

151 FFERC ¶ 61,209  
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.

Enable Bakken Crude Services, LLC

Docket No. OR15-16-000

ORDER ON REQUEST FOR WAIVER

(Issued June 11, 2015)

1. On February 13, 2015, Enable Bakken Crude Services, LLC (Enable Bakken) filed request for waiver of the requirement in 18 C.F.R. § 342.4(c) (2014) that it submit a verified statement in support of future changes to its committed rates.<sup>1</sup> Enable Bakken submits that good cause exists to grant the waiver because its committed shippers have already agreed contractually to permit Enable Bakken to adjust its committed rates and the Commission previously granted such a waiver request under similar circumstances. As discussed below, the Commission grants Enable Bakken's requested waiver of 18 C.F.R. § 342.4(c) (2014).

**Background**

2. Enable Bakken operates a new crude oil gathering pipeline system (the "Project") it states that, once completed, would gather crude oil from various production wells in Mountrail and Williams Counties, North Dakota, and transport it to a central delivery point near Tioga, Williams County, North Dakota. On March 20, 2014, Enable Bakken filed a Petition for Declaratory order in Docket No. OR14-24-000, seeking approval of an overall transportation, tariff and rate structure as set forth in Transportation Service

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<sup>1</sup> 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 asserting all current shippers agreed to the proposed rate changes.

Agreements (TSAs) which govern the transportation services for committed shippers on the Project. The Commission approved Enable Bakken's petition.<sup>2</sup>

3. As part of the Commission approval of Bakken's petition in Docket No. OR14-24-000, the committed shippers agreed that the committed rate would include a charge for the committed shippers of at least one cent per barrel over the uncommitted rate. Enable Bakken will use a postage stamp rate, meaning that the same rate would apply to the shipper regardless of the origin or destination of the shipper's transportation movement. In addition, the postage stamp rate applicable to a committed shipper's committed rate would be set at a premium relative to the postage stamp rate applicable to the uncommitted shipper's uncommitted rate. In effect, the committed rate would always be at least one cent per barrel more than the uncommitted rate.

4. Finally, pursuant to the TSAs, each committed shipper's rate is subject to an annual escalation adjustment of three percent per year and the Commission confirmed in the Docket No. OR14-24-000 declaratory order that Enable Bakken may file the initial committed rate as a settlement rate, as well as all subsequent adjustments to the committed rates made pursuant to the TSAs. The changes to the committed rates have been agreed to in writing by the committed shippers, therefore Enable Bakken submits there is no purpose served by requiring submission of a verified statement at the time changes to the committed rates are filed with the Commission.

5. Public notice of the Enable Bakken's instant filing issued on February 13, 2015, providing for comments on or before February 27, 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 interventions 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.

6. For good cause shown the Commission will grant Enable Bakken's requested waiver with respect to this and any future changes to Enable Bakken's committed rates pursuant to the TSAs. The Commission already approved the committed rate methodology in the Docket No. OR14-24-000 declaratory order and the committed shippers have agreed to the rates set forth in the TSAs, thus, Enable Bakken need not file the verified statement required by section 342.4(c) each time it adjusts the Project's committed shipper rates. The Commission will only require Enable Bakken to provide an explanation of any changes to the committed rates as part of its Commission submission

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<sup>2</sup> *Enable Bakken Crude Svcs., LLC*, 148 FERC ¶ 61,048 (2014).

of any rate changes, and to also include a reference to this order granting the waiver request with that filing.

The Commission orders:

The Commission grants Enable Bakken's request for waiver.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.