

150 FERC ¶ 61,090
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Chairman;
Philip D. Moeller, Tony Clark,
Norman C. Bay, and Colette D. Honorable.

Tarpon Whitetail Gas Storage, LLC

Docket No. CP08-46-000

ORDER VACATING CERTIFICATE AUTHORIZATIONS

(Issued February 18, 2015)

1. On June 19, 2008, the Commission granted Tarpon Whitetail Gas Storage, LLC (Whitetail) certificate authorization under section 7(c) of the Natural Gas Act (NGA)¹ to construct and operate a new interstate natural gas storage facility in Monroe County, Mississippi.² The Commission also issued Whitetail a blanket transportation certificate under Subpart G of Part 284 of the Commission's regulations³ and a blanket construction certificate under Subpart F of Part 157 of the regulations.⁴

2. The June 19, 2008 Order required Whitetail to complete construction of the proposed facilities and make them available for service within one year of the date of the order, i.e., by June 19, 2009. On May 11, 2009, Whitetail requested an extension of time until June 18, 2012, due to its inability to obtain financing for the project. On May 20, 2009, Commission staff granted the extension of time.⁵

¹ 15 U.S.C. § 717f(c) (2012).

² *Tarpon Whitetail Gas Storage, LLC*, 123 FERC ¶ 61,274 (2008) (June 19, 2008 Order), *order on reh'g*, 125 FERC ¶ 61,050 (2008).

³ 18 C.F.R. pt. 284, subpart G (2014).

⁴ *Id.* pt. 157, subpart F.

⁵ *Tarpon Whitetail Gas Storage, LLC*, Docket No. CP08-46-000 (May 20, 2009) (Delegated Letter Order).

3. On December 10, 2014, Mr. John K. Maute, a landowner affected by the project, filed a letter stating that Whitetail has failed to commence construction of the project. Mr. Maute states that he signed a storage lease and pipeline right-of-way with Whitetail in 2007 and requests that the right-of-way be removed.

4. To date, Whitetail has not requested authorization to commence construction of the project and has not requested a further extension of time to complete the project. Because Whitetail did not construct and make the proposed facilities available for service by June 18, 2012, as required, we will vacate the certificate issued in the June 19, 2008 Order to construct and operate the proposed storage facility. We will also vacate the Part 284, Subpart G blanket transportation certificate and the Part 157, Subpart F blanket construction certificate. Although this order vacates the certificate authorizations granted Whitetail in the June 19, 2008 Order, the right-of-way and storage lease agreements between Mr. Maute and Whitetail are governed by the terms of those specific instruments. Thus, we make no determination regarding the effect of this order on Whitetail's right-of-way and storage lease agreements.

The Commission orders:

The certificate authorizations issued to Whitetail in the June 19, 2008 Order in Docket No. CP08-46-000 are vacated.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.