

153 FERC ¶ 61,121
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

October 30, 2015

In Reply Refer To:
Empire Pipeline, Inc.
Docket No. RP15-1303-000

Empire Pipeline, Inc.
6363 Main Street
Williamsville, NY 14221

Attention: Janet R. Bayer
Senior Regulatory Analyst

Dear Ms. Bayer:

1. On September 29, 2015, Empire Pipeline, Inc. (Empire) submitted for filing two sets of tariff records related to the construction of the Tuscarora Lateral Project of Empire and National Fuel Gas Supply Corporation (National Fuel), which was approved by the Commission on March 10, 2015.¹ Empire's proposed "Version A" tariff records are listed in Appendix A and its proposed "Version B" tariff records are listed in Appendix B. Empire proposes an effective date of November 1, 2015. As reflected in the attached appendices, the Commission accepts the Version A tariff records, subject to condition, to be effective November 1, 2015, as proposed, and rejects the Version B tariff records.

2. On March 18, 2014, Empire and National Fuel filed a joint application seeking certificate authority for the Tuscarora Lateral Project. As a part of this project, Empire sought authority to construct and operate a 17-mile-long lateral from Tioga County, Pennsylvania, to National Fuel's Tuscarora Compressor Station in Addison, Steuben County, New York, to connect its system to National Fuel's system and to replace, if necessary, one or both centrifugal wheels at its existing Oakfield Compressor Station in Genesee County, New York. National Fuel proposed to add a 1,380-horsepower compressor unit to its existing Tuscarora Compressor Station and to lease to Empire capacity sufficient to provide 55,000 dekatherms (Dth) per day of firm transportation

¹ *Empire Pipeline, Inc.*, 150 FERC ¶ 61,181 (2015) (March 10, 2015 Order).

service and 3,300,000 Dth of firm storage service with injection rights up to 27,500 Dth per day and withdrawal rights up to 55,000 Dth per day. Subject to certain conditions, the Commission granted the requested certificate authorizations.

3. The Allegheny Defense Project filed a motion for stay, to which Empire and National Fuel filed an answer. Subsequently, Empire and National Fuel filed a Request for Rehearing and Clarification of the March 10, 2015 Order. Those pleadings are pending before the Commission and will be addressed in a subsequent Commission order.

4. In its transmittal letter, Empire provides a section by section explanation of the difference between the Version A and Version B tariff records. In that explanation, Empire states that, with the exception discussed below, the Version A tariff records comply with the directives in the March 10, 2015 Order, as updated to reflect tariff changes accepted by the Commission in other tariff filings made by Empire since the Certificate Application was filed. However, Empire states that eleven of the Version A tariff records (a) assume that the Commission will grant its Request for Rehearing and Clarification of the March 10, 2015 Order and (b) anticipate that the Commission will accept four of the Version A tariff records which Empire submitted in Docket Nos. RP15-1189-000 and RP15-1189-001 to clarify its scheduling priorities applicable to Empire's transportation and storage services and to clarify and revise its curtailment priorities applicable to those services. Empire states that, in case the Commission does not grant its Request for Rehearing and Clarification or accept its Docket Nos. RP15-1189-000 and RP15-1189-001 tariff filing, it has, in most instances, filed alternate versions of the relevant tariff records, labelled Version B, which it believes fully comply with the March 10, 2015 Order.

5. Empire states it anticipates that the Tuscarora Lateral Project facilities will be ready for service on November 1, 2015. However, if the in-service date is delayed, Empire states it will make a filing with the Commission to request a later effective date. Empire states that, in accordance with section 154.7(a)(9) of the Commission's regulations, it reserves the right to file a later motion to place any suspended tariff sections into effect at the end of the suspension period. Empire requests the Commission to grant any and all waivers as may be necessary to accept its tariff filing effective on November 1, 2015.

6. Public notice of the filing was issued on October 6, 2015. Interventions and protests were due as provided in section 154.210 of the Commission's regulations.² Pursuant to Rule 214,³ all timely motions to intervene and any unopposed motions to

² 18 C.F.R. § 154.210 (2015).

³ 18 C.F.R. § 385.214 (2015).

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 protest or adverse comments were filed.

7. In the instant proceeding, the Commission is reviewing Empire's filing to determine whether the proposed tariff records comply with the requirements of the March 10, 2015 Order. Because the Commission has not yet acted on Empire's request for rehearing of the March 10, 2015 Order, the Commission finds that the eleven Version A tariff records which assume that the Commission will grant rehearing do not comply with the March 10, 2015 Order. Therefore, the Commission accepts the Version A tariff records subject to the condition that Empire file, within 15 days of the date of this order, to replace the eleven Version A tariff records which assume the Commission will grant rehearing of the March 10 2015 Order with the tariff records that comply with the March 10, 2015 Order. The Commission has accepted Empire's proposal in Docket Nos. RP15-1189-000 and RP15-1189-001 to modify its scheduling and curtailment provisions;⁴ therefore, the Commission accepts the four Version A tariff records which reflect that proposal.⁵ The Commission rejects the Version B tariff records. To the extent not discussed in this order, the Commission finds that the accepted tariff records comply with the findings of the March 10, 2015 Order.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

⁴ See *Empire Pipeline, Inc.*, Docket Nos. RP15-1189-000 and RP15-1189-001 (Oct. 2, 2015) (delegated letter order).

⁵ Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings (Version: September 11, 2015).

Appendix A

Empire Pipeline, Inc. FERC NGA Gas Tariff Empire Tariff

Tariff Records Accepted Effective November 1, 2015 – Version A

[1 – Table of Contents, 1 – Table of Contents, 2.0.0 *](#)
[4 – Applicable Rates, 4 – Applicable Rates, 8.0.0 *](#)
[List of Contents, 6 – Rate Schedules, 1.0.0](#)
[6.010 – FT Rate Schedule, § 3 – Rates, 4.0.0 *](#)
[6.015 FTNN Rate Schedule, § 1 – Availability, 0.0.0](#)
[6.015 FTNN Rate Schedule, § 2 – Applicability and Character of Service, 0.0.0](#)
[6.015 FTNN Rate Schedule, § 3 – Rates, 0.0.0 *](#)
[6.015 FTNN Rate Schedule, § 4 – General Terms and Conditions, 0.0.0](#)
[6.020 – IT Rate Schedule, § 3 – Rates, 2.0.0 *](#)
[6.025 FSNN Rate Schedule, § 1 – Availability, 0.0.0](#)
[6.025 FSNN Rate Schedule, § 2 – Applicability and Character of Service, 0.0.0](#)
[6.025 FSNN Rate Schedule, § 3 – Rates, 0.0.0 *](#)
[6.025 FSNN Rate Schedule, § 4 – General Terms and Conditions, 0.0.0](#)
[6.030 - ISS Rate Schedule, § 1 - Availability, 0.0.0](#)
[6.030 - ISS Rate Schedule, § 2 - Applicability and Character of Service, 0.0.0](#)
[6.030 - ISS Rate Schedule, § 3 - Rates, 0.0.0 *](#)
[6.030 - ISS Rate Schedule, § 4 - General Terms and Conditions, 0.0.0](#)
[List of Contents, 7 – General Terms and Conditions, 1.0.0 *](#)
[1 – Definition of Terms, 1 – Definition of Terms, 4.0.0](#)
[4 – Noms & Scheduling, 4.1 – Nominations, 3.0.0](#)
[4 – Noms & Scheduling, 4.2 – Scheduling and Allocation of Capacity, 2.0.0](#)
[4 – Noms & Scheduling, 4.9 – Cash-out of Imbalances, 4.0.0](#)
[4 – Noms & Scheduling, 4.10 – Balancing at Contract Termination, 1.0.0](#)
[9 – Curtailment, 9 – Curtailment, 2.0.0](#)
[10 – Unauthorized T/R, 10 – Unauthorized Tenders and Receipts, 3.0.0](#)
[12 – Capacity Release, 12.1 – Capacity Eligible for Release, 1.0.0](#)
[12 – Capacity Release, 12.2 – Notice Required by Existing Shipper, 3.0.0](#)
[12 – Capacity Release, 12.11 – Intraday Recalls of Capacity, 2.0.0](#)
[13 – Acquired Capacity, 13 – Acquired Capacity, 1.0.0 *](#)
[14 – Allocation of Cap., 14 – Procedures for Allocating Firm Capacity, 3.0.0](#)
[15 – Abandonment & ROFR, 15 – Pregranted Abandonment and Right of First Refusal, 2.0.0](#)
[18 – Adjustments, 18 – Adjustments, Surcharges, Neg. Rates, IT Revenue Credits, 1.0.0](#)
[19 – ACA, 19 – Annual Charges Adjustment Clause, 2.0.0](#)
[23 – Fuel, 23 – Fuel, Company-Use, & Lost and Unaccounted for Gas, 2.0.0](#)

[28 – Transfers of Storage, 28 – Transfers of Storage Balance, 2.0.0](#) *

[29 – Discounted Agreement, 29 – Discounted Agreements, 0.0.0](#) *

[30 – Miscellaneous, 30 – Miscellaneous, 0.0.0](#)

[List of Contents, 8 – Forms of Agreement, 1.0.0](#)

[8.010 – Forms, 8.010 – FT Form of Agreement, 1.0.0](#)

[8.015 - Forms, 8.015 - FTNN Form of Agreement, 0.0.0](#)

[8.025 - Forms, 8.025 - FSNN Form of Agreement, 0.0.0](#)

[8.030 - Forms, 8.030 - ISS Form of Agreement, 0.0.0](#)

* Tariff records accepted subject to the condition that they be replaced with the corresponding version in Appendix B.

Appendix B

Rejected Tariff Records – Version B

1 – Table of Contents, 1 – Table of Contents, 2.0.1

4 – Applicable Rates, 4 – Applicable Rates, 8.0.1

6.010 – FT Rate Schedule, § 3 – Rates, 4.0.1

6.015 FTNN Rate Schedule, § 2 – Applicability and Character of Service, 0.0.1

6.015 FTNN Rate Schedule, § 3 – Rates, 0.0.1

6.025 FSNN Rate Schedule, § 3 – Rates, 0.0.1

6.030 - ISS Rate Schedule, § 3 - Rates, 0.0.1

List of Contents, 7 – General Terms and Conditions, 1.0.1

1 – Definition of Terms, 1 – Definition of Terms, 4.0.1

9 – Curtailment, 9 – Curtailment, 2.0.1

13 – Acquired Capacity, 13 – Acquired Capacity, 1.0.1

28 – Transfers of Storage, 28 – Transfers of Storage Balance, 2.0.1

29 – Reserved, 29 – Reserved for Future Use, 0.0.1