

135 FERC ¶ 61,161
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.

Trailblazer Pipeline Company LLC

Docket No. RP11-1939-001

ORDER REJECTING TARIFF RECORD

(Issued May 18, 2011)

1. On May 2, 2011, Trailblazer Pipeline Company LLC (Trailblazer) filed a revised tariff record¹ (May 2 Filing) to change its Expansion Fuel Adjustment Percentage (EFAP) with a requested effective date of May 1, 2011, purportedly in compliance with an April 28 Order.² However, the April 28 Order did not direct such a compliance filing, and it is therefore rejected.
2. Trailblazer states that the May 2 Filing complies with the Commission's April 28 Order, which rejected Trailblazer's March 31, 2011 filing requesting waiver of its tariff and proposing an EFAP rate of 3.2 percent. In the May 2 Filing, Trailblazer proposes new EFAP rates of 8.14 percent. Trailblazer states that it will begin collecting the new fuel rates on Wednesday, May 4, 2011.
3. The Commission rejects Trailblazer's May 2 Filing because the May 2 Filing has been improperly submitted to the Commission as a compliance filing. The Commission's regulations provide:

Filings made to comply with Commission orders must include only those changes required to comply with the order. Such compliance filings may not be combined with other rate or tariff change filings. A compliance filing that includes other

¹ Sheet No. 7, Expansion Fuel Reimbursement Percentage, 1.1.0 to Fifth Revised Volume No.1, FERC NGA Gas Tariff.

² *Trailblazer Pipeline Company LLC*, 135 FERC ¶ 61,091 (2011) (April 28 Order).

changes or that does not comply with the applicable order in every respect may be rejected.³

4. The April 28 Order rejected Trailblazer's March 31, 2011 Filing pursuant to the Commission's authority under section 4 of the Natural Gas Act (NGA). Because the Commission rejected Trailblazer's March 31, 2011 Filing, Trailblazer's May 2 Filing could not be characterized as a "compliance filing."⁴ Therefore, Trailblazer's purported attempt to increase its EFAP rate to 8.14 percent is rejected. Any such filing by Trailblazer must be on its own initiative pursuant to NGA section 4 and to conform with the fuel tracker mechanism in its tariff.

5. Thus, Trailblazer's May 2 Filing includes changes not required by the April 28 Order, and not properly characterized as a "compliance filing." Accordingly, the Commission rejects Trailblazer's May 2 Filing.

The Commission orders:

The tariff record in footnote 1 is rejected.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ 18 C.F.R. § 154.203(b) (2010).

⁴ April 28 Order, 135 FERC ¶ 61,091 at Ordering P (A).