

128 FERC ¶ 61,006
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Sudeen G. Kelly, Marc Spitzer,
and Philip D. Moeller.

Bay Gas Storage Company, Ltd.

Docket No. PR09-13-000

ORDER EXTENDING TIME FOR ACTION

(Issued July 2, 2009)

1. This order addresses the annual revision that Bay Gas Storage Company, Ltd. (Bay Gas)¹ proposes for its Company Use Percentage, to be effective March 1, 2009.

Background

2. On February 6, 2009, Bay Gas filed its proposed annual Company Use Percentage pursuant to Section II B of its General Terms and Conditions, which provides for Bay Gas to file annually to revise its Company Use Percentage to be effective on March 1 of each year. Bay Gas is proposing a reduction in its Company Use Percentage from the 0.96 percent currently in effect to 0.22 percent.

3. Public notice of Bay Gas' filing was issued on February 26, 2009. Florida Gas Transmission Company, LLC filed a protest in this proceeding. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,² all timely unopposed motions or notices are granted.

4. Bay Gas made its first annual Company Use filing on February 29, 2008 in Docket No. PR08-17-000. This filing was highly contested and a Staff Panel was convened on February 26, 2009. The issues discussed at the Staff Panel are pending before the Commission.

¹ Bay Gas is an intrastate pipeline with facilities in the State of Alabama.

² 18 C.F.R. § 385.214 (2008).

Discussion

5. The Commission's regulations for pipelines operating pursuant to section 311 of the Natural Gas Policy Act (NGPA) provide:

the rate proposed in the application will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for providing similar transportation service, unless within the 150 day period the Commission either extends the time for action, or institutes a proceeding in which all interested parties will be afforded an opportunity for written comments and for the oral presentation of views, data, and arguments.³

6. The 150-day period for review of Bay Gas' rates will expire on July 6, 2009. Since the outcome of the decision made in Bay Gas' 2008 annual Company Use filing in Docket No. PR08-17-000, will impact this proceeding, we will extend the time for action until the Commission can make a determination whether Bay Gas' rates are fair and equitable. This extension should serve to encourage settlement of the issues among the parties. Within 120 days of the date this order issues, Commission Staff will report to the Commission on the status of settlement negotiations.

The Commission orders:

Pursuant to the Commission's authority under section 311 of the NGPA and section 284.123(b)(2)(ii) of the Commission's regulations, time for action on Bay Gas' petition for rate approval is extended until the Commission can make a determination whether Bay Gas' rates are fair and equitable or until it determines that formal proceedings are necessary.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ 18 C.F.R. § 284.123(b)(2)(ii) (2008).