

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

February 21, 2013

In Reply Refer To:
Columbia Gas Transmission, LLC
Docket Nos. RP10-782-000
RP10-782-001

Columbia Gas Transmission, LLC
5151 San Felipe, Suite 2500
Houston, TX 77056

Reference: Compliance Filing

Attention: James E. Downs, Vice President of Rates and Regulatory Affairs

Dear Mr. Downs:

1. On April 1, 2010 Columbia Gas Transmission, LLC (Columbia) proposed to: (1) revise Section 48¹ of the General Terms and Conditions (GT&C) of its tariff to clarify its obligations with respect to off-system capacity; (2) revise GT&C Section 4.2(i) to clarify that Columbia may reserve capacity for projects to be constructed under its blanket prior notice certificate authority; (3) revise GT&C Section 4.1(b)(2) to clarify Columbia's right to renegotiate the terms of service agreements with shippers; and (4) revise Columbia's form of service agreements to provide additional contracting flexibility under Rate Schedule GTS. On April 30, 2010, the Commission accepted Columbia's proposed tariff sheets effective May 1, 2010, subject to Columbia filing revised tariff sheets making various modifications in its proposal.² On May 28, 2010, as

¹ Since the April 1, 2010 filing, Columbia submitted on April 9, 2010 its baseline electronic tariff filing in Docket No. RP10-595-000. As part of that filing, GT&C Section 48 was renumbered as GT&C Section 47. *See Columbia Gas Transmission, LLC*, Docket Nos. RP10-595-00 and RP10-595-001 (May 5, 2010) (unpublished letter order), *as amended* Docket No. RP10-595-002 (June 24, 2010) (unpublished letter order).

² *Columbia Gas Transmission, LLC*, 131 FERC ¶ 61,093 (2010) (April 30 Order).

amended on June 1, 2010, Columbia submitted revised tariff records³ to comply with the Commission's April 30, 2010 Order. The tariff records are accepted effective May 1, 2010, subject to Columbia revising the tariff records within thirty (30) days of the date of this order.

2. Public notices of Columbia's filings were issued on June 1 and 2, 2010, respectively. Interventions were due as provided in section 154.210 of the Commission's regulations. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2010)), all timely filed motions to intervene and any unopposed motions 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. A protest was filed by Indicated Shippers.⁴

3. Indicated Shippers contend that while Columbia's June 1 compliance filing complies with several of the requirements of the April 30 Order, it does not clarify that Columbia will not impose a penalty on a shipper that has incurred a penalty from an offsystem pipeline for the same activity. Indicated Shippers contend that Columbia has not modified the tariff records to provide that if an off-system pipeline imposes penalties on a shipper, Columbia will not assess any penalties under its own tariff for the same conduct. Indicated Shippers contend that Columbia expressly agreed with the Indicated Shippers' requested clarification that shippers cannot be penalized twice for the same conduct.

4. Columbia in its April 20, 2010 answer in Docket No. RP10-577-000 to the protests of its initial filing in this proceeding agreed with Indicated Shippers' request for clarification that a shipper cannot be penalized twice for the same conduct.⁵ Columbia further stated that if a shipper's conduct subjects it to penalties on an offsystem pipeline, Columbia will not assess any penalties under its own tariff for the same conduct.⁶ Since Columbia agreed to the clarifications requested by Indicated Shippers, we direct Columbia to revise its tariff, providing a specific statement that for off-system pipeline capacity, a shipper cannot be penalized twice for the same conduct of utilizing offsystem capacity on a third-party system and that Columbia will not assess any penalties under its own tariff for the same conduct.

³ See the Appendix.

⁴ Indicated Shippers consists of Chevron U.S.A. Inc.; ExxonMobil Gas & Power Marketing Company, a division of ExxonMobil Corporation; Hess Corporation; and Interstate Gas Services, Inc.

⁵ Columbia's April 20, 2010 Answer in Docket No. RP10-577-000 at 11, 12.

⁶ *Id.*

5. Since Columbia made its compliance filings, all but one of the proposed tariff records has been superseded. Columbia entered into an uncontested settlement which resolved third party transportation costs that are recovered through Columbia's Transportation Costs Rate Adjustment (TCRA) mechanism.⁷ Such a Settlement among other things revised the Service Agreements applicable to Rate Schedules: FSS, FTS, NTS, NTS-S, TPS, SST, OPT, ITS and GTS and the applicable appendices to those Service Agreements. Columbia filed in Docket No. RP12-388-000 to revise the conditions under which it may enter into pre-arranged sales of capacity, subject to bidding requirements. The Commission accepted the tariff records concerning the auctions of available service.⁸ Since the tariff records filed in the Settlement and in Docket No. RP12-388-000 supersede all the tariff records submitted in this filing except the tariff record applicable to section 47 of the GT&C, Offsystem Pipeline Capacity, the Commission as noted in the Appendix rejects as moot all the tariff records which have been superseded. Further, Columbia is directed to revise Section 47 of the GT&C, Offsystem Pipeline Capacity, to provide a specific statement that for offsystem pipeline capacity, a shipper cannot be penalized twice for the same conduct of utilizing offsystem capacity on a third-party system and that if such a penalty occurs on an offsystem pipeline, Columbia will not assess any penalties under its own tariff for the same conduct.
6. Columbia is directed to file revised tariff records within thirty (30) days of the date this order issues.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁷ *Columbia Gas Transmission, LLC*, 137 FERC ¶ 61,100 (2011).

⁸ *Columbia Gas Transmission, LLC*, 138 FERC ¶ 61,209 (2012); *Columbia Gas Transmission, LLC*, (Docket Nos. RP12-388-001 and RP12-388-002) (Nov. 9, 2012) (unpublished letter order).

Appendix

Columbia Gas Transmission, LLC
FERC NGA Gas Tariff
Baseline Tariffs

Tariff Records Accepted Subject to Conditions

Gen. Terms & Conditions, Offsystem Pipeline Capacity, 2.0.0

Tariff Records Rejected as Moot

Gen. Terms & Conditions, Auctions of Available Firm Service, 1.0.0

Gen. Terms & Conditions, Offsystem Pipeline Capacity, 1.0.0

Service Agreement Forms, FTS, NTS, NTS-S, TPS, SST, OPT, ITS and GTS, 1.0.0

Service Agreement Forms, Appendix A for FTS, NTS, NTS-S and TPS, 1.0.0

Service Agreement Forms, Appendix A for SST, 1.0.0

Service Agreement Forms, Appendix A for OPT, 1.0.0

Service Agreement Forms, Appendix A for GTS, 1.0.0

Service Agreement Forms, FSS, 1.0.0