

131 FERC ¶ 61,276
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

June 28, 2010

In Reply Refer To:
Portland Natural Gas Transmission
System
Docket No. RP10-758-000

Portland Natural Gas Transmission System
One Harbour Place, Suite 375
Portsmouth, NH 03801

Attention: David Haaf
Manager, Rates and Regulatory Affairs

Reference: Non-Conforming Agreements

Ladies and Gentlemen:

1. On May 24, 2010 Portland Natural Gas Transmission System (Portland Natural) submitted for filing original and revised tariff sheets¹ reflecting 58 currently effective, potentially non-conforming transportation service agreements for inclusion in its FERC Gas Tariff, Second Revised Volume No. 1. Portland Natural also filed the 58 potentially non-conforming agreements for Commission review. Portland Natural requests that the Commission accept and make these tariff sheets effective July 1, 2010. The Commission accepts the tariff sheets, to become effective July 1, 2010, as proposed, subject to further review and order of the Commission. The Commission will also accept all of the accompanying agreements, effective on their respective effective dates, subject to further review and order of the Commission.

2. Portland Natural notes that in the Commission's 2008 order, *Southern Star Central Gas Pipeline, Inc.*,² the Commission provided further guidance regarding what the Commission considers to be a material deviation from a *pro forma* agreement. Based on

¹ First Revised Sheet No. 2, First Revised Sheet No. 500, and Original Sheet Nos. 651-653.

² 125 FERC ¶ 61,082 (2008) (*Southern Star*).

the Commission recommendation in *Southern Star* that pipelines identify and submit previously unfiled non-conforming agreements,³ Portland Natural states it conducted a review of its currently effective agreements under Rate Schedules FT, IT, PAL, FT-Flex, HRS, and CR by comparing the effective agreements to the respective *pro forma* agreement in effect at the time of execution.

3. Portland Natural states that the filed agreements contain deviations from the *pro forma* agreements which were in effect as of the execution date of the agreement. However, Portland Natural argues that the deviations in the submitted agreements either do not substantially affect the rights of parties, or are now moot, and accordingly, do not present a risk of undue discrimination. These 58 agreements consist of: (1) four Rate Schedule FT service agreements; (2) six Rate Schedule CR service agreements; (3) 28 Rate Schedule IT service agreements; and (4) 20 Rate Schedule PL service agreements. Portland Natural requests that to the extent the Commission finds any of the transportation agreements non-conforming, the Commission accept the agreements and grant any waivers necessary to allow each of the agreements to be effective as of their respective effective dates, and permit them to remain in effect in accordance with their respective terms.

4. Notice of Portland Natural's filing was issued on May 27, 2010. Interventions and protests were due June 7, 2010, as provided in section 154.210 of the Commission's regulations.⁴ Pursuant to Rule 214,⁵ 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 the proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.

5. While the 58 potentially non-conforming service agreements submitted by Portland Natural may contain material deviations from Portland Natural's tariff, the Commission has not completed its review of these agreements or tariff sheets. Accordingly, the Commission will accept the tariff sheets, to become effective July 1, 2010 as proposed, 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

³ *Id.* at 61,485.

⁴ 18 C.F.R. § 154.210 (2009).

⁵ 18 C.F.R. § 385.214 (2009).

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.