

155 FERC ¶ 61,199
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

May 24, 2016

In Reply Refer To:
El Paso Natural Gas Company, L.L.C.
Docket No. RP16-759-000

El Paso Natural Gas Company, L.L.C.
P.O. Box 1087
Colorado Springs, CO 80944

Attention: Francisco Tarin, Director
Regulatory Affairs

Dear Mr. Tarin:

1. On March 30, 2015, El Paso Natural Gas Company, L.L.C. (El Paso) filed a request for an extension of waivers previously granted in Docket Nos. RP12-606-000,¹ RP13-710-000,² RP14-726-000,³ and RP15-883-000,⁴ as well as a waiver of the timing requirement applicable to the issuance of penalty credits and cash-out revenue credits for January through December 2015 to allow the Commission to determine final service rates in El Paso's general NGA section 4 rate case under Docket No. RP10-1398-000. As discussed below, the Commission grants El Paso's requested waivers.

2. Section 14.2 of the General Terms and Conditions of El Paso's tariff requires El Paso to provide credits for penalties to be distributed to specified shippers no later than the March statement following the annual period (the previous calendar year). El Paso generally submits an annual penalty crediting report with the Commission with details of

¹ *El Paso Natural Gas Co.*, 139 FERC ¶ 61,176 (2012) (2011 Waiver).

² *El Paso Natural Gas Co., L.L.C.*, 143 FERC ¶ 61,088 (2013) (2012 Waiver).

³ *El Paso Natural Gas Co., L.L.C.*, 147 FERC ¶ 61,144 (2014) (2013 Waiver).

⁴ *El Paso Natural Gas Co., L.L.C.*, 151 FERC ¶ 61,176 (2015) (2014 Waiver).

those penalty credits. However, El Paso states that its currently-effective rates are subject to refund pending the outcome of its general section 4 rate case proceeding in Docket No. RP10-1398-000.⁵

3. According to El Paso, it sought waiver in 2012 through 2015 because its rate case remained pending in those years. Because the final transportation service rates on which penalty credit calculations are based had yet to be determined, El Paso requested waiver of certain tariff timing requirements. In the 2011 Waiver, the Commission granted El Paso's request for a waiver to delay the following: (1) the timing for issuance of penalty credits for April through December 2011; (2) the timing for issuance of cash-out revenue credits for January through December 2011; and (3) any penalty credits or cash-out revenue credits required to be disbursed prior to when refunds are required in Docket No. RP10-1398-000. In the 2012 through 2014 Waivers, the Commission granted an extension of previously granted waivers and waived El Paso's tariff timing requirements for the issuance of penalty credits for calendar years 2012, 2013, and 2014.

4. In the current filing, El Paso states that the Commission's decision regarding the rate case proceeding in Docket No. RP10-1398-000 remains pending. El Paso notes that several parties requested rehearing of Opinion No. 528-A.⁶ El Paso therefore requests that the Commission extend the 2011, 2012, 2013, and 2014 Waivers for an additional year. Consistent with the previous orders, El Paso also requests waiver of the timing required for the issuance of penalty credits for calendar year 2015 because the rate levels for all services remain subject to refund pending the outcome of the Docket No. RP10-1398-000 rate proceeding. El Paso states that interest on the 2011, 2012, 2013, 2014, and 2015 credit amounts will accrue until such time as El Paso issues payment of final credit amounts.

5. El Paso requests these waivers to effectuate a delay for an additional year in the issuance of credits and the submission of a credit report. El Paso states that, should the Commission issue an order establishing a date for refunds prior to the timing requirement for issuing credits for the 2015 calendar year, El Paso will remit payment of the applicable credits and the accrued interest amounts no later than the shipper's next invoice after the date the Commission requires refunds. El Paso states that it will submit a penalty credit report within 45 days following the issuance of the credits.

⁵ See *El Paso Natural Gas Company*, Opinion No. 528, 145 FERC ¶ 61,040 (2013), *order on rehearing and related initial decision*, Opinion No. 528-A, 154 FERC ¶ 61,120 (2015).

⁶ In addition on April 18, 2016, El Paso made a compliance filing in Docket No. RP10-1398-000 responding to the Commission's directives in Opinion No. 528-A.

6. Public notice of the filing was issued on April 4, 2015. Interventions and protests were due as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (2015)). Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214 (2015)), all timely filed motions to intervene and any unopposed motions to intervene out-of-time 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 party filed a protest or adverse comments.

7. Consistent with the 2011, 2012, 2013, and 2014 Waivers, the Commission finds it reasonable to grant El Paso's request for a one-year extension of the 2011, 2012, 2013, and 2014 waivers, as well as waiver of the timing requirement for 2015 credits, given the pendency of the Commission's decisions on rehearing and/or compliance on the rate case proceeding in Docket No. RP10-1398-000. Accordingly, for good cause shown, the Commission grants El Paso's unopposed waiver requests.

By direction of the Commission.

Kimberly D. Bose,
Secretary.