

138 FERC ¶ 61,216
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 27, 2012

In Reply Refer To:
Public Service Company of Colorado
Docket Nos. PR11-124-001
PR11-131-001
PR10-111-000

Public Service Company of Colorado
1800 Larimer Street Suite 1100
Denver, CO 80202

Attention: Larry M. Cowger, Assistant General Counsel

Reference: Letter Order on Request for Clarification

Dear Mr. Cowger:

1. Public Service Company of Colorado (PSCo), a Hinshaw pipeline providing interstate transportation services, requests clarification or, in the alternative, rehearing of a delegated letter order issued on January 13, 2012¹ directing PSCo to make its five-year rate review filing (January 2012 Letter Order) on or before September 5, 2016.² PSCo states that the September 5, 2016 date is inconsistent with a similar directive given in a delegated letter order issued in Docket No. PR10-111-000 on February 11, 2011

¹ *Public Service Company of Colorado*, Docket No. PR11-124-000 and PR11-131-000 (Jan. 13, 2012) (delegated letter order).

² The Commission requires intrastate pipelines performing interstate service under section 311 of the Natural Gas Policy Act and Hinshaw pipelines performing interstate service pursuant to blanket certificates issued under section 284.224 of the Commission's regulations to file for rate reviews within five years of the date their currently approved rates took effect. *Contract Reporting Requirements of Intrastate Natural Gas Companies*, Order No. 735, FERC Stats & Regs. ¶ 31,310, at P 96 (May 20, 2010).

(February 2011 Letter Order).³ PSCo states that the February 2011 Letter Order directed PSCo to make a five-year rate review filing on or before September 17, 2015. PSCo contends that, because the January 2012 Letter Order does not mention the earlier five-year rate review filing directive in the February 2011 Letter Order, it is unclear whether the Commission intends that the subsequent directive requiring a rate review filing in 2016 supersedes the earlier directive requiring a rate review filing in 2015; or whether PSCo is to be subject to two separate rate filing directives in both 2015 and 2016.

2. PSCo explains that on September 17, 2010, in Docket No. PR10-111-000, it filed to revise its Statement of Rates as part of its Statement of Operating Conditions to track corresponding changes to its intrastate rates for comparable transportation service approved by the Colorado Public Utilities Commission (CPUC). PSCo states that the February 2011 Letter Order accepted the filing and directed it to file with the Commission on or before September 17, 2015 either: (a) an application seeking to establish its then effective, cost-based CPUC-approved transportation rates as its rates for interstate transportation service under its Order No. 63 blanket certificate; or (b) an informational filing with cost, throughput, revenue and other data, as specified in section 154.313 of the Commission's regulations, to allow the Commission to determine whether we should require any change in PSCo's interstate transportation rates. The February 2011 Letter Order permitted PSCo to file a petition for rate approval to establish new maximum rates at any time.

3. PSCo states that it made two similar filings – one on August 29, 2011 in Docket No. PR11-124-000 and another on September 30, 2011 in Docket No. PR11-131-000 – to revise its Statement of Rates to track corresponding changes to its intrastate rates for comparable transportation service approved by the CPUC. PSCo states that the Commission accepted those filings in the January 2012 Letter Order and directed PSCo to file with the Commission on or before September 5, 2016 either: (a) an application seeking to establish its cost-based CPUC-approved firm and interruptible transportation rates, as its rates for interstate transportation service under its Order No. 63 blanket certificate; or (b) an informational filing with cost, throughput, revenue and other data, as specified in section 154.313 of the Commission's regulations, to allow the Commission to determine whether we should require any change in PSCo's interstate transportation rates. The January 2012 Letter Order also permitted PSCo to file a petition for rate approval to establish new maximum rates at any time.

³ *Public Service Company of Colorado*, Docket No. PR10-111-000 (Feb. 11, 2011) (delegated letter order).

4. The two filings PSCo made on August 29, 2011 and September 30, 2011 satisfied the condition set forth in the February 2011 Letter Order, specifically, that PSCo make a rate filing “on *or before* September 17, 2015” (emphasis supplied). Therefore, the deadline established in the January 2012 Letter Order was intended to be the new deadline date for the next rate review filing. Accordingly, the Commission clarifies that the date PSCo must make its next five-year rate review filing is on or before September 5, 2016, as directed in the January 2012 Letter Order.

By direction of the Commission.

Kimberly D. Bose,
Secretary.