

130 FERC ¶ 61,042
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Marc Spitzer, Philip D. Moeller,
and John R. Norris.

BP Pipelines (Alaska) Inc.	Docket No.	IS09-348-004
BP Pipelines (Alaska) Inc.	Docket No.	IS09-395-004
ConocoPhillips Transportation Alaska Inc.	Docket No.	IS09-384-004
ExxonMobil Pipeline Company	Docket No.	IS09-391-004
ExxonMobil Pipeline Company	Docket No.	IS09-177-005
Unocal Pipeline Company	Docket No.	IS09-176-004
Unocal Pipeline Company	Docket No.	IS10-52-001
Unocal Pipeline Company	Docket No.	OR10-3-001
Koch Alaska Pipeline Company, L.L.C.	Docket No.	IS10-54-001

ORDER ESTABLISHING CONCURRENT HEARINGS

(Issued January 20, 2010)

1. On June 30, 2009, the Commission issued an order¹ establishing a consolidated hearing on a number of tariffs filed by Trans Alaska Pipeline System Carriers (TAPS).² The order addressed the challenges of the State of Alaska (the State or Alaska) and the Anadarko Petroleum Corporation (Anadarko) to the TAPS Carriers' Strategic

¹ *BP Pipelines (Alaska) Inc.*, 127 FERC ¶ 61,316, *Order on Rehearing*, 129 FERC ¶ 61,211 (2009). Subsequently, the Commission consolidated other TAPS tariff filings with that hearing. See *Unocal Pipeline Company*, 129 FERC ¶ 61,275 (2009).

² The TAPS Carriers, each of which owns an undivided interest in TAPS, consist of BP Pipelines (Alaska) Inc. (BP), ConocoPhillips Transportation Alaska, Inc. (ConocoPhillips), ExxonMobil Pipeline Company (Exxon), Koch Alaska Pipeline Company LLC (Koch), and Unocal Pipeline Company (Unocal).

Reconfiguration (SR) Program in their interstate rates. Four of five TAPS Carriers also have one or more dockets pending before the Regulatory Commission of Alaska (RCA) proposing new filed intrastate rates in which the State and Tesoro Alaska Company³ have challenged the inclusion and appropriate rate of SR costs.

2. On January 13, 2010, the Chief Judge issued an order severing the SR issues since severing of the SR issues will result in administrative efficiency and conservation of resources. On January 15, 2010, the Participants in these proceedings filed a joint motion to establish concurrent hearings with the RCA with respect to issues relating to the SR program. They state that they anticipate that most, if not all, of the same witnesses will testify in both and the pre-filed testimony of these witnesses will be substantially the same in both proceedings as well. As a result, a concurrent hearing will allow the participants and both Commissions to benefit from a number of efficiencies. No one filed in opposition to the motion.

3. As the Participants note in their motion, this Commission and the RCA have recognized in the past that where identical issues are being tried before both this Commission and the RCA that it is in the interests of both Commissions and all Parties to hold common or concurrent proceedings. The motion refers to a Memorandum of Understanding, entered into by this Commission and the RCA, dated January 24, 2003. The motion further states that the Parties intend to follow this motion by filing a similar motion at the RCA requesting that it approve a concurrent hearing with the Commission.

4. As we have done in other TAPS proceedings,⁴ with the agreement of the RCA, we direct that concurrent hearings be held with the RCA. We also direct this Commission's presiding judge to confer with the RCA's presiding judge on appropriate procedures for holding the concurrent hearings consistent with the requirements of section 385.1305 of the Commission's regulations.⁵ In addition, the assigned presiding judges will be permitted to confer on matters of substance, as well as procedure, and should attempt to agree on uniform decisions. Consistent with section 385.1305(e) of the Commission's regulations, before the Commission or the RCA enters any order in these concurrent proceedings, opportunity will be afforded for conference between the Commission and the RCA.

³ Tesoro is a party to all of the RCA dockets but is not a party to the captioned FERC dockets; however, it has authorized the moving Participants to state that Tesoro supports a concurrent hearing for all SR issues.

⁴ See *BP Pipelines (Alaska) Inc.*, 117 FERC ¶ 61,215 (2006).

⁵ 18 C.F.R. § 385.1305 (2009).

The Commission orders:

With the agreement of the RCA, concurrent hearings with the RCA will be held in the above-mentioned dockets, as described in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.