

130 FERC ¶ 61,139
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Gulf Crossing Pipeline Company LLC	Docket Nos. RP09-1008-000
Texas Gas Transmission LLC	RP09-1009-000
Gulf South Pipeline Company, LP	RP09-1010-000

ORDER ON UNCONTESTED STIPULATION AND AGREEMENT

(Issued February 25, 2010)

1. On February 12, 2010, Gulf Crossing Pipeline Company LLC, Texas Gas Transmission, LLC, and Gulf South Pipeline Company, LP (collectively, the Boardwalk Companies) filed a Stipulation and Agreement (Settlement) in the above-referenced dockets. Previously in these proceedings, the Boardwalk Companies filed revised tariff sheets to add the same mutual waiver of consequential damages provision to the General Terms and Conditions (GT&C) of their respective Tariffs. On October 1, 2009, the Commission referred these proceedings to the Commission's Dispute Resolution Service.¹ The instant Settlement results from that process. The Boardwalk Companies assert that the Settlement will resolve all outstanding issues in the above-captioned proceedings.

2. The Boardwalk Companies assert that they are not aware of any party that opposes the language set forth in the Settlement. No initial or reply comments on the Settlement were filed.² Pursuant to the Settlement, each of the Boardwalk Companies has submitted

¹ *Gulf Crossing Pipeline Company LLC*, 129 FERC ¶ 61,002 (2009); *Texas Gas Transmission, LLC*, 129 FERC ¶ 61,003 (2009) and *Gulf South Pipeline Company, LP*, 129 FERC ¶ 61,004 (2009).

² Public notice of the settlement was issued on February 12, 2010, providing for a shortened period for the filing of initial comments on February 19, 2010, and reply comments on February 26, 2010.

pro forma tariff sheets reflecting the addition of the following provision to their GT&Cs to limit the liability of each pipeline and its customers:

[The Pipeline's] and Customer's liability for a claim hereunder shall be limited solely to direct damages, as defined by applicable law, whether such claim arises out of breach of contract, tariff or warranty, negligence, tort, strict liability, product liability, statutory or regulatory liability, indemnity, contribution or any other legal theory; provided that such liability may include direct, consequential and any other type of damages available under applicable law, to the extent the claim is attributable to the gross negligence, willful misconduct or bad faith of such liable party.

The Boardwalk Companies state that each company will file actual tariff sheets consistent with the *pro forma* sheets within 10 days after the Settlement becomes effective.

3. The Commission finds that the Settlement is fair and reasonable and in the public interest, and it is hereby approved. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in these proceedings. The Boardwalk Companies are directed to file revised tariff sheets in accordance with and as prescribed by the Settlement.

4. This order terminates Docket Nos. RP09-1008-000, RP09-1009-000, and RP09-1010-000.

The Commission orders:

(A) The Settlement filed February 12, 2010 in the above-captioned dockets is hereby approved.

(B) The Boardwalk Companies are directed to file revised tariffs sheets as provided by the Settlement terms.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.