

137 FERC ¶ 61,152
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

November 21, 2011

In Reply Refer To:
Midwestern Gas Transmission Company
Docket No. RP11-2595-000

ONEOK Partners, GP, L.L.C.
100 West Fifth Street, MD 8-5
Tulsa, OK 74103-4298

Attention: Joseph W. Miller, Associate General Counsel

Reference: Request for Limited Waiver of Tariff Provisions

Ladies and Gentlemen:

1. On September 27, 2011, Midwestern Gas Transmission Company (Midwestern) filed a request for a limited waiver of Rate Schedules FT-A, FT-B, FT-C, and FT-D, section 8.1(b) of its General Terms and Conditions (GT&C) to provide demand charge credits to customers that do not receive service due to planned, non-*force majeure* curtailments. Midwestern requests the Commission grant the limited waiver effective August 1, 2011. The Commission grants Midwestern's request for a limited waiver, as discussed below.

2. Section 8.1(b) of Midwestern's GT&C states:

In situations in which Company's failure to deliver the Scheduled Quantities results from repair and maintenance that excuses performance under Section 10 of the General Terms and Conditions, Shipper will remain liable for all amounts due or that become due under this Rate Schedule only to the extent that Company has provided 30 days prior notice of the repair and maintenance to Shipper. If a Shipper does not receive all Schedule Quantities due to maintenance and repair, then, to the greatest extent possible, such Shipper will be provided an opportunity to re-schedule the quantities at the

FT-A,¹ commodity rate that Company failed to deliver even if such scheduling would result in a Shipper exceeding its Transportation Quantity on a given day;

3. On July 1, 2011, in Docket No. RP11-2254-000, Midwestern filed a number of substantive and non-substantive tariff revisions, including revisions to section 8.1(b) to comply with the Commission's policy on reservation charge credits. Among the proposed revisions, Midwestern proposed to provide reservation charge credits for non-*force majeure* curtailments when planned maintenance, repair, or construction results in curtailment of their service, without the current limitations on such credits in section 8.1(b). However, in response to customers' comments on the July 1, 2011 Filing, the Commission Order issued July 29, 2011,² suspended the effectiveness of the tariff records pending further review.

4. Midwestern states that on the August 16, 2011 gas day, Midwestern reduced the capacity at its Petersburg Station to zero to replace a section of pipe. This replacement prevented Midwestern from scheduling a 10,000-dth nomination that Grain Processing Corporation (Grain), an FT-A customer submitted for the August 16, 2011 gas day. Since Midwestern had provided a thirty-day notice of the planned outage, under the existing tariff language, Grain was not eligible for a demand charge credit for the curtailment.

5. Given these circumstances, Midwestern is requesting a limited waiver of its tariff to provide demand charge credits for planned, non-*force majeure* curtailments occurring on or after August 1, 2011. Midwestern requests that the waiver remain effective until the date that any revised tariff provisions take effect that establish the terms and conditions of demand charge credits for such curtailments. Midwestern states it would provide such credits consistent with the provisions of the revised tariff language submitted in Docket No. RP11-2254-000 for those customers not exercising their re-scheduling rights under the present tariff.

6. Public notice of the filing was issued on September 29, 2011. Interventions and protests were due as provided in section 154.210 of the Commission's regulations, (18 C.F.R. § 154.210 (2011)). Pursuant to Rule 214, (18 C.F.R. § 385.214 (2011)), all timely filed motions to intervene and any unopposed motions to intervene out-of-time

¹ Section 8.1(b) of Midwestern's other firm transportation rate schedules, Rate FT-B, FT-C and FT-D are identical, except that, where each rate schedule provides the shipper the opportunity to reschedule, it refers to the commodity rate to which that particular rate schedule applies.

² *Midwestern Gas Transmission Company*, 136 FERC ¶ 61,064 (2011).

filed before the issuance date of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. No protests or comments were filed.

7. The Commission finds that granting the limited waiver will allow Midwestern to provide its shippers reservation charge credits in accordance with Commission policy. Midwestern makes it clear that it does not seek to use the waiver as authority to deviate from its existing tariff in any other respect, nor as precedent supporting the crediting provisions in its pending tariff filing in Docket No. RP11-2254-000. Accordingly, the Commission grants the limited waiver, subject to the Commission's ultimate disposition of Midwestern's pending tariff revisions in Docket No. RP11-2254-000.

By direction of the Commission. Commissioner Spitzer is not participating.

Nathaniel J. Davis, Sr.,
Deputy Secretary.