

138 FERC ¶ 61,130
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
and Cheryl A. LaFleur.

Acadian Gas Pipeline System

Docket No. PR11-129-000

ORDER EXTENDING TIME FOR ACTION

(Issued February 22, 2012)

1. This order addresses a filing made by Acadian Gas Pipeline System (Acadian) on September 26, 2011 proposing changes to its rates and its Statement of Operating Conditions for Transportation Service (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. Historically, Acadian has provided interruptible transportation within Louisiana pursuant to section 311 of the NGPA. In this proceeding, Acadian filed to provide firm and interruptible transportation service on its new Haynesville extension, a supply pipeline that will connect its legacy system with the Haynesville shale gas supply region in Northeastern Louisiana effective September 26, 2011. Acadian proposes to maintain its current rate for interruptible service on its legacy system³ and to offer firm transportation service on its legacy system from interconnects with the Haynesville extension.
3. Notice of Acadian's Filing was issued on September 27, 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 motions to intervene out-of-time before the issuance date of this order are granted. Granting late intervention at this stage of the

¹ 15 U.S.C. § 3371(a)(2) (2011).

² 18 C.F.R. § 284.123(b)(2) (2011).

³ The current rate was established in a settlement approved by an unpublished letter order issued on July 26, 2010 in Docket No. PR09-28-000.

proceeding will not disrupt this proceeding or place additional burdens on existing parties. Louisiana Municipal Gas Authority filed to intervene and BG Energy Merchants, LLC (BGEM) filed to intervene and protest.

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 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.”⁴

The 150-day period for review of Acadian's rates will expire on February 23, 2012. The Commission has been unable to make a determination as to whether Acadian's proposed changes are fair and equitable. Further, because discussions between parties have resulted only in a partial withdrawal of the protest by BGEM,⁵ the Commission must either extend the time for action or institute rate proceedings.

5. We will extend the time for action until the Commission can make a determination as to whether Acadian's proposed changes are fair and equitable. This should serve to encourage settlement of the issues among the parties. Accordingly, within 120 days of the date this order issues, the Commission Staff is directed to 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 Acadian's petition is extended until the Commission can make a determination concerning whether Acadian's changes are fair and equitable or until it determines that formal proceedings are necessary.

⁴ 18 C.F.R. § 284.123(b)(2)(ii) (2011).

⁵ On February 9, 2012, BGEM filed a Notice advising the Commission that the parties had an opportunity to discuss BGEM's concerns which resulted in a partial withdrawal of the issues it raised in its protest.

(B) Within 120 days of the issuance of this order, the Commission Staff shall report the status of settlement negotiations to the Commission.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.