

151 FERC ¶ 61,100
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

SFPP, L.P.

Docket No. IS15-239-000

ORDER ACCEPTING AND SUSPENDING TARIFF RECORDS SUBJECT
TO REFUND AND CONDITIONS

(Issued May 8, 2015)

1. On April 6, 2015, SFPP, L.P. (SFPP) filed a revised tariff record modifying its current East Line rates¹ to be effective May 11, 2015. The Commission accepts and suspends the proposed tariff record, to be effective May 11, 2015, subject to refund and a further Commission order in this docket pending the outcome of the ongoing proceedings in Docket Nos. IS09-437-000, et al., IS10-572-000, et al., OR14-35-000, et al., and OR14-36-000, et al.

2. The proposed rates increase SFPP's rates from El Paso, Texas and Diamond Junction, Texas to Lordsburg, New Mexico, Tucson, Arizona and Phoenix, Arizona, as shown in Tariff No. 197.7.0. SFPP states the proposed rate increases are consistent with Opinion No. 522-A, which required SFPP to file a compliance filing consistent with the findings of that order.² Concurrently with this filing, on April 6, 2015, SFPP made a compliance filing in Docket Nos. IS09-437-000, et al., and IS10-572-000, et al., (April 6 Compliance Filing) which SFPP states conforms to Opinion No. 522-A. SFPP states the proposed rates are supported by its April 6 Compliance Filing.

3. On April 21, 2015, Chevron Products Company, HollyFrontier Refining & Marketing, LLC, Valero Marketing and Supply Company, Southwest Airlines Co.,

¹ SFPP, L.P., FERC Oil Tariff, SFPP Tariff Database, [East Line](#), FERC 197.7.0, 197.7.0.

² SFPP, L.P., Opinion No. 522-A, 150 FERC ¶ 61,097 (2015).

US Airways, Inc., and Western Refining Company, L.P. (collectively, Protesters) filed a joint protest.³ SFPP filed its answer on April 27, 2015.

4. The Protesters claim the rates reflected in the instant filing may decrease as a result of rehearing and judicial review of the Commission's orders in Docket Nos. IS09-437-000, et al., and IS10-572-000, et al., and the Commission's review of the April 6 Compliance Filing. The Protesters also state the prospective rates improperly reflect the application of index-based rate increases in 2011, 2012, and 2013 applied pursuant to section 342.3 of the Commission's regulations.⁴ In addition, the Protesters note that SFPP's East Line rates are also under investigation in Docket Nos. OR14-35 and OR14-36. Thus, they urge the Commission to make the proposed rates effective subject to refund and the final resolution of all these ongoing proceedings.

5. In its answer, SFPP agrees that the Commission should accept the proposed rates subject to refund, pending the outcome of the ongoing proceedings.

6. The Commission accepts and suspends the proposed tariff record, effective May 11, 2015, subject to refund and a further Commission order in this docket pending the resolution of the proceedings in Docket Nos. IS09-437-000, et al., IS10-572-000, et al., OR14-35-000, et al., and OR14-36-000, et al.

The Commission orders:

The tariff record listed in footnote one is accepted and suspended, effective May 11, 2015, subject to refund and a further Commission order in this docket to reflect

³ On April 21, 2015, Tesoro filed a protest and intervention in a separate proceeding, Docket No. IS15-238-000, and in that protest, Tesoro's caption also referenced this docket, Docket No. IS15-239-000. Tesoro's protest states that it applies only to the West Line rates, and, thus, it does not apply to the East Line rates at issue in this proceeding in Docket No. IS15-239-000. Furthermore, Tesoro's protest provides no indication that it has standing to challenge the East Line rates at issue here.

⁴ 18 C.F.R. § 342.3 (2014).

the resolution of the proceedings in Docket Nos. IS09-437-000, et al., IS10-572-000, et al., OR14-35-000, et al., and OR14-36-000, et al.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.