

143 FERC ¶ 61,170
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 24, 2013

In Reply Refer To:
TWP Pipeline LLC
Docket No. RP13-813-000

TWP Pipeline LLC
Attention: Andrew P. Wachter
205 North Main Street
Butler, PA 16001

Dear Mr. Wachter:

1. On April 24, 2013, TWP Pipeline LLC (TWP Pipeline) submitted for filing and approval a revised tariff record¹ for section 5, List of Non-Conforming Agreements of TWP Pipeline's FERC Gas Tariff. The revised record reflects that Pennsylvania Grain Processing, LLC (Pennsylvania Grain) has assumed a firm transportation contract (FT Agreement No. TWP-001) from Bionol Clearfield, LLC (Bionol). TWP Pipeline requests that the revised tariff record become effective May 24, 2013. We accept the amended tariff record to be effective May 24, 2013, as requested, subject to TWP Pipeline filing the currently effective non-conforming agreement, and any amendments thereto, as searchable electronic tariff records in eTariff, within 15 days of the date of this order. Also, TWP Pipeline is reminded that it must make all subsequent tariff and tariff-related filings electronically using eTariff.²

2. Public notice of the filing was issued on April 25, 2013. Interventions and protests were due as provided in section 154.210 of the Commission's regulations.³ Pursuant to

¹TWP Pipeline LLC, FERC NGA Gas Tariff, Baseline Tariff, [Section 5, List of Non-Conforming Agreements, 2.1.0](#).

² *Electronic Tariff Filings*, Order Establishing Baseline Filing Schedule Starting April 1, 2010, 130 FERC ¶ 61,228, at P 7 (2010).

³ 18 C.F.R. § 154.210 (2012).

Rule 214,⁴ 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.

3. TWP Pipeline states that the FT Agreement between TWP Pipeline and Bionol contained non-conforming terms and conditions of service that was filed in Docket No. RP10-192-000.⁵ On December 9, 2009, the Commission accepted the tariff sheets and non-conforming service agreements to be effective January 1, 2010, and directed TWP Pipeline to make revisions to certain provisions of the non-conforming agreement with Bionol.⁶

4. TWP Pipeline states that Bionol was the only shipper on the TWP Pipeline system and the gas was transported to an ethanol plant in Clearfield County, Pennsylvania. TWP Pipeline further states that Bionol filed for bankruptcy in 2011 and suspended operations at the ethanol plant. TWP Pipeline states that transportation service continued to be available to the plant during the suspension period.

5. On April 20, 2012, the Bankruptcy Court approved the sale of the ethanol plant to Pennsylvania Grain. TWP Pipeline argues that, pursuant to the Bankruptcy Court Order approving the sale of the plant to Pennsylvania Grain, the Bionol FT Agreement (FT Agreement No. TWP-001) was assigned to and assumed by Pennsylvania Grain on April 20, 2012. TWP Pipeline notes that the FT Agreement assumed by Pennsylvania Grain contains the same terms and conditions of service approved by the Commission in the TW Phillips proceedings. TWP Pipeline asserts that Pennsylvania Grain resumed commercial operation of the ethanol plant in June 2012 and TWP Pipeline has provided transportation service to Pennsylvania Grain under FT Agreement No. TWP-001 since the plant operations resumed.

6. The Commission accepts the amended tariff record to be effective May 24, 2013, subject to TWP Pipeline filing the currently effective non-conforming agreement, and any amendments thereto, as searchable electronic tariff records in eTariff, within 15 days of the date of this order. Section 154.112(b) of the Commission's regulations requires in part that non-conforming agreements must be referenced in the open access transmission

⁴ 18 C.F.R. § 385.214 (2012).

⁵ TWP Pipeline was formerly named T.W. Phillips Pipeline Corp. The November 30, 2009 filing was submitted under the name T.W. Phillips Pipeline Corp.

⁶ See *T.W. Phillips Pipeline Corp.*, 129 FERC ¶ 61,295 (2009). The compliance filing was later accepted by a delegated letter order on January 12, 2012, in RP10-192-001, effective January 1, 2010 (collectively, TW Phillips proceedings).

tariff.⁷ In addition, Order No. 714 requires regulated entities to include any new tariffs or rate schedules in its electronic tariff.⁸ Therefore, TWP Pipeline is required to file the entire agreement as a tariff record to be included in its *Baseline Tariff*. Also, TWP Pipeline is reminded that it must make all subsequent tariff and tariff-related filings electronically using eTariff.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁷ 18 C.F.R. § 154.112 (b).

⁸ See section 154.4(a) of the Commission's regulations, requiring that all filings pursuant to NGA section 4, including "tariffs, rate schedules, service agreements, and contracts" be made electronically.