

129 FERC ¶ 61,078
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

October 29, 2009

In Reply Refer To:
Equitrans, L.P.
Docket Nos. RP09-1043-000,
RP09-1043-001
RP09-1043-002

Equitrans, L.P.
625 Liberty Ave, Suite 1700
Pittsburgh, PA, 15222-3111

Attention: Joseph M. Dawley, Counsel

Reference: Tariff Sheet and Non-conforming Agreements

Ladies and Gentlemen:

1. On September 14, 2009, Equitrans, L.P. (Equitrans) filed for review, pursuant to section 154.1(d) of the Commission's regulations,¹ several non-conforming service agreements that potentially materially deviate from its Form of Service Agreements. On September 16, 2009, Equitrans corrected its original filing by revising the necessary tariff sheet listing its non-conforming agreements.² Equitrans also filed responses on October 1, 2009, and October 22, 2009, to Commission information requests issued on September 25, 2009, and October 14, 2009, respectively. Equitrans requests that the Commission accept each non-conforming agreement effective as of the dates specified in each agreement, granting the necessary waivers to do so. We accept Equitrans's tariff sheet and non-conforming agreements, effective on the dates requested, subject to further review and order of the Commission.

¹ 18 C.F.R. §154.1(d) (2009).

² Second Revised Sheet No. 317 to FERC Gas Tariff, Original Volume 1.

2. Equitrans's revised tariff sheet covers eight service agreements with effective dates ranging from September 1, 1993 to June 1, 2008. Equitrans explains that, "in response to the Commission's order in *Southern Star Central Gas Pipeline, Inc.*,³ Equitrans undertook a review of all of its effective transportation and storage service agreements."⁴ Equitrans states that it has now instituted procedures designed to prevent implementation on non-conforming agreements without obtaining prior Commission approval.

3. Equitrans reports that it has 57 currently effective service agreements, and that 55 of them deviate in some way from their respective *pro forma* service agreement, but that only eight contracts contain material deviations. As a way of supporting that claim and also summarizing its audit, Equitrans includes a matrix of all its currently effective service agreements, with check-boxes denoting which, if any, of eight different categories of deviations apply to each agreement. According to Equitrans's Service Agreement Deviation Key, the eight categories of deviations it found are as follows:

- (i) Minor, Clerical, Administrative, Labeling, or Typographical
- (ii) Party Identifier Language
- (iii) Omission of Non-Material Language
- (iv) Substitution/Relocation of Non-Material Language
- (v) Discretionary Approval Right Granted to Equitrans
- (vi) Alteration/Addition/Omission of Retainage/Retention Language
- (vii) Alteration/Addition/Omission of Nomination or Injection Language
- (viii) Alteration/Addition/Omission of Effective Term (Period) of Service

Of these categories, Equitrans argues that only the final one, regarding the term of service, rises to the level that warrants filing the service agreement with the Commission for review as a potentially materially non-conforming agreement.⁵

4. Notices of Equitrans's filings were issued on September 21, 2009 and October 6, 2009. Interventions and protests were due October 13, 2009, as provided in section 154.210 of the Commission's regulations.⁶ Pursuant to Rule 214,⁷ all timely filed motions to intervene and any motions 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 this proceeding or place additional burdens on existing parties. No adverse comments or protests were filed.

³ 125 FERC ¶ 61,082 (2008).

⁴ Equitrans September 14, 2009 Initial Filing at 2.

⁵ Equitrans September 14, 2009 Initial Filing at 3, 4, Appendix B, C.

⁶ 18 C.F.R. § 154.210 (2009).

⁷ 18 C.F.R. § 385.214 (2009).

5. Equitrans has presented the Commission with numerous non-conforming service agreements. These agreements contain various deviations from Equitrans's tariff. The Commission has not completed its review of these service agreements. The Commission will accept the tariff sheet effective September 1, 2009 as requested, subject to further review and order of the Commission. Since the Commission has yet to complete its review of the service agreements, and because they have been in effect for a significant period already, the Commission will also accept all of the service agreements accompanying the instant filing, effective on their respective effective dates, subject to further review and order of the Commission.

By direction of the Commission.

Kimberly D. Bose,
Secretary.