

153 FERC ¶ 61,149
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

November 5, 2015

In Reply Refer To:
Texas Eastern Transmission, LP
Docket No. RP16-58-000

Texas Eastern Transmission, LP
5400 Westheimer Court
Houston, TX 77056

Attention: Berk Donaldson
General Manager
Rates & Certificates

Dear Mr. Donaldson,

1. On October 16, 2015, Texas Eastern, LP (Texas Eastern) filed an operational flow order (OFO) penalty disbursement report, pursuant to section 4.3(A)(7) of the General Terms and Conditions (GT&C) of its tariff. For good cause shown, the Commission grants waiver of section 4.3(A)(7) of Texas Eastern's GT&C and accepts the report.
2. Section 4.3(A)(7) of Texas Eastern's GT&C sets forth its OFO penalty crediting mechanism, including the requirements and timeline for filing OFO penalty disbursement reports. Section 4.3(A)(7) requires Texas Eastern to file an annual OFO penalty disbursement report within 60 days of the month in which Texas Eastern collects over \$1,000,000 in OFO penalty revenue. In the instant filing, Texas Eastern states that it collected \$3,930,977.01 in OFO penalty revenue for the month of February 2015, but due to an administrative oversight, did not file an OFO penalty disbursement report within 60 days of the end of that month. Texas Eastern asserts that it has updated its reporting protocols to ensure the timely filing of future penalty reports. Texas Eastern states that it has credited the penalty revenue collected and subsequent interest accrued to its non-offending customers in accordance with section 4.3(A)(7) of its GT&C.

3. Public notice of Texas Eastern's filing was issued on October 19, 2015. Interventions and protests were due as provided by section 154.210¹ of the Commission's regulations. Pursuant to Rule 214,² all timely motions to intervene and any unopposed motions to intervene out-of-time filed before the 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 party filed a protest or adverse comments.

4. For good cause shown, the Commission grants the requested waiver of section 4.3(A)(7) of the GT&C of Texas Eastern's tariff. Although Texas Eastern missed the deadline for filing its OFO penalty disbursement report, Texas Eastern has credited the penalty revenue collected, with interest accrued, to its non-offending shippers consistent with section 4.3(A)(7) of the GT&C of its tariff. Further, Texas Eastern states that it has updated its reporting protocols to ensure timely filings in the future. Accordingly, for good cause shown, the Commission accepts Texas Eastern's OFO penalty disbursement report.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

¹ 18 C.F.R. § 154.210 (2015).

² 18 C.F.R. § 385.214 (2015).