

142 FERC ¶ 61,122
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

February 19, 2013

In Reply Refer To:
Equitrans, LP
Docket No. RP13-542-000

EQT Corporation
Attention: Paul W. Diehl, Senior Counsel, Midstream
625 Liberty Avenue
Suite 1700
Pittsburgh, PA 15222

Dear Mr. Diehl:

1. On February 5, 2013, Equitrans, LP (Equitrans) filed a request for a partial waiver of its tariff, in order to defer the filing of an update to a cost tracker that would be eliminated by a pending settlement. For good cause shown, the Commission grants the waiver.
2. Equitrans' tariff contains a Pipeline Safety Cost (PSC) tracker mechanism, in order to facilitate recovery of costs associated with the Pipeline Safety Improvement Act of 2002. Section 6.38(2) of its tariff requires it to file a PSC tracker (PSCT) update annually, at least 30 days prior to April 1. On March 1, 2012, Equitrans made the required filing for 2012 in Docket No. RP12-465-000. Shippers protested that filing, and Equitrans responded by engaging all of its shippers in settlement discussions. As a result, on January 14, 2013, Equitrans filed a proposed settlement in both Docket No. RP12-465-000 and a new docket, RP13-446-000 (Settlement). The Settlement proposed to eliminate the PSC tracker and replace it with a specific PSC rate, which would remain fixed for at least three years. The Settlement is still pending Commission review.
3. Equitrans now seeks a partial waiver of section 6.38(2) of its tariff, in order "to waive the requirement to submit the annual PSCT Surcharge filing on March 1, 2013, subject to the outcome of the Commission's action on the underlying settlement."¹

¹ Petition at 3.

Equitrans notes that the settlement would render the annual filing moot. Equitrans argues that if the settlement is not approved or modified, it could update the PSC tracker at that time, and that meanwhile, granting waiver would preserve the resources of the Commission and the parties to the above proceedings.

4. Public notice of the filing was issued on February 6, 2013, with interventions and protests due February 8, 2013. Pursuant to Rule 214,² 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.

5. For good cause shown, the Commission grants the waiver. No party opposes the waiver. We note that Equitrans limits its request as being subject to the outcome of the Commission's action on the underlying Settlement. If the Settlement is rejected or modified, then Equitrans would make a delayed tracker filing, resulting in no permanent harm to any current or potential shipper. If the Settlement is accepted, then the tracker filing would be moot, as Equitrans argues. Accordingly, we grant the waiver.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

² 18 C.F.R. § 385.214 (2012).