

132 FERC ¶ 61,202
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.

Bay Gas Storage Company, Ltd.

Docket No. PR10-15-000

ORDER EXTENDING TIME FOR ACTION

(Issued September 3, 2010)

1. This order addresses a filing made by Bay Gas Storage Company, Ltd. (Bay Gas) on April 8, 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)¹ and section 284.123(b)(2) of the Commission's regulations.²
2. Bay Gas provides firm and interruptible transportation service, pursuant to NGPA section 311. Bay Gas also provides storage service at market based rates. Bay Gas filed to increase its transportation rates, effective April 8, 2010, and to revise its SOC to reflect the proposed rates.
3. Notice of Bay Gas's filing was issued on April 13, 2010. Interventions and protests were due as provided in section 154.210 of the Commission's regulations, 18 C.F.R. § 154.210 (2010). 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

¹ 15 U.S.C. § 3371(a)(2) (2006).

² 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.³

The 150-day period for review of Bay Gas's rates will expire on September 3, 2010. Because the Commission has been unable to make a determination that Bay Gas'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 Bay Gas's proposed changes are fair and equitable. This should serve to encourage settlement of the issues in this proceeding. Within 120 days of the date this order is issued, 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 Bay Gas's petition is extended until the Commission can make a determination whether Bay Gas'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)

Kimberly D. Bose,
Secretary.

³ 18 C.F.R. § 284.123(b)(2)(ii) (2010).