

157 FERC ¶ 61,139
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Tres Palacios Gas Storage LLC

Docket No. CP14-27-002

ORDER GRANTING CLARIFICATION

(Issued November 21, 2016)

1. On October 28, 2016, the Commission issued an order¹ denying clarification of the Commission's February 18, 2016 order,² which granted clarification of the Commission's March 19, 2015 order³ denying a request by Tres Palacios Gas Storage LLC (Tres Palacios) for authorization under section 7(b) of the Natural Gas Act (NGA)⁴ to abandon up to 22.9 billion cubic feet (Bcf) of certificated working gas storage capacity in its salt dome natural gas storage facility located in Matagorda, Colorado, and Wharton Counties in Texas. On November 10, 2016, Underground Services Markham, LLC (Markham) filed a request for clarification of the October 2016 Order. As discussed below, we grant Markham's request for clarification.

I. Background

2. On March 23, 2016, Markham filed a motion in multiple dockets,⁵ requesting that the Commission direct Tres Palacios to comply with the conditions of its existing

¹ *Tres Palacios Gas Storage LLC*, 157 FERC ¶ 61,066 (2016) (October 2016 Order).

² *Tres Palacios Gas Storage LLC*, 154 FERC ¶ 61,105 (2016) (February 2016 Order). The order also dismissed Tres Palacios' alternative request for rehearing as moot.

³ *Tres Palacios Gas Storage LLC*, 150 FERC ¶ 61,197 (2015) (March 2015 Order).

⁴ 15 U.S.C. § 717(b) (2012).

⁵ The motion was filed in two certificate dockets, Docket Nos. CP07-90 and CP10-499, which were closed and no longer pending before the Commission, and this abandonment docket, Docket No. CP14-27, wherein Markham had filed a request for clarification.

certificate authorizations. Markham alleges that the information required by these conditions could serve as the baseline against which any proposed changes to storage capacity would be assessed.

3. Tres Palacios answered on April 7, 2016, and on the same date, in Docket No. CP16-145, submitted an application to amend its certificate to change authorized capacities of its storage facility based on physical changes to the caverns. Markham responded to the application to amend with a motion requesting, among other things, that the Commission consolidate this proceeding with the above-referenced dockets.

4. The October 2016 Order denied both Markham's motion for consolidation and its request for clarification of the February 2016 Order, in which the Commission discussed criteria relevant to changing the certificated parameters of a storage facility. The October 2016 Order, noting that the records are closed in all proceedings except Tres Palacios' currently-pending proceeding in CP16-145, found the pending proceeding to be a suitable forum to address Markham's concerns. The Order also noted that the status of Tres Palacios' compliance with its certificate conditions was immaterial to Markham's clarification request under consideration.

II. Request for Clarification

5. Markham states that clarification of the October 2016 Order is necessary to ensure that its rights in Docket No. CP16-145 have not been prejudiced. Specifically, Markham requests clarification that the Commission's decision not to consolidate the various dockets associated with Tres Palacios' storage facility was procedural only, and does not constitute a determination that the information required by Tres Palacios' certificate conditions is irrelevant to the issues to be decided in Docket No. CP16-145.

III. Discussion

6. We grant clarification. In the October 2016 Order, we found no reason to review the status of Tres Palacios' compliance with its certificate conditions, as it was immaterial to Markham's request to clarify the criteria relevant to changing certificated parameters of a storage facility. We also found no cause to consolidate. Nothing in our October 2016 Order constitutes a substantive determination on any issue raised in Docket No. CP16-145.

The Commission orders:

The request for clarification filed by United Services Markham, LLC on November 10, 2016, is granted as discussed above.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.