

145 FERC ¶ 61,087
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

October 31, 2013

In Reply Refer To:
Trunkline Gas Company, LLC
Docket No. RP13-1368-000

Trunkline Gas Company, LLC
1300 Main Street
Houston, Texas 77002

Attention: Deborah A. Bradbury
Sr. Director – Regulatory Tariffs & Reporting

Ladies and Gentlemen:

1. On September 30, 2013, Trunkline Gas Company, LLC (Trunkline) filed tariff records¹ to implement the following changes: (a) delete the requirement that Trunkline notify its shippers when the shipper's Right of First Refusal (ROFR) is due; (b) delete obsolete provisions and to update other parts of its tariff; and (c) make minor revisions to its Forms of Service Agreement. As discussed below, the Commission accepts the tariff records listed in the Appendix, effective November 1, 2013.

2. Trunkline proposes to remove from section 11.3(A) of the General Terms and Conditions (GT&C) the requirement that Trunkline notify a shipper when the shipper's decision to exercise its ROFR is due. Trunkline asserts that the Commission has previously determined that shippers have the obligation to initiate the ROFR process and that it is not the obligation of the pipeline to remind shippers of their rights.²

¹ See Appendix.

² Trunkline Transmittal Letter at 1 (citing *Midwestern Gas Transmission Co.*, 137 FERC ¶ 61,257, at P 38 (2011); *Dominion Transmission, Inc.*, 111 FERC ¶ 61,135, at P 45 (2005)).

3. In addition, Trunkline propose to update other portions of its tariff. Trunkline proposes to modify section 25 of its GT&C to reflect the revised copyright policy established by NAESB. Trunkline states the Commission has accepted other pipeline tariffs incorporating the NAESB policy.³ Trunkline further proposes to revise section 28.3 of its GT&C to recognize electronic as well as written communication. Trunkline also proposes to remove references to a cancelled rate schedule in the index of currently effective rates, the index of rate schedules and the index to the Form of Service Agreements.

4. In addition, Trunkline proposes to update its business address and contact information and to add “NGA” as the type of FERC Gas Tariff on the tariff title page. Trunkline also proposes to remove two expired negotiated rate contracts⁴ from the detailed listing of negotiated rates in the currently effective rates section of its tariff. Trunkline further proposes to remove the definition for Thermal or Thermally Equivalent in section 1 of its GT&C. Trunkline states that this definition is no longer necessary since these words were removed from section 13.2 of its GT&C (which pertains to gas quality) when Trunkline’s offshore facilities were sold.

5. Trunkline also proposes changes to its Forms of Service Agreement. Trunkline proposes to correct typographical errors in section 3.1 (C) of the GT&C and Article 1 of the TABS-1 Form of Service Agreement. In addition, Trunkline proposes to revise the Forms of Service Agreement in its tariff by (a) adding the contract number on the signature page of the service agreement; (b) adding the contract number and amendment number to the service agreement exhibit pages; and (c) modifying the “Notices” section of the Forms of Service Agreement by adding a place for the shipper’s emergency contact information and removing Trunkline’s payment address. Trunkline also proposes to modify Article 2 – Term of the Forms of Service Agreements for the interruptible service agreements under Rate Schedules IT, QNIT, ISS, and GPS – to provide that Trunkline and shipper may mutually agree to terminate the interruptible service agreement.

6. Public notice of Trunkline’s filing was issued on October 1, 2013. Interventions and protests were due as provided in section 154.210 of the Commission’s regulations (18 C.F.R. § 154.210 (2013)). Pursuant to Rule 214 (18 C.F.R. § 385.214 (2013)), all timely filed motions to intervene and any unopposed motions to intervene out-of-time

³ *Id.* (citing *Texas Eastern Transmission, LP*, 143 FERC ¶ 61,230, at P 1 (2013)).

⁴ A 25,000 dekatherm (Dth) firm transportation contract with Sequent Energy Management, L.P. and a 40,000 Dth firm transportation contract with Enbridge Marketing (U.S.) L.P.

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 October 17, 2013, Consumers Energy Company (Consumers Energy) filed late comments. We accept Consumers Energy's late comments as such acceptance will not cause prejudice against the parties or undue delay.

7. Consumers Energy objects to Trunkline's proposal to remove from section 11.3(A) of its GT&C the requirement that Trunkline notify a shipper when its ROFR election is due. Consumers Energy argues that such notification ensures that valuable ROFR rights will not be lost inadvertently. Consumers Energy claims that it is Trunkline's responsibility to administer its tariff, and Consumers Energy asserts that requiring Trunkline to make such notification places very little burden on the pipeline. Accordingly, Consumers Energy urges the Commission to require Trunkline to maintain the requirement in section 11.3(A) of its GT&C to notify a shipper when the shipper's ROFR election is due.

8. The Commission accepts the tariff records listed in the Appendix, effective November 1, 2013, notwithstanding Consumers Energy's comments. The Commission has previously determined that a pipeline is not required to notify a shipper when the shipper's decision to exercise its ROFR is due.⁵ In those orders, the Commission reasoned that shippers have the obligation to initiate the ROFR process and explained that there is no need to burden the pipeline with the duty to remind shippers of their rights. Consistent with this precedent, the Commission is accepting the tariff records as proposed. Finally, the Commission grants Trunkline's unopposed request for waiver of Rule 203(b)(3)⁶ to permit Trunkline to designate more than two persons for service in this proceeding.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

⁵ *Midwestern*, 137 FERC ¶ 61,257 at P 38; *Dominion*, 111 FERC ¶ 61,135 at P 45.

⁶ 18 C.F.R. § 385.203(b)(3) (2013).

APPENDIX

Trunkline Gas Company, LLC
FERC NGA Gas Tariff
Fourth Revised Volume No. 1
Tariff Records Accepted, Effective November 1, 2013

[Tariff, Fourth Revised Volume No. 1, 1.0.0](#)
[Part IV, Currently Effective Rates, 1.0.0](#)
[Negotiated Rates, Currently Effective Rates, 15.0.0](#)
[Part V, Rate Schedules, 1.0.0](#)
[GT&C Section 1., Definitions, 5.0.0](#)
[GT&C Section 3., Nomination and Scheduling of Services, 3.0.0](#)
[GT&C Section 11., Contract Rollover, Right of First Refusal and Reduction, 2.0.0](#)
[GT&C Section 25., Business Practices Standards, 3.0.0](#)
[GT&C Section 28., Miscellaneous, 2.0.0](#)
[Part VII, Form of Service Agreements, 2.0.0](#)
[Rate Schedule FT, Form of Service Agreement, 1.0.0](#)
[Rate Schedule SST, Form of Service Agreement, 1.0.0](#)
[Rate Schedule EFT, Form of Service Agreement, 1.0.0](#)
[Rate Schedule QNT, Form of Service Agreement, 1.0.0](#)
[Rate Schedule LFT, Form of Service Agreement, 1.0.0](#)
[Rate Schedule FSS, Form of Service Agreement, 1.0.0](#)
[Rate Schedule NNS-1, Form of Service Agreement, 1.0.0](#)
[Rate Schedule NNS-2, Form of Service Agreement, 1.0.0](#)
[Rate Schedule DVS, Form of Service Agreement, 1.0.0](#)
[Rate Schedule IT, Form of Service Agreement, 1.0.0](#)
[Rate Schedule QNIT, Form of Service Agreement, 1.0.0](#)
[Rate Schedule ISS, Form of Service Agreement, 1.0.0](#)
[Rate Schedule GPS, Form of Service Agreement, 1.0.0](#)
[Rate Schedule TABS-1, Form of Service Agreement, 1.0.0](#)
[Capacity Release, Form of Service Agreement, 2.0.0](#)