

129 FERC ¶ 61,209  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Cypress Gas Pipeline, LLC

Docket Nos. PR09-29-000  
PR09-29-001

ORDER EXTENDING TIME FOR ACTION

(Issued December 8, 2009)

1. This order addresses a filing made by Cypress Gas Pipeline, LLC (Cypress) on July 13, 2009 in Docket No. PR09-29-000, as modified on August 28, 2009 in Docket No. PR09-29-001, proposing changes to its rates and its Statement of Operating Conditions for Transportation Service (SOC), pursuant to section 311(a)(2) of the Natural Gas Policy Act (NGPA)<sup>1</sup> and section 284.123(b)(2) of the Commission's regulations.<sup>2</sup>
2. Cypress provides interruptible transportation pursuant to NGPA section 311. Cypress filed to increase its interruptible transportation rates, which Cypress will make effective August 1, 2009, as well as revise its SOC to update the format and include a new standard form of service agreement, new credit language, and a Statement of Rates in compliance with Order No. 714.
3. Notice of Cypress's filing in Docket Nos. PR09-29-000 and PR09-29-001 was issued on July 15, 2009 and September 2, 2009, respectively. Interventions and protests were due as provided in section 154.210 of the Commission's regulations, 18 C.F.R. § 154.210 (2009). Pursuant to Rule 214, 18 C.F.R. § 385.214 (2009), all timely-filed motions to intervene and any motions to intervene out-of-time 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. Pelican Gas Management, Inc. filed a protest on behalf of the Louisiana Municipal Gas Authority (LMGA).

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<sup>1</sup> 15 U.S.C. § 3371(a)(2) (2006).

<sup>2</sup> 18 C.F.R. § 284.123(b)(2) (2009).

4. Section 284.123(b)(2)(ii) of the Commission's regulations provides:

“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.”<sup>3</sup>

The 150-day period for review of Cypress's rates will expire on December 10, 2009. Because the Commission has been unable to make a determination that Cypress's proposed changes are fair and equitable and because settlement discussions remain ongoing, the Commission must extend the time for action or institute rate proceedings.

5. We will extend the time for action until the Commission can make a determination whether Cypress's proposed changes are fair and equitable. This 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:

(A) 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 Cypress's petition is extended until the Commission can make a determination whether Cypress's proposed changes are fair and equitable or until it determines that formal proceedings are necessary.

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<sup>3</sup> 18 C.F.R. § 284.123(b)(2)(ii) (2009).

(B) Staff shall report the status of settlement negotiations to the Commission within 120 days of the issuance of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.