

111 FERC ¶ 61,303
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 31, 2005

In Reply Refer To:
Trunkline Gas Company, LLC
Docket No. RP05-309-000

Trunkline Gas Company, LLC
5444 Westheimer Road
Houston, Texas 77056-5306

Attention: William W. Grygar, Vice President
Rates and Regulatory Affairs

Reference: Removal of Shipper Discount Retention Provisions

Ladies and Gentlemen:

1. On April 29, 2005, Trunkline Gas Company, LLC (Trunkline) filed revised tariff sheets¹ to remove tariff provisions that implemented the *CIG/Granite State* discounting policy. Trunkline proposes to delete the provisions in response to the Commission's Second Order on Remand issued March 3, 2005, in *Williston Basin Interstate Pipeline Co.* (March 3 Order).² Among other things, the March 3 Order vacated the requirement that permitted a shipper to retain a service rate discount through a streamlined request process when it moved gas receipts or deliveries to segmented points or secondary points. For the reasons detailed below, we will accept the tariff sheets in footnote 1 to become effective June 1, 2005, as requested. Acceptance of this filing benefits the public because Trunkline's tariff now conforms to the Commission's current discount policies.

2. Notice of the filing was issued on May 4, 2005. Interventions, comments, and protests were due as provided in section 154.210 of the Commission's regulations, 18 C.F.R. § 385.210. Pursuant to Rule of 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214), all timely filed motions to intervene and any motions to

¹ First Revised Sheet No. 322 and Third Revised Sheet No. 323 to its FERC Gas Tariff, Third Revised Volume No 1.

² 110 FERC ¶ 61,210 (2005).

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 this proceeding or place additional burdens on existing parties. On May 6, 2005, ProLiance Energy, LLC (ProLiance) filed a protest.

3. As mentioned briefly above, the March 3 Order vacated the Commission's existing policy governing the portability of shipper rate discounts. Specifically, the Commission concluded that it cannot, at this time, satisfy its burden under section 5 of the Natural Gas Act (NGA) to require pipelines to modify their tariffs to incorporate the *CIG/Granite State* policy. The March 3 Order also provided that other pipelines whose tariffs implemented the *CIG/Granite State* policy could file, pursuant to NGA section 4, to remove the tariff provisions implementing the *CIG/Granite State* policy.

4. ProLiance contends that Trunkline failed to carry the burden under NGA section 4 to show that its proposed tariff changes are just and reasonable. ProLiance asserts that there is nothing in the March 3 Order that provides for pipelines to automatically remove from their tariff provisions the *CIG/Granite State* language. ProLiance states that the March 3 Order at best merely allows pipelines to come in and file pursuant to NGA section 4 to support changes in their tariff regarding that policy. ProLiance claims that Trunkline proposes a major change in the way it operates its pipeline and a major change in the ability of shippers to operate on its system which is completely unsupported. Moreover, Trunkline has not made any attempt to identify any reason, nor provided any support which would allow the Commission to modify Trunkline's tariff in that manner.

5. Contrary to ProLiance's assertion that Trunkline neither supports the reasons nor gives sufficient basis for this filing, we find Trunkline's filing is consistent with the March 3 Order. Trunkline's reference to the March 3 Order satisfies the need to explain the reason for the change. As noted above, this remand order clearly permits pipelines to remove tariff language implementing the *CIG/Granite State* discounting policy for the reasons given in that order.

6. While ProLiance filed for rehearing of *Williston Basin Interstate Pipeline Co.* in Docket No. RP00-463, the filing of a request for rehearing does not operate as a stay of a Commission order, unless specifically ordered by the Commission, which the Commission has not done.³ Accordingly, the Commission finds the revised tariff sheets removing the *CIG/Granite State* discount retention language is consistent with the

³ NGA section 19(c).

March 3 Order. Therefore, we accept the revised tariff sheets listed in footnote 1 to become effective June 1, 2005, as proposed.

By direction of the Commission.

Magalie R. Salas,
Secretary.

cc: Public File
All Parties

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