

132 FERC ¶ 61,178  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Enterprise Texas Pipeline LLC

Docket No. PR10-14-000

ORDER EXTENDING TIME FOR ACTION

(Issued August 27, 2010)

1. This order addresses a filing made by Enterprise Texas Pipeline LLC (Enterprise Texas) on April 1, 2010, proposing changes to its rates and its Statement of Operating Conditions (SOC), pursuant to section 311(a)(2) of the Natural Gas Policy Act (NGPA)<sup>1</sup> and section 284.123(b)(2) of the Commission's regulations.<sup>2</sup>
2. Enterprise Texas provides firm and interruptible transportation service, as well as interruptible parking and lending service, pursuant to NGPA section 311. Enterprise Texas filed to increase its rates, effective April 1, 2010, and revise its SOC to reflect the proposed rates.
3. Notice of Enterprise Texas's filing was issued on April 7, 2010. Interventions and protests were due as provided in section 154.210 of the Commission's regulations, 18 C.F.R. § 154.210 (2010). The filing is currently not protested. Pursuant to Rule 214, 18 C.F.R. § 385.214 (2010), 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.
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

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<sup>1</sup> 15 U.S.C. § 3371(a)(2) (2006).

<sup>2</sup> 18 C.F.R. § 284.123(b)(2) (2010).

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.<sup>3</sup>

The 150-day period for review of Enterprise Texas's rates will expire on August 27, 2010. Because the Commission has been unable to make a determination that Enterprise Texas's proposed changes are fair and equitable and because settlement discussions are 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 Enterprise Texas'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 Enterprise Texas's petition is extended until the Commission can make a determination whether Enterprise Texas'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 )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>3</sup> 18 C.F.R. § 284.123(b)(2)(ii) (2010).