

153 FERC ¶ 61,115  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

October 29, 2015

In Reply Refer To:  
Golden Pass Pipeline LLC  
Docket No. RP16-20-000

Golden Pass Pipeline LLC  
Three Allen Center, Suite 800  
Houston, TX 77002

Attention: Richard D. Smith  
Senior Regulatory Affairs Consultant

Dear Mr. Smith:

1. On October 1, 2015, Golden Pass Pipeline LLC (Golden Pass) filed revised tariff records to reflect updates and corrections to its Tariff.<sup>1</sup> Specifically, Golden Pass proposes several housekeeping changes to its Tariff, including minor administrative, clarification and formatting modifications.

2. Golden Pass also filed tariff records to cancel tariff records that contain certain non-conforming agreements and thus remove those tariff records from its Tariff.<sup>2</sup> In support of its proposed action, Golden Pass states that its existing tariff record, 8.8, Non-Conforming Agreements, 1.0.0, lists all of its non-conforming service agreements as required by the Commission's regulations.<sup>3</sup> Golden Pass also asserts that the tariff records it proposes to cancel "contain the full service agreements which are not required under Commission regulations."<sup>4</sup>

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<sup>1</sup> See Appendix A.

<sup>2</sup> See Appendix B.

<sup>3</sup> Golden Pass Transmittal Letter at p. 3, *citing*, 18 C.F.R. §§154.1 (d), 154.112(b) (2015).

<sup>4</sup> *Id.*

3. Golden Pass requests that the tariff records listed in Appendices A and B be accepted effective November 1, 2015. We accept the Appendix A tariff records making housekeeping changes effective November 1, 2015, as proposed. The Appendix B tariff records removing non-conforming contracts from Golden Pass's tariff are rejected, as more fully discussed below.

4. Public notice of the filing was issued on October 6, 2015. Interventions and protests were due as provided in section 154.210 [18 C.F.R. § 154.210 (2015)] of the Commission's regulations. Pursuant to Rule 214 [18 C.F.R. § 385.214 (2015)] all timely motions to intervene and any unopposed motions 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 this proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.

5. The Commission finds that the housekeeping, minor administrative, clarification and formatting modifications proposed by Golden Pass are just and reasonable and will be accepted effective November 1, 2015, as proposed.

6. The Commission rejects Golden Pass's proposed tariff records which would cancel tariff records that contain certain non-conforming agreements and remove those tariff records from its Tariff.<sup>5</sup> As the Commission explained in *Columbia Gas Transmission Corp.*,<sup>6</sup> section 4(c) of the Natural Gas Act requires that, under such rules as the Commission may prescribe, pipelines must file not only schedules showing all rates for jurisdictional services, but also "all contracts which in any manner affect or relate to such rates, charges, classifications, and services." The Commission has implemented this requirement in sections 154.1 and 154.112(b) of its regulations.<sup>7</sup>

7. Section 154.1(b) of the Commission's regulations sets forth the general requirement that pipelines must file all contracts related to their services. Section 154.1(d) provides that any contract that conforms to the form of service agreement in the pipeline's tariff need not be filed, but states that any contract "which deviates in any material aspect from the form of service agreement in the tariff is subject

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<sup>5</sup> These tariff records relate to three natural gas transportation agreements between Golden Pass and Golden Pass LNG Terminal LLC (PL2010-026), ExxonMobil LNG Supply LLC (PL2010-027) and, ConocoPhillips Company (PL2010-028), respectively, which were accepted in *Golden Pass Pipeline LLC*, Docket No. RP11-1645-000, (February 24, 2011) (unpublished delegated letter order).

<sup>6</sup> 97 FERC ¶ 61,221, at 62,001-03 (2001).

<sup>7</sup> 18 C.F.R. §§ 154.1 and 154.112(b) (2015).

to the filing requirements of this part.” Section 154.112(b) requires both (1) that a pipeline file all contracts that contain material deviations, from the pipeline’s form of service agreement in its tariff and (2) that all such non-conforming agreements must be referenced in the pipeline’s open access transmission tariff.<sup>8</sup> This regulation states in its entirety:

Contracts for service pursuant to part 284 of this chapter that deviate in any material aspect from the form of service agreement must be filed. Such non-conforming agreements must be referenced in the open access transmission tariff.

8. Golden Pass’s proposal to remove its non-conforming contracts from its tariff violates the requirement in NGA section 4(c) and the Commission’s regulations that it file all of its contracts which deviate in any material respect from its form of service agreement. The fact that Golden Pass proposes to retain in its tariff a list of all its non-conforming service agreements is insufficient to comply with the requirement that it also file the non-conforming agreements. Accordingly, the Commission rejects the tariff records listed in Appendix B that are proposed by Golden Pass to cancel tariff records which contain non-conforming agreements, as inconsistent with the Commission’s regulations and precedent.<sup>9</sup>

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>8</sup> 18 C.F.R. § 154.112(b) (2015).

<sup>9</sup> Golden Pass’ proposal also runs counter to the requirements of Order No. 714 under which the Commission established an electronic data base of jurisdictional agreements accessible to the Commission and the public. The Commission stated that this database would consist of all “tariffs, rate schedules, jurisdictional contracts, and other jurisdictional agreements that are required to be on file with the Commission.” *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276, at P 13 (2008).

## Appendix A

Golden Pass Pipeline LLC  
FERC NGA Gas Tariff  
GPPLDB01

*Tariff records accepted effective November 1, 2015:*

- [1, Tariff Table of Contents, 1.0.1](#)
- [2, Preliminary Statement, 1.0.2](#)
- [4.1, Rate Schedule FT, 1.0.7](#)
- [4.2, Rate Schedule IT, 1.0.7](#)
- [5.1.1, Availability, 1.0.1](#)
- [5.1.2, Applicability and Character of Service, 1.0.1](#)
- [5.1.3, Rates and Charges, 1.0.1](#)
- [5.1.4, Points of Receipt and Delivery, 1.0.1](#)
- [5.1.6, Nominations and Scheduling of Receipts and Deliveries, 1.0.1](#)
- [5.1.7, Imbalances, 1.0.1](#)
- [5.1.8, Reservation Charge Credits, 1.0.1](#)
- [5.1.10, Governmental Authorizations, 1.0.1](#)
- [5.2.1, Availability, 1.0.1](#)
- [5.2.2, Applicability and Character of Service, 1.0.1](#)
- [5.2.3, Rates and Charges, 1.0.1](#)
- [5.2.4, Points of Receipt and Delivery, 1.0.1](#)
- [5.2.5, Nomination and Scheduling of Receipts and Deliveries, 1.0.1](#)
- [5.2.6, Imbalances, 1.0.1](#)
- [5.2.8, Governmental Authorization, 1.0.1](#)
- [6.1, Definitions, 1.0.1](#)
- [6.2, Quality of Gas, 1.0.1](#)
- [6.4, Measuring Equipment, 1.0.1](#)
- [6.5, Nominations, 1.0.2](#)
- [6.6, Scheduling of Receipts and Deliveries, 1.0.1](#)
- [6.8, Priority of Service and Curtailment, 1.0.1](#)
- [6.9.1, Resolution of Monthly Imbalances, 1.0.1](#)
- [6.9.2, Revenue Crediting Provision, 1.0.1](#)
- [6.10, Operational Balancing Agreements, 1.0.1](#)
- [6.11, Retainage, 1.0.1](#)
- [6.12, Billing, 1.0.1](#)
- [6.13, Payments, 1.0.1](#)
- [6.15, Receipt and Delivery Pressure, 1.0.1](#)
- [6.16, Operational Flow Orders, 1.0.1](#)

**Appendix A  
(continued)**

Golden Pass Pipeline LLC  
FERC NGA Gas Tariff  
GPPLDB01

*Tariff records accepted effective November 1, 2015:*

- [6.17, Uniform Hourly Flows, 1.0.1](#)
- [6.18, Warranty of Title, 1.0.1](#)
- [6.19, Force Majeure, 1.0.1](#)
- [6.24, Operating Information and Estimates, 1.0.1](#)
- [6.25, New Facilities Policy, 1.0.1](#)
- [6.26, Maintenance, 1.0.1](#)
- [6.27, FERC Annual Charge Adjustment, 1.0.2](#)
- [6.28, Order of Discounting, 1.0.1](#)
- [6.29, Information and Communication Regarding Services, 1.0.1](#)
- [6.30, Release of Firm Capacity, 1.0.1](#)
- [6.30.1, Initiating Request for Release, 1.0.1](#)
- [6.30.2, Requests for Release of Capacity, 1.0.2](#)
- [6.30.3, Releases Permitted Without Prior Posting, 1.0.1](#)
- [6.30.4, Posting of Releaser and Replacement Shipper Requests, 1.0.1](#)
- [6.30.5, Bidding for Released Capacity, 1.0.2](#)
- [6.30.6, Determination of Successful Bidder, 1.0.1](#)
- [6.30.7, Assignment of Firm Capacity to Replacement Shipper, 1.0.1](#)
- [6.30.8, Billing, 1.0.1](#)
- [6.30.9, Applicable Deadlines, 1.0.1](#)
- [6.30.10, Reassignment of Released Capacity, 1.0.1](#)
- [6.30.11, Submission of Information, 1.0.1](#)
- [6.30.13, Further Conditions on Release of Firm Capacity, 1.0.1](#)
- [6.31, Request for Service, 1.0.1](#)
- [6.32, Creditworthiness, 1.0.1](#)
- [6.33, Firm Transportation Agreement Ext & Right of First Refusal, 1.0.1](#)
- [6.34, Incorporation in Rate Schedules and Service Agreements, 1.0.1](#)
- [6.36, Default and Termination, 1.0.1](#)
- [6.37, Limitation of Liability, 1.0.1](#)
- [6.38, Compliance Plan for Transportation Services, 1.0.1](#)
- [6.39, Periodic Rate Adjustments, 1.0.1](#)
- [6.40, Negotiated Rates, 1.0.1](#)
- [6.42, Assignment and Succession, 1.0.1](#)

**Appendix A  
(continued)**

Golden Pass Pipeline LLC  
FERC NGA Gas Tariff  
GPPLDB01

*Tariff records accepted effective November 1, 2015:*

- [6.43, Operational Purchases and Sales Provision, 1.0.1](#)
- [8.2, Firm Transportation Agreement, 1.0.1](#)
- [8.2.1, Firm Transportation Agreement Exhibit A, 1.0.1](#)
- [8.2.2, Firm Transportation Agreement Exhibit B, 1.0.1](#)
- [8.3, Interruptible Transportation Agreement, 1.0.1](#)
- [8.4, Capacity Release Transactions, 1.0.1](#)
- [8.4.1, Capacity Release Transactions Confirmation Letter, 1.0.1](#)
- [8.5, Request for Service, 1.0.1](#)
- [8.6, Operational Balancing Agreement, 1.0.1](#)
- [8.6.1, Operational Balancing Agreement Exhibit A, 1.0.1](#)
- [8.7, Website Access Agreement, 1.0.1](#)
- [8.7.1, Website Access Agreement Exhibit A, 1.0.1](#)

## **Appendix B**

Golden Pass Pipeline LLC  
FERC NGA Gas Tariff  
GPPLDB01

*Tariff records rejected:*

- [8.8.1.1, Non-conforming FT Agreement with GPLNG, 2.0.0](#)
- [8.8.1.2, Non-conforming FT Agreement with GPLNG Exh A, 2.0.0](#)
- [8.8.2.1, Non-conforming FT Agreement with EMLNG, 2.0.0](#)
- [8.8.2.2, Non-conforming FT Agreement with GPLNG Exh A, 2.0.0](#)
- [8.8.3.1, Non-conforming FT Agreement with COP, 2.0.0](#)
- [8.8.3.2, Non-conforming FT Agreement with COP Exh A, 2.0.0](#)