

144 FERC ¶ 61,229
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

September 25, 2013

In Reply Refer To:
Great Lakes Gas Transmission Limited
Partnership
Docket No. RP10-149-000

Andrews Kurth LLP
1350 I Street, NW
Suite 1100
Washington, DC 20005

Attention: Mark F. Sundback, Attorney

Reference: Petition to Amend Filing Requirement in Stipulation and Agreement

Dear Mr. Sundback:

1. On August 13, 2013, pursuant to Rules 207(a) and 212 of the Commission's Rules of Practice and Procedure,¹ Great Lakes Gas Transmission Limited Partnership (Great Lakes) filed a petition (Petition) asking the Commission to amend the settlement agreement filed with the Commission in Docket No. RP10-149-000 (2010 Settlement).² As discussed below, the Commission approves an amendment to the 2010 Settlement which defers the deadline by which Great Lakes must file a general section 4 rate case from November 1, 2013, to December 1, 2013.

2. In its August 13, 2013 Petition, Great Lakes explains that it has been actively engaged with its shippers in settlement discussions. Great Lakes states that any resulting settlement will avoid the requirement that Great Lakes file a new rate case. Great Lakes

¹ 18 C.F.R. §§ 385.207(a) and 385.212 (2013).

² On July 15, 2010, the Commission issued an order approving the 2010 settlement. *Great Lakes Gas Transmission Ltd.*, 132 FERC ¶ 61,041 (2010).

represents that it has reached agreement in principle with active parties³ to resolve all rate and service-related issues. Great Lakes explains that Article VI.A of the 2010 Settlement requires Great Lakes to file a section 4 rate case by November 1, 2013. Great Lakes requests that the Commission modify Article VI.A of the 2010 Settlement to extend the November 1, 2013 date, until three months after the issuance of a Commission determination on the merits of the 2013 Settlement. Great Lakes states that it is making this request on behalf of all active parties to the settlement negotiations. Great Lakes states that it plans to file the 2013 Settlement no later than 45 days from the date of its August 13, 2013 Petition.

3. Public notice of Great Lakes' filing was issued on August 13, 2013. Interventions and protests were due on or before August 20, 2013. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2013)), 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. On August 16, 2013, Michigan Public Service Commission, the Public Service Commission of Wisconsin, the Minnesota Public Utilities Commission, the Minnesota Department of Commerce, and the Pennsylvania Public Utility Commission (State Agencies) filed a protest. On August 20, 2013 and September 6, 2013, Great Lakes filed Answers. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure prohibits an answer to a protest unless otherwise ordered

³ Great Lakes states that the active parties participating in Settlement discussions pursuant to executed confidentiality agreements include the following: AGL Resources, Inc.; Alliant Energy Corporate Services; ANR Pipeline Company; BG Energy Merchants, LLC; BP Canada Energy Marketing Corp.; Canadian Association of Petroleum Producers; Citigroup Energy Inc.; City of Duluth, Minnesota; ConocoPhillips Company; Constellation Energy Commodities Group, Inc.; Consumers Energy Company; DTE Energy Trading, Inc.; DTE Gas Company; Dynegy Marketing and Trade, LLC; EDF Trading North America LLC; Iberdola Renewables, Inc; JP Morgan Ventures Energy Company; Macquarie Energy, LLC; Madison Gas & Electric Company; Centra Gas Manitoba Inc.; Mico Inc; Minnesota Energy Resources Corporation; Noble Group; SEMCO Energy, Inc.; Sequent Energy Management, L.P.; Spectra Energy Corp.; Superior Water, Light and Power; Tenaska Marketing Ventures; The Goldman Sachs Group, Inc.; Tidal Energy Marketing (U.S.) LLC; TransCanada PipeLines Limited; Twin Eagle Resource Management, LLC; United Energy Trading, LLC; United States Gypsum Company; U.S. Energy Services; Wisconsin Gas LLC and Wisconsin Electric Power Company; Wisconsin Public Service Corporation; and Excel Energy Services Inc. In an August 26, 2013 clarification filed with the Commission, CenterPoint Energy Resources Corporation states that Great Lakes erroneously listed it as an active party to the settlement discussions.

by the decisional authority.⁴ We will accept Great Lakes' answers because they provided information that assisted us in our decision-making process.

4. The State Agencies oppose Great Lakes' request as framed in the August 13, 2013 Petition. The State Agencies state that they were neither included in the last six months of settlement negotiations nor alerted at the appropriate time of Great Lakes' filing in the instant proceeding. The State Agencies state that the requirement that Great Lakes file a section 4 rate case on November 1, 2013, was hotly contested and an integral part of the 2010 Settlement. Without participating in any of the discussions or negotiations, State Agencies state they have no basis for relinquishing a provision that was instrumental in their support or non-opposition to the 2010 Settlement. The State Agencies object that the request risks delaying any needed section 4 filing to an indefinite date without providing any refund protection back to the originally contemplated filing date of November 1, 2013.

5. The State Agencies propose an interim resolution to grant Great Lakes a one month extension to the November 1, 2013 deadline specified in Article VI.A. The State Agencies assert that a limited one-month extension will allow further discussion of the settlement between Great Lakes and the State Agencies.

6. In its August 20, 2013 answer, Great Lakes stated regret for the failure to communicate with the State Agencies. Great Lakes expressed a commitment to further discussions with the State Agencies. On September 6, 2013, Great Lakes responded that it does not object to the State Agencies' request that the deadline for filing any new Great Lakes section 4 general rate case be extended one month to December 1, 2013.

7. The Commission finds that the proposed amendment is unopposed and will allow the parties to continue settlement negotiations for a period agreeable to all of them, consistent with the Commission's policy favoring settlements. Therefore, Article VI.A of the 2010 Settlement is amended to provide that Great Lakes "shall file a new NGA Section 4 general rate case no later than December 1, 2013."

By the direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁴ 18 C.F.R. § 385.213(a)(2) (2013).