

145 FERC ¶ 61,298
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

December 30, 2013

In Reply Refer To:
East Cheyenne Gas Storage, LLC
Docket No. RP14-263-000

Vinson & Elkins
2200 Pennsylvania Avenue, NW
Suite 500 West
Washington, DC 20037-1701

Attention: Anita R. Wilson, Attorney

Ladies and Gentlemen:

1. On December 6, 2013, East Cheyenne Gas Storage, LLC (East Cheyenne) filed two non-conforming service agreements and revised tariff records.¹ As discussed below, the Commission accepts East Cheyenne's proposed tariff records, subject to conditions, to be effective January 5, 2014.

2. East Cheyenne filed a non-conforming Firm Storage Service Agreement with Shell Energy North America (US), L.P. (Shell Agreement). East Cheyenne states that the Shell Agreement extends the term of a non-conforming agreement between Shell and East Cheyenne which was approved by the Commission on December 19, 2012.² East Cheyenne states that the contract is identical to the agreement previously accepted by the Commission, except that it modifies the commencement and termination dates of the original agreements and states that the original agreement has been superseded.

¹ See Appendix.

² East Cheyenne Transmittal at 2 (citing *East Cheyenne Gas Storage, LLC*, Docket No. RP13-357-000 (Dec. 19, 2012) (Delegated Letter Order)).

3. East Cheyenne also filed a non-conforming Hub Services Agreement with Public Service Company of Colorado (Hub Services Agreement). East Cheyenne states that the Hub Services Agreement contains non-conforming assignment provisions. East Cheyenne also states that the agreement includes a non-conforming waiver of trial by jury.

4. In addition, East Cheyenne filed revised tariff records listing the non-conforming service agreements. On its tariff record listing its non-conforming agreements, East Cheyenne also proposed tariff language providing:

This list of agreements will be updated to reflect new agreements containing material, non-conforming provisions, but, absent other changes to the service agreement, will not be revised to reflect an extension in the term of one of the agreements identified below.

Pursuant to this proposed tariff language, East Cheyenne states that it will submit only: (i) new agreements containing material, non-conforming provisions; and (ii) existing agreements that are revised to include new non-conforming provisions.

5. Public notice of the filing was issued on December 11, 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 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. No protests or adverse comments were filed.

6. The Commission accepts the proposed tariff records and non-conforming service agreements subject to conditions. The Commission finds that the two filed non-conforming service agreements do not contain any impermissible deviations. However, the Commission rejects East Cheyenne's proposed language stating:

This list of agreements will be updated to reflect new agreements containing material, non-conforming provisions, but, absent other changes to the service agreement, **will not be revised to reflect an extension in the term of one of the agreements identified below.** (emphasis added)

Under East Cheyenne's proposal, the Commission's record of East Cheyenne's non-conforming agreements will not reflect the most recent agreement between the parties, including the new termination date. This language is contrary to the regulation which requires East Cheyenne to file all non-conforming agreements with the

Commission.³ Accordingly, East Cheyenne's proposed tariff records are accepted subject to the condition that East Cheyenne file revised tariff records within 21 days to remove the rejected provision.

By the direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ 18 CFR 154.1(b) & (d) (2013); 18 CFR 154.112(b) (2013). Furthermore, East Cheyenne did not file the redline version of one of its non-conforming agreements and requested waiver of this requirement. Although we are accepting East Cheyenne's non-conforming agreement in this instance, in the future, East Cheyenne must always submit the redline version showing the deviations from the *pro forma* service agreement of any non-conforming agreement it files with the Commission.