

135 FERC ¶ 61,086  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

April 28, 2011

In Reply Refer To:  
Equitrans, L.P.  
Docket No. RP11-1959-000

Equitrans, L.P.  
625 Liberty Avenue  
Suite 1700  
Pittsburgh, PA 15222

Attention: Thomas Yeh  
Manager, Rates and Commercial Analysis

Reference: Non-Conforming Agreement

Ladies and Gentlemen:

1. On March 31, 2011, Equitrans, L.P. (Equitrans) filed revised tariff records<sup>1</sup> to reflect a non-conforming Rate Schedule FTS service agreement executed with Equitable Gas Company (EGC) (Agreement). Equitrans requests that the tariff revisions contained in the instant filing be made effective April 1, 2011. As discussed below, the Commission accepts and suspends for the minimum suspension period the subject tariff records and contract to be effective April 1, 2011, subject to a further Commission Order in Docket No. RP11-2006-000.

2. Equitrans states that section 4 of exhibit A of its Rate Schedule FTS form of service agreement provides for the allocation of a customer's contracted maximum daily quantity (MDQ) to the primary receipt and delivery points on Equitrans system. Equitrans notes that historically customers have maintained the same MDQ allocation for their primary receipt and delivery points for the entire year.

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<sup>1</sup> Section 6.42, Non-Conforming Agreements, 5.0.0; Section 2.2, Equitable Gas Company, LLC -EQTR11630-585, 0.0.0 to Equitrans Tariff, FERC NGA Gas Tariff.

3. Equitrans notes that EGC requested the ability to adjust its primary receipt point MDQ allocations between winter and summer seasons to provide for operational flexibility. Equitrans states that section 4 of exhibit A of the Agreement deviates from the Rate Schedule FTS form of service agreement to provide EGC with columns for the winter MDQ allocation and the summer MDQ allocation.

4. Equitrans states that allowing a customer to seasonally allocate MDQ at primary receipt and delivery points is a valuable right that must be reflected in its *pro forma* service agreement. Therefore, Equitrans states that it will file in a separate proceeding a proposal to revise section 4 of exhibit A of the Rate Schedule FTS form of service agreement to allow all customers the ability to adjust their MDQ allocation between winter and summer, provided the capacity is available at the meters. Equitrans states that once the language in the *pro forma* service agreement is revised, the EGC contract will no longer be non-conforming. Further, Equitrans states that in the interim, before the Rate Schedule FTS form of service agreement is revised, it will offer on a non-discriminatory basis, the ability to allocate MDQ seasonally among primary receipt and delivery points to any firm transportation customer.

5. Public notice of the filing was issued on April 1, 2011. Interventions and protests were due as provided in section 154.210 of the Commission's regulations.<sup>2</sup> Pursuant to Rule 214 of the Commission's rules,<sup>3</sup> all timely motions to intervene and any unopposed 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.

6. On April 12, 2011, Independent Oil & Gas Association of West Virginia, Inc. (IOGA) filed a protest. IOGA states that it is concerned that shippers will be harmed by providing EGC with flexible primary point rights, in advance of the effectiveness of a general tariff provision providing such flexibility to all shippers. IOGA notes that even if other shippers can have similar rights in the future through a generally applicable tariff provision, as Equitrans has stated, EGC may have limited the capacity available to other shippers at the most valuable available points. On April 15, 2011, Equitrans submitted an answer to IOGA's protest.

7. On April 15, 2011 Equitrans submitted, in Docket No. RP11-2006-000, a tariff filing revising its Rate Schedule FTS form of service agreement to provide for a base MDQ allocation and a winter MDQ allocation of primary points. The Commission believes that the issues raised by IOGA's protest of the instant filing are best addressed in

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<sup>2</sup> 18 C.F.R. § 154.210 (2010).

<sup>3</sup> 18 C.F.R. § 385.214 (2010).

conjunction with consideration of Equitrans' April 15, 2011 filing to revise its form of service agreement.

8. Based on a review of the instant filing, the Commission finds that the proposed tariff records have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the tariff records and contract for filing, and suspend their effectiveness for a minimum period to be effective April 1, 2011, subject to the outcome of the proceeding in Docket No. RP11-2006-000, where Equitrans has proposed to revise its tariff and Rate Schedule FTS form of service agreement to allow all customers the ability to establish different seasonal MDQ's among primary receipt and delivery points.

The Commission orders:

The Commission accepts and suspends for the minimum suspension period the subject tariff records and contract effective April 1, 2011, subject to a further Commission order in Docket No. RP11-2006-000.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.