In Reply Refer To:
Kinetica Energy Express, LLC
Docket Nos. RP17-977-000,
RP16-1299-000,
RP16-1299-001, and
RP16-1299-002

Kinetica Energy Express, LLC
c/o Crowell & Moring LLP
1001 Pennsylvania Avenue, NW
Washington, DC  20004

Attention:  Jennifer N. Waters
   Counsel for Kinetica Energy Express, LLC

Reference:  Accepting and Suspending Tariff Records

Ladies and Gentlemen:

1.   On August 25, 2017, pursuant to section 4 of the Natural Gas Act (NGA), Kinetica Energy Express, LLC (Kinetica) filed tariff records\(^1\) in Docket No. RP17-977-000 to implement changes proposed to some of the tariff records Kinetica initially filed in Docket No. RP16-1299-000 on September 30, 2016.  On October 31, 2016, the Commission accepted and suspended Kinetica’s filing in Docket No. RP16-1299-000 to become effective April 1, 2017, subject to refund and the outcome of a technical conference.\(^2\) Staff conducted the technical conference on December 1, 2016.  Kinetica states that the purpose of its instant filing in Docket No. RP17-977-000 is to implement certain agreements entered into with other parties in Docket No. RP16-1299-000 and other compromises made during the technical conference in that proceeding, as reflected

\(^1\) See Appendix.

in the *pro forma* tariff records Kinetica filed in Docket No. RP16-1299-000 on December 16, 2016\(^3\) and January 27, 2017.\(^4\) Kinetica proposes that the tariff records filed in Docket No. RP17-977-000 take effect on October 1, 2017.

2. On August 25, 2017, shortly after Kinetica made its Docket No. RP17-977-000 filing, the Commission issued an order\(^5\) on the technical conference in Docket No. RP16-1299-000, *et al.*, accepting in part and denying in part Kinetica’s proposed revisions in that proceeding and directing Kinetica to file revised tariff records in a compliance filing within 30 days of the date of the order.

3. On August 31, 2017, Kinetica filed a motion to consolidate Docket Nos. RP16-1299-000 and RP17-977-000. Kinetica stated that some of the revisions required by the Technical Conference Order will affect and supersede some of the tariff records it filed in Docket No. RP17-977-000. Accordingly, Kinetica stated that consolidation of the two dockets will enable the most efficient processing of these related filings.

4. Public notice of Kinetica’s Docket No. RP17-977-000 filing was issued on August 28, 2017. Interventions and protests were due as provided in section 154.210 of the Commission’s regulations (18 C.F.R. § 154.210 (2017)). Pursuant to Rule 214 (18 C.F.R. § 385.214 (2017)), 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.

5. On September 25, 2017, Kinetica made its filing to comply with the Technical Conference Order. The Commission grants Kinetica’s motion to consolidate Docket Nos. RP16-1299-000 and RP17-977-000. As Kinetica states, the two dockets are interrelated and will be more efficiently processed together.

6. In addition, Kinetica made its August 25, 2017 filing before the Commission issued the August 25 order which addressed all of the issues in this proceeding. Several of the changes proposed by Kinetica in its August 25, 2017 filing have been rejected by the August 25 order. Therefore, based upon its review of the filing, the Commission finds that the proposed tariff records have not been shown to be just and reasonable, and may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful.

\(^3\) Post-Technical Conference Comments of Kinetica Energy Express, LLC, Docket No. RP16-1299-000 (Dec. 16, 2016).

\(^4\) Initial Comments on Technical Conference of Kinetica Energy Express, LLC, Docket No. RP16-1299-000 (Jan. 27, 2017).

Accordingly, the Commission shall accept and suspend the effectiveness of the proposed tariff records for the period set forth below, subject to refund and Kinetica’s compliance with the August 25 order.

7. The Commission’s policy regarding tariff filings is that they generally should be suspended for the maximum period permitted by statute where preliminary review leads the Commission to believe that the filing may be unjust, unreasonable, or inconsistent with other statutory standards. See Great Lakes Gas Transmission Co., 12 FERC ¶ 61,293 (1980) (five-month suspension). It is recognized, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. See Valley Gas Transmission, Inc., 12 FERC ¶ 61,197 (1980) (one-day suspension). Such circumstances do not exist here. Therefore, the Commission shall exercise its discretion to suspend the proposed tariff records listed in the Appendix, to become effective the earlier of either March 1, 2018, or upon the issuance of a further Commission order on compliance in this proceeding.\[^6\]

By direction of the Commission.

Kimberly D. Bose,
Secretary.

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\[^6\] A shorter suspensions is warranted if the Commission’s order on compliance issues before the five-month period. See Valley Gas Transmission, Inc., 12 FERC ¶ 61,197 (1980) (granting shorter suspension period where maximum period may lead to harsh and inequitable results).
Appendix

Kinetica Energy Express, LLC
FERC NGA Gas Tariff
Kinetica Energy Express LLC - FERC Gas Tariff

Tariff Records Accepted and Suspended to be Effective March 1, 2018

SCHEDULE OF SURCHARGES, Sheet Number 006, 6.0.0
RATE SCHEDULE FT, Sheet Number 008, 4.0.0
RATE SCHEDULE IT, Sheet Number 054, 5.0.0
TERMS AND CONDITIONS, Sheet Number 067, 4.0.0
TERMS AND CONDITIONS, Sheet Number 068, 4.0.0
TERMS AND CONDITIONS, Sheet Number 069, 4.0.0
TERMS AND CONDITIONS, Sheet Number 070, 4.0.0
TERMS AND CONDITIONS, Sheet Number 071, 4.0.0
TERMS AND CONDITIONS, Sheet Number 077, 4.0.0
RESERVED FOR FUTURE USE, Sheet Number 078A, 3.0.0
TERMS AND CONDITIONS, Sheet Number 078B, 3.0.0
TERMS AND CONDITIONS, Sheet Number 087, 4.0.0
TERMS AND CONDITIONS, Sheet Number 089, 4.0.0
TERMS AND CONDITIONS, Sheet Number 095, 4.0.0
TERMS AND CONDITIONS, Sheet Number 095A, 3.0.0
TERMS AND CONDITIONS, Sheet Number 095B, 3.0.0
TERMS AND CONDITIONS, Sheet Number 114, 4.0.0
TERMS AND CONDITIONS, Sheet Number 123, 4.0.0
TERMS AND CONDITIONS, Sheet Number 126, 5.0.0
RESERVED FOR FUTURE USE, Sheet Number 126A, 3.0.0
RESERVED FOR FUTURE USE, Sheet Number 126B, 3.0.0