

138 FERC ¶ 61,157
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 2, 2012

In Reply Refer To:
Wyoming Interstate
Company, L.L.C.
Docket No. RP12-319-000

Wyoming Interstate Company, L.L.C.
Post Office Box 1087
Colorado Springs, CO 80944

Attention: Susan C. Stires, Director, Regulatory Affairs Department

Reference: Request for Limited Waiver for Two Permanent Capacity Releases

Dear Ms. Stires:

1. On January 19, 2012, Wyoming Interstate Company, L.L.C. (WIC) filed a request for a limited waiver of Section 9.13(b) (Capacity Release Program – Execution of Agreements or Amendments) of the General Terms and Conditions (GT&C) of its FERC NGA Gas Tariff. WIC states that Western Gas Resources, Inc. (WGR) wishes to permanently release its firm capacity under two Rate Schedule FT transportation service agreements¹ (TSA) to Anadarko Energy Services Company (Anadarko). WIC states that Anadarko has acquired WGR and no longer conducts marketing activities in WGR's name. Therefore, mindful of the Commission's shipper must have title rule, Anadarko has requested a permanent release of these agreements. Waiver is granted effective March 1, 2012, as proposed.

2. Section 9.13(b) of WIC's GT&C states that a shipper releasing the entire remaining term of its TSA may request that WIC amend its TSA to reflect the release. However, the releasing shipper will remain liable for payment of the reservation charge *unless the replacement shipper is paying the maximum reservation rate for the entire*

¹ TSA Nos. 41150000 and 41151000.

*contract term.*² WIC states that WGR is paying a reduced rate, and Anadarko will be paying the same rate.

3. Public notice of WIC's filing was issued on January 24, 2012. 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. No adverse comments or protests were filed.

4. The Commission only requires a pipeline to allow a permanent capacity release, where the pipeline will be financially indifferent to the release.³ WIC states that the limited waiver is warranted because the replacement shipper will pay the full amount that would have been paid by the original shipper and given the affiliate relationship between Anadarko and WGR. The Commission finds good cause to grant WIC a waiver of Section 9.13(b) of its tariff.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

² Emphasis added.

³ *El Paso Natural Gas Co.*, 61 FERC ¶ 61,333, at 62,311-12 (1992).