

132 FERC ¶ 61,092
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

July 30, 2010

In Reply Refer to:
MoGas Pipeline LLC
Docket No. RP09-791-000

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Re: Letter Order Approving Uncontested Settlement

Dear Counsel:

1. On March 16, 2010, MoGas Pipeline LLC (MoGas), filed a Stipulation and Agreement of Settlement (Settlement) under Rule 602 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.602 (2010). The Settlement resolves the general rate case filed by MoGas on June 30, 2009, pursuant to section 4 of the Natural Gas Act (NGA).
2. The Commission's Trial Staff and the Missouri Public Service Commission filed comments in support of the Settlement, and Laclede Gas Company filed comments in non-opposition to the Settlement.
3. On March 24, 2010, the Presiding Judge certified the Settlement to the Commission as uncontested.¹

¹ *MoGas Pipeline LLC*, 130 FERC ¶ 63,019 (2010).

4. The main provisions of the Settlement may be summarized as follows.
5. Article I provides an introduction and background for this proceeding, and Article II sets forth the rates under the Settlement.
6. Article III establishes a fuel tracker that MoGas will implement with a true-up mechanism, and Article IV provides that MoGas will revise its tariff to provide for aggregation of delivery points.
7. Article V provides that within 30 days of the Settlement's effective date, MoGas will file revised tariff sheets reflecting the terms of the Settlement. Article VI requires MoGas to make refunds with interest pursuant to the Settlement, 30 days after its effective date. The "effective date" is defined in Article IX as the first day of the month following a final Commission order thereon, which is no longer subject to rehearing or judicial review.
8. Article VII explains that MoGas and the Parties to this proceeding agree to a three-year moratorium on the filing of an NGA section 4 or section 5 proceeding, respectively, concerning MoGas's Base Rates established in Article II.
9. Article VIII provides that MoGas shall file with the Commission a complete and verified cost and revenue study no later than December 31, 2014. Article X provides different procedures depending upon the outcome of the appeal of MoGas's NGA section 7 certificate proceeding, pending before the United States Court of Appeals for the District of Columbia Circuit in Case No. 09-1121, involving the premium acquisition issue.
10. Article XI states that the Settlement is a privileged document until approved, and Article XII states that to the extent the Commission considers any changes to the terms of this Settlement during the term of this Settlement, the standard of review for such changes shall be the most stringent standard permissible under applicable law.
11. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of the Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.
12. If MoGas has made its baseline electronic tariff filing pursuant to Order No. 714, and did not file the settlement in the eTariff format required by Order No. 714, it is required to make a compliance filing in eTariff format to ensure that its electronic tariff provisions reflect the Commission action in this order.² Such a compliance filing is also necessary for any settlement filing containing pro forma tariff sheets, but is not necessary

² See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276, at P 96 (2008).

if the settlement was filed in eTariff format with actual tariff records (as opposed to pro forma records).

13. This letter terminates Docket No. RP09-791-000. A new subdocket will be assigned in Docket No. RP09-791 upon receipt of any required compliance filings.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

cc: All Parties