

150 FERC ¶ 61,187
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.

Colonial Pipeline Company

Docket No. IS15-172-000

ORDER SUSPENDING TARIFF

(Issued March 13, 2015)

1. On February 12, 2015, Colonial Pipeline Company (Colonial) filed FERC Tariff No. 98.19.0, to be effective March 16, 2015. As pertinent here, the proposed tariff added Item No. 32 to Colonial's Rules and Regulations concerning the transferring of shipper history for purposes of Colonial's prorationing policy. Pursuant to section 343.3(a) of the Commission oil pipeline regulations protests were due on or before February 27, 2015. On March 13, 2015, an Emergency Motion to Intervene Out-of-Time and Protest Out-of-Time of was filed by Nova Energy and Concept Petroleum Marketing, LLC (Nova and Concept).
2. Nova and Concept assert that they were aware of the filing but declined to file a protest because as small shippers they have limited resources and thought they could adapt to the new rules. However, Nova and Concept assert that they believe Colonial is attempting to institute the new policy earlier than the effective date and therefore filed the late protest. Nova and Concept assert that Colonial has not adequately supported the filing. Nova and Concept submit that the proposed changes unduly discriminate against New Shippers on Colonial's system, who are typically small volume shippers. Nova and Concept request that the Commission suspend the tariff for seven months and institute further procedures.
3. In this proceeding both parties are at fault for not following the Commission's regulations. Colonial failed to adequately explain in its transmittal letter the reasons for the proposed changes. The Commission has alerted oil pipelines that it expects pipelines to follow the regulation requiring the explanation of changes contained in

section 341.2(c)(1) of the Commission's regulations.¹ Nova and Concept were aware of the filing but failed to file the protest until the day of the Commission's statutory action. The Commission serves notice to Nova and Concept, as well as potential protesters in other oil tariff filings, that such violations of the regulations will not be favored. However, so that the Commission can address the filing on substantive rather than procedural grounds, the Commission will suspend Colonial's filing for the earlier of one month from the date of issuance of this order or a further Commission order. Since Colonial has not had an opportunity to respond to Nova and Concept's protest as allowed by the regulations, it may file an answer to the protest no later than March 20, 2015.

The Commission orders:

(A) Colonial's tariff accepted and suspended to the earlier of April 15, 2015, or a further Commission order.

(B) Colonial may file an answer to Nova and Concept's protest no later than March 20, 2015.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

¹ See e.g., *Magellan Pipeline Company L.P.*, 149 FERC ¶ 61,222 at P 8 (2014) and *Mars Oil Pipeline Company*, 150 FERC ¶ 61,148 at P 7 (2015).