

151 FERC ¶ 61,199
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

June 4, 2015

In Reply Refer To:
JBBR Pipeline, LLC
Docket No. OR15-22-000

Eric Gilbert
JBBR Pipeline LLC
1808 Swift Drive
Oak Brook, IL 60523-1501

Attention: Eric Gilbert, JBBR Pipeline LLC

Dear Mr. Gilbert:

1. On March 24, 2015, JBBR Pipeline LLC (JBBR) filed a request for waiver of the requirement in 18 C.F.R. § 342.4(c) (2014)¹ that it submit a verified statement in support of the initial rate applicable to committed shippers and any future changes to the committed rates provided such changes are made in accordance with the terms of the applicable Throughput and Deficiency Agreement (T&DA) and the Commission's Declaratory Order in Docket No. OR15-3-000.² JBBR submits that good cause exists to grant the waiver because its committed shipper has already agreed contractually to JBBR to adjust its committed rates and the Commission previously granted such a waiver under

¹ Section 342.4(c) states:

A carrier may change a rate without regard to the ceiling level under § 342.3 if the proposed change has been agreed to, in writing, by each person who, on the day of the filing of the proposed rate change, is using the service covered by the rate. A filing pursuant to this section must contain a verified statement by the carrier that the proposed rate change has been agreed to by all current shippers.

² *JBBR Pipeline, LLC*, 150 FERC ¶ 61,012 (2015) (*JBBR*).

similar circumstances.³ As discussed below, the Commission grants the waiver requested by JBBR.

2. On November 3, 2014, JBBR filed a Petition for Declaratory Order (“Petition”) with the Commission, wherein JBBR requested that the Commission approve the overall tariff and rate structure for a new crude oil pipeline system that will transport crude oil from the Joliet Bulk, Barge & Rail LLC terminal in Joliet, Will County, Illinois to Mobil Pipe Line Company’s Mokena-to-Joliet crude pipeline (“Project”). In the Petition, JBBR requested that the Commission (i) find that the T&DA will be honored and its provisions will be upheld and will govern the transportation services JBBR provides to committed shippers during the term of the T&DA, and (ii) approve its proposal to file the committed rate as a settlement rate pursuant to Section 342.4(c) of the Commission’s regulations once the Project was operational.

3. On January 14, 2015, the Commission issued a Declaratory Order approving the proposed committed rate structure and the principles for calculating the uncommitted rates.⁴ On March 24, 2015, JBBR filed FERC Tariff No. 1.0.0 to establish initial committed rates for the Project. .

4. Public notice of the JBBR’s filing issued on April 21, 2015, providing for comments on or before May 6, 2015. Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2014), all timely-filed motions to intervene and any unopposed motion 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 motions to intervene or comments were filed.

5. For good cause shown the Commission will grant JBBR’s requested waiver. The Commission already approved the committed rate methodology in the Declaratory Order; thus, we will not require JBBR to file a verified statement under section 342.4(c) each time it adjusts its committed shipper rates pursuant to the T&DAs. Consistent with the waivers granted in *Enable Bakken* and *TransCanada*, we direct JBBR to provide an

³ *Enable Bakken Crude Services, LLC*, 145 FERC ¶ 61,187, at P 7 (2013) (*Enable Bakken*); *TransCanada Keystone Pipeline, LP*, 135 FERC ¶ 61,259, at P 8 (2011) (*TransCanada*).

⁴ *JBBR*, 150 FERC ¶ 61,012 (2015).

explanation of any changes to the committed rates as part of its Commission submission of any rate changes and to also include a reference to this order granting the waiver request with that filing.

By the direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.