

133 FERC ¶ 61,092  
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.

Columbia Gas Transmission, LLC

Docket Nos. RP10-987-001  
RP10-987-002  
RP10-987-003

ORDER ON COMPLIANCE FILINGS AND REQUESTS FOR CLARIFICATION

(Issued October 28, 2010)

1. On August 18, 2010, the Commission issued an order in this docket accepting a non-conforming agreement between Columbia Gas Transmission, LLC (Columbia Gas) and UGI Utilities, Inc. (UGI), subject to “Columbia Gas filing its agreement with UGI along with any transactions related to the agreement as a tariff record” according to the requirements of Order No. 714<sup>1</sup> “within 15 days of the date of this order.”<sup>2</sup> On September 1, 2010, the Commission granted Columbia Gas an extension of time until September 21, 2010.<sup>3</sup> On September 14, 2010, Columbia Gas filed to request clarification regarding certain details of the filing process, and to request an additional 30-day extension in the event that the Commission requires it to post the new tariff record to its website. On September 20, 2010, Columbia Gas submitted its compliance filing, and submitted a supplement to correct that filing on September 28, 2010. We provide clarification as follows below, accept the compliance filings, and dismiss the request for extension of time as moot.

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<sup>1</sup> *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276, at P 93 (2008).

<sup>2</sup> *Columbia Gas Transmission, LLC*, 132 FERC ¶ 61,147, at P 12 (2010) (August 18 Order).

<sup>3</sup> *Columbia Gas Transmission, LLC*, Docket No. RP10-987-000, Notice of Extension of Time, Accession No. 20100901-3012.

## **Notice and Responsive Pleadings**

2. Notice of Columbia Gas's compliance filing was issued on September 22, 2010; notice of its supplemental compliance filing was issued on September 29, 2010. Interventions and protests were due October 4, 2010, and October 12, 2010, respectively, as provided in section 154.210 of the Commission's regulations.<sup>4</sup> Pursuant to Rule 214,<sup>5</sup> 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 this proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.

## **Request for Clarification**

3. Columbia Gas requests clarification relating to the requirements of filing tariffs electronically pursuant to Order No. 714. In the August 18 Order and in a later order in *Dominion Transmission, Inc.*,<sup>6</sup> we explained that under Commission regulations<sup>7</sup> and the electronic formatting requirements implemented pursuant to those regulations, pipelines are required to file all jurisdictional agreements, such as the non-conforming service agreements at issue here, as "tariff records" so that these agreements will be available in the tariff database maintained by the Commission. Columbia gas poses four questions relating to the requirement to file jurisdictional agreements as "tariff records."

### **A. Inclusion in Volume No. 1 of a Pipeline's Tariff**

4. Columbia Gas requests clarification "that the non-conforming agreement need not be filed in Volume 1 of its tariff, but may be filed as a tariff record in a separate volume of its tariffs." We agree that, as long as the pipeline includes such jurisdictional agreements as tariff records, the pipeline retains the ability to choose the volume in which to file these agreements. They may be filed in a separate volume of the tariff or in Volume No. 1. As Columbia Gas notes, this may ease the administrative burden for the pipeline.

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<sup>4</sup> 18 C.F.R. § 154.210 (2010).

<sup>5</sup> 18 C.F.R. § 385.214.

<sup>6</sup> 132 FERC ¶ 61,179 (2010).

<sup>7</sup> 18 C.F.R. §§ 154.4(a) and (c) (2010).

**B. Amendments to Conforming Aspects of the Agreements**

5. Columbia Gas requests clarification that the requirement to file these agreements as tariff records does not change other substantive filing procedures applicable to such documents. It states, for example, that under existing procedures, if a pipeline makes amendments unrelated to the non-conforming aspect of an agreement, such as changes to receipt and delivery points, such changes are not currently required to be filed with the Commission. We clarify that no new substantive filing requirement is created by the requirement to treat non-conforming agreements as tariff records.<sup>8</sup> The only requirement is related to the process for filing the agreement electronically. If Columbia Gas is required to file an agreement, or chooses to file an agreement, it must do so as a tariff record.

**C. Negotiated Rate Agreements**

6. Columbia Gas requests clarification with respect to whether negotiated rate agreements must be filed as tariff records. Again, the requirement to file agreements as tariff records does not change any of the substantive filing requirements applicable to negotiated rate agreements. Under Commission policy, pipelines have an option of filing a negotiated rate agreement or in lieu thereof, filing a tariff provision that describes the negotiated rate.<sup>9</sup> However, if a pipeline chooses to file the negotiated rate agreement (either by itself or together with the descriptive tariff provision), it must file the agreement as a tariff record.

**D. Posting on the Pipeline Website**

7. Columbia Gas requests clarification that Columbia must both file the separate volume of non-conforming agreements with the Commission, and must post on its Internet Web site both the separate volume of agreements and its current Volume 2, which contains its X Schedules. The requirement for pipelines to post their tariffs on

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<sup>8</sup> *Kern River Gas Transmission Co.*, 132 FERC ¶ 61,111, at P 25 (2010) (“where a pipeline amends an agreement to reflect a change to a receipt point ... no filing of the amendment is necessary”).

<sup>9</sup> *Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines*, 74 FERC ¶ 61,076, at 61,242, *reh’g denied*, 75 FERC ¶ 61,024 (1996), *petitions for review denied sub nom.*, *Burlington Resources Oil & Gas Co. v. FERC*, 172 F.3d 918 (D.C. Cir. 1998) (Alternative Rate Policy Statement); *Natural Gas Pipeline Negotiated Rate Policies and Practices*, 114 FERC ¶61,042, at P 2 (2006) (“In order to implement a negotiated rate transaction, a pipeline must file either the negotiated rate agreement itself or a tariff sheet describing the agreement ...”).

their websites is contained in Standard 4.3.23 (Version 1.9) of the standards published by the North American Energy Standards Board Wholesale Gas Quadrant (NAESB WGQ), and incorporated by reference into the Commission regulations.<sup>10</sup>

8. Under the NAESB standards, pipelines traditionally have posted only their Volume No. 1 tariffs. As discussed above, Order No. 714 revised the methods by which pipelines file material with the Commission. However, the rule did not purport to change or interpret NAESB standards incorporated by reference in section 284.12. NAESB already has a pending request for an interpretation of the scope of its standard.<sup>11</sup> We therefore think it appropriate that NAESB have the opportunity, in the first instance, to determine the meaning of its existing standard and whether any clarifications or revisions to that standard are necessary.

### **Compliance Filings**

9. On September 20, 2010, Columbia Gas submitted its compliance filing required by the August 18 Order. On September 28, 2010, Columbia Gas submitted a supplemental compliance filing, because it had failed to submit a cover page for its non-conforming contract with UGI. As requested, Columbia Gas has filed tariff sections not only to update its list of non-conforming service agreements, but also to include its agreement with UGI, including their Predetermined Allocation Agreement, as a tariff record to its *Baseline Tariffs*. Accordingly, we accept Columbia Gas's supplemental compliance filing.

### **Request for Extension of Time**

10. Columbia Gas also filed to request an additional 30-day extension in the event that the Commission requires it to post the new tariff record to its website. Columbia Gas has timely filed the UGI non-conforming agreement as a tariff record in its *Baseline Tariffs*. Columbia Gas states, however, that it would need to perform certain technical upgrades in order to post the new tariff record to its website. As noted above, we are not requiring Columbia Gas to post the new tariff record to its website. We therefore dismiss the request for extension of time as moot.

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<sup>10</sup> 18 C.F.R. § 284.12 (a) (2010) (incorporating Version 1.9 of the NAESB standards).

<sup>11</sup> On October 12, 2010, Tennessee Valley Authority formally requested that the NAESB clarify whether, under NAESB WGQ Standard No. 4.3.23, “the category Tariff under Informational Posting includes negotiated rates, non-conforming agreements, Volume 2s, and X-rate schedules.” WGQ Clarification Request #C10001, *available at* <http://naesb.org/wgq/clar.asp>.

The Commission orders:

- (A) The request for clarification is granted as discussed in the body of the order.
- (B) The compliance filing is accepted.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.