

125 FERC ¶ 61,335
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

December 19, 2008

In Reply Refer To:
Gulf Crossing Pipeline Company LLC
Docket Nos. RP09-61-000
RP09-61-001

Gulf Crossing Pipeline Company LLC
9 Greenway Plaza, Suite 2800
Houston, TX 77046

Attention: J. Kyle Stephens

Reference: Compliance Tariff and Negotiated Rate Filings

Ladies and Gentlemen:

1. On November 7, 2008, in Docket No. RP09-61-000, Gulf Crossing Pipeline Company LLC (Gulf Crossing) filed its proposed FERC Gas Tariff, Original Volume No. 1¹ to comply with the Commission's April 30, 2008 order² granting Gulf Crossing a certificate of public convenience and necessity to construct and operate approximately 353.2 miles of new 42-inch pipeline, four compressor stations totaling approximately 100,734 hp of compression and to provide open-access transportation services. In addition, on November 21, 2008, in Docket No. RP09-61-001, Gulf Crossing filed negotiated rate agreements executed by Gulf Crossing and its various customers as required by the Certificate Order. The Certificate Order required Gulf Crossing to file revised tariff sheets to comply with the requirements of the order sixty to ninety days prior to commencement of service and to file any negotiated rate agreements or a tariff sheet fully describing such transactions, thirty to sixty days prior to commencement of service.

¹ See Appendix.

² *Gulf Crossing Pipeline Company LLC*, 123 FERC ¶ 61,100 (2008) (Certificate Order).

2. The Certificate Order directed Gulf Crossing to make a variety of changes to its tariff, including recalculating its FTS rate using its system design capacity and recalculating its ITS rate at the 100 percent load factor equivalent of the FTS rate. Gulf Crossing was also directed to file its negotiated rate agreements with the Commission. Gulf Crossing's November 7, 2008 filing includes its actual tariff sheets, including the revised FTS and ITS rates and the changes to its tariff to address the other revisions required by the Certificate Order. Gulf Crossing's November 21, 2008 filing includes the negotiated rate agreements with the initial shippers on the pipeline.

3. Gulf Crossing states that the exact in-service date for its facilities is currently unclear. Gulf Crossing explains that it currently estimates that certain of its pipeline facilities probably will be placed into service during the first week of January 2009. However, according to Gulf Crossing, there is a possibility that certain of Gulf Crossing's pipeline facilities could be placed into service as early as December 20, 2008. It states that any service available prior to the first week of 2009 will be limited to free-flow gas because compression will not yet be available. In the event that some of the pipeline facilities are ready to be placed in service prior to the first week of January 2009, Gulf Crossing requests a waiver of the Certificate Order's requirement that Gulf Crossing file its tariff no less than 60 days prior to the in-service date. Gulf Crossing asserts that good cause exists to grant waiver because of uncertainty of the construction process and the business needs of Gulf Crossing's shippers. We grant waiver for good cause shown and accept Gulf Crossing's FERC Gas Tariff, Original Volume No. 1 to be effective the later of December 20, 2008, or the date Gulf Crossing's facilities go into service, subject to the conditions discussed below. We also accept the negotiated rate agreements as filed.

4. Public notice of Gulf Crossing's filing in Docket No. RP09-61-000 was issued on November 12, 2008 and notice of its filing in Docket No. RP09-61-001 was issued on November 26, 2008. Interventions and protests were due as provided in section 154.210 of the Commission's regulations.³ Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,⁴ all timely motions to intervene and any motions to intervene out-of-time filed before the issuance 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. No comments or protests were filed with respect to the filings.

³ 18 C.F.R. §154.210 (2008).

⁴ 18 C.F.R. §385.214 (2008).

5. Subject to the further conditions discussed below, we find that Gulf Crossing has satisfactorily complied with the directives of the Certificate Order. The Certificate Order required Gulf Crossing to make a filing with the Commission identifying the specific transactions it intended to exempt from fuel charges and to demonstrate that those transactions do not require the use of fuel.⁵ Gulf Crossing states that it has revised Rate Schedule FTS section 5(b) and Rate Schedule ITS section 4(b) accordingly. However, Gulf Crossing's revised Rate Schedule FTS section 5(b) and Rate Schedule ITS section 4(b) state that Gulf Crossing "may file with the Commission any Zero Fuel Transactions which Gulf Crossing proposes to exempt from fuel charges...." (Emphasis added). We find that such filings should be mandatory and not discretionary. Accordingly, Gulf Crossing is directed to file to revise these provisions to clearly state that it will file with the Commission any transactions it intends to exempt from fuel charges.

6. The Certificate Order also required Gulf Crossing to file a cross-reference table with its compliance filing which clearly shows the section of the tariff containing the NAESB standards and whether the standards are incorporated in the tariff by reference or included in the text verbatim.⁶ Gulf Crossing did not include the cross-reference table in its compliance filing and is directed to do so within 15 days of the date of this order.

7. In compliance with the Certificate Order, Gulf Crossing filed the negotiated rate agreements executed with shippers contracting for service on the pipeline. The agreements include the exact legal name of the customer, the negotiated rate, the applicable receipt and delivery points, the volume to be transported, and the beginning and ending dates of the agreement term. Gulf Crossing states that the agreements do not deviate in any material aspect from the form of service agreement in Gulf Crossing's tariff that goes beyond filling in the blank spaces or that affects the substantive rights of the parties. The Commission has reviewed the negotiated rate agreements and finds that

⁵ *Certificate Order*, 123 FERC ¶ 61,100 at P 63.

⁶ *Id.* P 71.

they do not deviate in any material aspect from the *pro forma* service agreement. The Commission accepts the negotiated rate agreements as filed.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

cc: All Parties
Michael E. McMahon
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Appendix

**Gulf Crossing Pipeline Company LLC
FERC Gas Tariff, Original Volume No. 1**

Tariff Sheets Effective the later of December 20, 2008, or the date Gulf Crossing's facilities go into service, Subject to Conditions

Original Sheet Nos. 0 and 1

Sheet No. 2 (Reserves Sheet Nos. 3 through 9 for future use)

Original Sheet Nos. 10 and 11

Sheet No. 12 (Reserves Sheet Nos. 12 through 19 for future use)

Original Sheet Nos. 20 and 21

Sheet No. 22 (Reserves Sheet Nos. 22 through 99 for future use)

Original Sheet Nos. 100 through 105

Sheet No. 106 (Reserves Sheet Nos. 106 through 199 for future use)

Original Sheet Nos. 200 through 204

Sheet No. 205 (Reserves Sheet Nos. 205 through 249 for future use)

Original Sheet Nos. 250 through 254

Sheet No. 255 (Reserves Sheet Nos. 255 through 299 for future use)

Original Sheet Nos. 300 and 301

Sheet No. 303 (Reserves Sheet Nos. 303 through 349 for future use)

Original Sheet Nos. 350 through 357

Sheet No. 358 (Reserves Sheet Nos. 358 through 399 for future use)

Original Sheet Nos. 400 through 402

Sheet No. 403 (Reserves Sheet Nos. 403 through 449 for future use)

Original Sheet Nos. 450 through 454

Sheet No. 455 (Reserves Sheet Nos. 455 through 499 for future use)

Original Sheet Nos. 500 through 506

Sheet No. 507 (Reserves Sheet Nos. 507 through 549 for future use)

Original Sheet Nos. 550 and 551

Sheet No. 552 (Reserves Sheet Nos. 552 through 599 for future use)

Original Sheet Nos. 600 through 603

Sheet No. 604 (Reserves Sheet Nos. 604 through 649 for future use)

Original Sheet Nos. 650 through 656

Sheet No. 657 (Reserves Sheet Nos. 657 through 699 for future use)

Original Sheet Nos. 700 through 705

Sheet No. 706 (Reserves Sheet Nos. 706 through 749 for future use)

Original Sheet Nos. 750 through 755

Sheet No. 756 (Reserves Sheet Nos. 756 through 799 for future use)

Original Sheet Nos. 800 through 802

Sheet No. 803 (Reserve Sheet Nos. 803 through 849 for future use)

Original Sheet Nos. 850 through 857

Sheet No. 858 (Reserves Sheet Nos. 858 through 899 for future use)

Original Sheet Nos. 900 through 902

Sheet No. 903 (Reserves Sheet Nos. 903 through 949 for future use)

Original Sheet Nos. 950 through 954

Sheet No. 955 (Reserves Sheet Nos. 955 through 999 for future use)

Original Sheet Nos. 1000 and 1001

Sheet No. 1002 (Reserved Sheet Nos. 1002 through 1049 for future use)

Original Sheet Nos. 1050 through 1063

Sheet No. 1064 (Reserves Sheet Nos. 1064 through 1099 for future use)

Original Sheet Nos. 1100 through 1102

Sheet No. 1103 (Reserves Sheet Nos. 1103 through 1149 for future use)

Original Sheet Nos. 1150 through 1158

Sheet No. 1159 (Reserves Sheet Nos. 1159 through 1199 for future use)

Original Sheet Nos. 1200 through 1206

Sheet No. 1207 (Reserves Sheet Nos. 1207 through 1249 for future use)

Original Sheet Nos. 1250 through 1254

Sheet No. 1255 (Reserves Sheet Nos. 1255 through 1299 for future use)

Original Sheet Nos. 1300 through 1306

Sheet No. 1307 (Reserves Sheet Nos. 1307 through 1349 for future use)

Original Sheet No. 1350

Sheet No. 1351 (Reserves Sheet Nos. 1351 through 1399 for future use)

Original Sheet Nos. 1400 through 1416