

138 FERC ¶ 61,162
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Eagle Ford Midstream, LP

Docket No. PR12-3-000

ORDER EXTENDING TIME FOR ACTION

(Issued March 8, 2012)

1. This order addresses a filing made by Eagle Ford Midstream, LP (Eagle Ford) on October 11, 2011 requesting approval of new section 311 rates for transportation service and acceptance of its Statement of Operating Conditions Applicable to Natural Gas Policy Act (NGPA) Section 311 Transportation Service (SOC), pursuant to section 311(a)(2) of the NGPA¹ and section 284.123(b)(2) of the Commission's regulations.²
2. Eagle Ford is an existing intrastate pipeline under the jurisdiction of the Texas Railroad Commission that provides intrastate transportation services to its shippers. Eagle Ford is seeking Commission approval to provide firm and interruptible interstate transportation services pursuant to NGPA section 311. Eagle Ford proposes cost based rates for those services under a rate election as provided in section 284.123(b)(2). Eagle Ford's interstate service will consist of transportation of new shale gas volumes from the Eagle Ford shale play to Transcontinental Gas Pipe Line Corporation's McMullen lateral.
3. Notice of Eagle Ford's Filing was issued on October 13, 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 this proceeding or place additional burdens on existing parties.

¹ 15 U.S.C. § 3371(a)(2) (2006).

² 18 C.F.R. § 284.123(b)(2) (2011).

4. Section 284.123(b)(2)(ii) of the Commission's regulations provides:

the rate proposed in the application will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for providing similar transportation service, unless within the 150-day period the Commission either extends the time for action, or institutes a proceeding in which all interested parties will be afforded an opportunity for written comments and for the oral presentation of views, data, and arguments.³

The 150-day period for review of Eagle Ford's rates will expire on March 9, 2012. Because the Commission has been unable to make a determination that Eagle Ford's proposed rates are fair and equitable and because settlement discussions are ongoing, the Commission must extend the time for action or institute rate proceedings.

5. We will extend the time for action until the Commission can make a determination as to whether Eagle Ford's proposed changes are fair and equitable. This should serve to encourage settlement of the issues among the parties. Within 120 days of the date this order issues, Commission Staff will report to the Commission on the status of settlement negotiations.

The Commission orders:

(A) Pursuant to the Commission's authority under section 311 of the NGPA and section 284.123(b)(2)(ii) of the Commission's regulations, time for action on Eagle Ford's petition is extended until the Commission can make a determination concerning whether Eagle Ford's changes are fair and equitable or until it determines that formal proceedings are necessary.

(B) Within 120 days of the issuance of this order, the Commission Staff shall report the status of settlement negotiations to the Commission.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

³ 18 C.F.R. § 284.123(b)(2)(ii) (2011).