

153 FERC ¶ 61,330
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;
Cheryl A. LaFleur, Tony Clark,
and Colette D. Honorable.

ETP Crude LLC

Docket No. OR15-38-001

ORDER GRANTING CLARIFICATION

(Issued December 22, 2015)

1. On December 1, 2015, the Commission issued an order granting ETP Crude LLC's (ETP) unopposed petition for declaratory order seeking approval of the overall tariff and rate structure, proration procedure and other matters for a new crude oil pipeline that will have the capacity to accept approximately 120,000 barrels per day of crude oil from receipt points located in Reeves County, Texas and Lea County, New Mexico for transportation to delivery points in Loving County, Texas and Lea County, New Mexico (the Project).¹
2. On December 7, 2015, ETP filed a motion for clarification of the December 1, 2015 order. ETP states that although the order granted all the declaratory rulings it requested, the background section of the declaratory order contains a few statements that are inconsistent with the descriptions provided by ETP in the petition and the supporting exhibits.
3. Out of an abundance of caution, ETP requests that the Commission issue an order clarifying the declaratory order in certain respects, consistent with the terms of the open season and Transportation Service Agreement (TSA) as well as the descriptions provided by ETP in the petition. First, ETP requests that the Commission clarify that a Committed Shipper for the Project will make its long-term commitment in the form of an acreage dedication rather than a volume commitment on a ship-or-pay basis. Second, ETP requests that the Commission clarify that the rate paid by a Committed Shipper or Uncommitted Shipper will be based on the volume level tendered for transportation on

¹ *ETP Crude LLC*, 153 FERC ¶ 61,261 (2015).

the Project during a particular month, not a fixed volume commitment. ETP also requests that the Commission confirm that these clarifications do not alter its finding in the declaratory order that all the aspects of the Project for which approval and confirmation were sought by ETP are consistent with Commission policy or its approval of all the declaratory rulings requested by ETP in the petition. The Commission so clarifies.

The Commission orders:

ETP's December 7, 2015 motion for clarification is granted.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.