility of other pipelines or refiners to its facilities, changes in the ownership of the facilities, changes in the ownership of the NGLs being shipped and shipment tenders or requests for service by any person. Additionally, ONEOK Rockies must maintain all books and records in a manner consistent with the Uniform System of Accounts for Oil Pipelines, 18 C.F.R. Part 352, and make such books and records available to the Commission or its duly authorized agents upon request.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.