

155 FERC ¶ 61,155
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 10, 2016

In Reply Refer To:
ANR Storage Company
Docket No. RP16-877-000

Mark F. Sundback
Counsel for ANR Storage Company
Andrews Kurth LLP
1350 I Street, NW
Suite 1100
Washington, DC 20005

Reference: Petition to Amend Filing Requirement in Stipulation and Agreement

Attention: Mark F. Sundback, Counsel

Dear Mr. Sundback:

1. On April 26, 2016, ANR Storage Company (ANR Storage) filed a petition in Docket No. RP16-877-000 to amend the Stipulation and Agreement approved by the Commission on August 21, 2012 (2012 Settlement)¹ to extend the date by which ANR Storage must file a general section 4 rate case. ANR Storage requests Commission action no later than May 10, 2016. As discussed below, the Commission will approve the proposed amendment to the 2012 Settlement as it appears to be fair, reasonable, and in the public interest.

2. The 2012 Settlement resolved a section 5 proceeding initiated against ANR Storage by the Commission in Docket No. RP12-123-000.² Specifically, ANR Storage requests that the Commission authorize an amendment to section IV of the 2012 Settlement. Section IV requires that ANR Storage “file a new NGA section 4 general rate case with regard to those services provided at recourse rates to become effective no later than July 1, 2016.” ANR Storage states that it has convened a settlement conference to discuss the possibility of resolving the issues of its upcoming rate case filing and

¹ *ANR Storage Co.*, 140 FERC ¶ 61,134 (2012) (2012 Settlement).

² *ANR Storage Co.*, 137 FERC ¶ 61,136 (2011).

eliminating the need for such a filing in its entirety. ANR Storage also states that participants in the settlement discussions have reached an agreement in principle and require additional time to prepare and submit a pre-filing settlement document for the Commission's review and approval. Therefore, ANR Storage states that to provide this additional time, it seeks to change the effective date for a general rate case provided in the 2012 Settlement to a date "no later than the first day of a month following four months after the Commission issues a determination on the merits of the new agreement."³ Under ANR Storage's proposal, no filing would be necessary if the Commission approves the new settlement.

3. ANR Storage states that given that the parties have achieved an agreement in principle on a new settlement, circumstances warrant allowing the proposed amendment to the 2012 Settlement. According to ANR Storage, all parties active in the negotiations either support or not oppose the petition. The company asserts that the amendment will allow participants to avoid litigation, which will benefit the negotiating parties, the Commission and the public interest.

4. Public notice of the filing was issued on April 28, 2016, allowing for protests to be filed on or before May 3, 2016. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2015)), all timely filed motions to intervene and any unopposed motion 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 the proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.

5. The Commission finds that the proposed amendment is unopposed and will allow the proposed amendment to the 2012 Settlement, consistent with the Commission's policy favoring settlements. ANR Storage shall file a rate case no later than the first day of a month following four months after the Commission issues a determination on the merits of the new agreement to be filed with the Commission. No filing will be necessary if the Commission approves the new settlement.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

³ Petition at p. 4.