

129 FERC ¶ 61,208
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Acadian Gas Pipeline System

Docket No. PR09-28-000

ORDER EXTENDING TIME FOR ACTION

(Issued December 8, 2009)

1. This order addresses a filing made by Acadian Gas Pipeline System (Acadian) on July 13, 2009 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)¹ and section 284.123(b)(2) of the Commission's regulations.²
2. Acadian provides interruptible transportation pursuant to NGPA section 311. Acadian filed to increase its interruptible transportation rates, which Acadian 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 Acadian's filing was issued on July 15, 2009. 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).

¹ 15 U.S.C. § 3371(a)(2) (2006).

² 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.”³

The 150-day period for review of Acadian's rates will expire on December 10, 2009. Because the Commission has been unable to make a determination that Acadian'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 Acadian'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 Acadian's petition is extended until the Commission can make a determination whether Acadian's changes are fair and equitable or until it determines that formal proceedings are necessary.

(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)

Kimberly D. Bose,
Secretary.

³ 18 C.F.R. § 284.123(b)(2)(ii) (2009).