

151 FERC ¶ 61,245
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.

Gulf South Pipeline Company, LP

Docket Nos. RP15-956-000
RP15-956-001

ORDER ACCEPTING AND SUSPENDING TARIFF RECORDS SUBJECT TO
REFUND AND CONDITIONS

(Issued June 19, 2015)

1. On May 1, 2015, Gulf South Pipeline Company, LP (Gulf South) filed revisions to its negotiated and non-conforming contracts under Rate Schedules NNS and NNS-SCO¹ to align those agreements with Gulf South's proposal in its ongoing Natural Gas Act (NGA) general section 4 rate case in Docket No. RP15-65-000 (Rate Filing). On May 20, 2015, Gulf South filed an amendment to correct errors.² The Commission set the issues raised in the Rate Filing for hearing before an administrative law judge, and the rates proposed therein remain subject to refund.³ As discussed below, the Commission accepts and suspends the instant filing to be effective May 1, 2015, subject to refund and the outcome of the hearing on the Rate Filing.

I. Filing

2. In the instant filing, Gulf South proposes to amend Exhibit A of the Rate Schedules NNS and NNS-SCO negotiated rate and/or non-conforming agreements to conform with changes proposed in the Rate Filing. In particular, Gulf South states that the revised agreements provide for point pairing of receipt and delivery points for Rate Schedules NNS and NNS-SCO service, shift the receipt point for such service from the Bistineau Storage Field to the Jackson Storage Field for certain customers. Additionally,

¹ NNS refers to No-Notice Service; SCO refers to the Small Customer Option.

² Gulf South corrected four agreements (Section 2.3.1, Version 1.1.0; Section 2.5.1, Version 1.1.0; Section 2.7, Version 7.1.0; Section 2.8.1, Version 1.1.0), all with Centerpoint Energy Resources Corp.

³ *Gulf South Pipeline Co., LP*, 149 FERC ¶ 61,173 (2014).

Gulf South states that it is also submitting a new negotiated rate agreement that resulted from splitting a current customer's existing agreement into two agreements to facilitate a shift of a portion of that customer's storage from Bistineau to Jackson.⁴ Gulf South further states that it submits a revised tariff list of non-conforming agreements to reflect the referenced amendments and to correct the contract number for one existing agreement.

3. Gulf South moves to place the proposed tariff records into effect on May 1, 2015, and requests a waiver of the 30-day notice requirement in section 154.207 of the Commission's regulations.⁵

II. Notice of Filing and Responsive Pleadings

4. Public notice of Gulf South's May 1 filing was issued on May 4, 2015; public notice of Gulf South's May 20 filing was issued on May 26, 2015. Interventions and protests were due May 13, 2015 and June 1, 2015, respectively.⁶ Pursuant to Rule 214,⁷ all timely-filed motions to intervene and any unopposed motions to intervene filed out-of-time 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. The United Municipal Distributors Group (UMDG)⁸ filed comments on the filing.

5. UMDG notes that Gulf South's "tendered amendments ... incorporate changes to contracts that Gulf South unilaterally proposed," and which "UMDG and other parties protested."⁹ Accordingly, UMDG urges the Commission to "make clear that the contract changes, like the tariff provisions they implement, are not final and are subject to the

⁴ Gulf South also states that the new negotiated rate agreement contains no material deviations from the form of service agreements in its tariff.

⁵ 18 C.F.R. § 154.207 (2014).

⁶ *See* 18 C.F.R. § 154.210 (2014).

⁷ 18 C.F.R. § 385.214 (2014).

⁸ The UMDG members participating in this docket are: City of Brewton, AL; Town of Century, FL; Utilities Board of the Town of Citronelle, AL; City of Fairhope, AL; North Baldwin Utilities, AL; Okaloosa Gas District, FL; City of Pascagoula, MS; City of Pensacola, FL; and South Alabama Gas District, AL.

⁹ UMDG comments at 3.

outcome of the Commission's further rulings in this docket, including the outcome of the hearing."¹⁰ In addition, UMDG notes that Gulf South erroneously filed as Contract No. 43993, with City of Pensacola, a document that has different terms from the proposed contract that Gulf South tendered to the City of Pensacola for execution; UMDG asks the Commission to require Gulf South to correct the error.

III. Discussion

6. We find that our ultimate determination on these filed agreements under Rate Schedules NNS and NNS-SCO depends on how the Commission resolves the No-Notice Service issues currently set for hearing in the Rate Filing. Accordingly, we suspend the instant filing, and condition its acceptance upon the outcome of the hearing regarding issues raised by the Rate Filing. Additionally, Gulf South should either file to correct the apparent errors in its City of Pensacola contract, or else file to demonstrate that the City of Pensacola contract on file with the Commission is not erroneous.

7. Based on a review of the filing, the Commission finds that Gulf South's proposed tariff records have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept and suspend the effectiveness of the tariff records proposed to be effective May 1, 2015, subject to refund and the outcome of the hearing in the Rate Filing.

8. The Commission's policy regarding suspension is that tariff filings generally should be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable, or inconsistent with other statutory standards.¹¹ It is recognized, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results.¹² The Commission finds good cause for setting the effective date for the instant filing to match the effective date for the Rate Filing. Accordingly, we waive our notice requirements and impose a nominal suspension period, so that the revised agreements shall be effective May 1, 2015, subject to refund, and the outcome of the hearing proceeding in the Rate Filing.

¹⁰ UMDG comments at 4.

¹¹ See *Great Lakes Gas Transmission Co.*, 12 FERC ¶ 61,293 (1980) (five-month suspension).

¹² See *Valley Gas Transmission, Inc.*, 12 FERC ¶ 61,197 (1980) (one-day suspension).

The Commission orders:

(A) The proposed tariff records listed in the Appendix are accepted and suspended, to be effective May 1, 2015, subject to refund, and to the outcome of the hearing established in Docket No. RP15-65-000, concerning the lawfulness of Gulf South's proposed rates

(B) Gulf South must either file to correct the apparent errors in its City of Pensacola contract, or else file to demonstrate that the City of Pensacola contract on file with the Commission is not erroneous, within 30 days of the date of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

Appendix
Gulf South Pipeline Company, LP
FERC NGA Gas Tariff
Tariffs

Tariff records accepted and suspended to be effective May 1, 2015,
subject to refund and conditions.

Seventh Revised Volume No. 1

Section 6.26, Version 5.0.0

“Negotiated Rate and Non-Conforming Service Agreements”

Section 2.2, Version 7.0.0

Section 2.3.1, Version 1.1.0

Section 2.3.2, Version 1.0.0

Section 2.5, Version 3.0.0

Section 2.5.1, Version 1.1.0

Section 2.5.2, Version 1.0.0

Section 2.7, Version 7.1.0

Section 2.8.1, Version 1.1.0

Section 2.8.2, Version 1.0.0

Section 2.11, Version 4.0.0

Section 2.12, Version 4.0.0

Section 2.51.1, Version 1.0.0

Section 2.71.1, Version 1.0.0

Section 4.3, Version 3.0.0

Section 4.4, Version 3.0.0

Section 4.5, Version 3.0.0

Section 4.6, Version 3.0.0

Section 4.7, Version 3.0.0

Section 4.8, Version 3.0.0

Section 4.9, Version 3.0.0

Section 4.10, Version 3.0.0

Section 4.11, Version 3.0.0