

140 FERC ¶ 61,062
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

July 19, 2012

In Reply Refer To:
Enterprise TE Products Pipeline
Company LLC
Docket No. IS12-469-000

Enterprise TE Products Pipeline Company LLC
1100 Louisiana Street, Suite 1000
Houston, TX 77002

Attention: Diane A. Daniels, Regulatory Affairs

Reference: FERC Tariff No. 54.20.0

Ladies and Gentlemen:

1. On June 20, 2012, Enterprise TE Products Pipeline Company LLC (Enterprise TEPPCO) filed FERC tariff record No. 54.20.0 to cancel the Eagle, Pennsylvania destination due to the closure of the Eagle propane terminal, and cancel the Marcus Hook and Twin Oaks, Pennsylvania destinations due to refinery shutdowns, effective July 21, 2012.¹ The filing was protested. As discussed below, the Commission accepts FERC Tariff No. 54.20.0, effective July 21, 2012.

2. Enterprise TEPPCO's proposed tariff would cancel three destinations from its tariff. Thrifty Propane, Inc. (Thrifty) protested the closing of the Eagle Terminal.² On June 26, 2012, Enterprise TEPPCO filed a response to the protest.

¹ Enterprise TE Products Pipeline Company LLC; FERC Oil Tariff; Tariffs; [Rates, Rules, & Regs -LPG, FERC No. 54.20.0, 54.20.0](#)

² Thrifty recently filed a complaint regarding the closing of the Eagle Terminal. The Commission denied the complaint. *Thrifty Propane, Inc. vs. Enterprise TE Products Pipeline Company LLC*, 140 FERC ¶ 61,017 (2012).

3. Thrifty asserts the elimination of the Eagle Terminal will substantially prejudice its business because it will be forced to obtain its supply from Greensburg, Pennsylvania, which is an approximately 500-mile roundtrip. Thrifty further asserts it may be entirely cut off from supply for its marketing area in Eastern Pennsylvania during the height of the heating season, and therefore unable to honor the contractual obligations with its customers.

4. Thrifty argues the proposed cancellation of the Eagle destination circumvents the Commission's order suspending Enterprise TEPPCO's tariff filed in Docket No. IS12-203-000.³ Thrifty states that the Commission suspended Enterprise TEPPCO's tariff until November 16, 2012, to prevent elimination of service at the Eagle Terminal prior to this date. Thrifty requests the Commission issue an order directing Enterprise TEPPCO to maintain the full operation of the Eagle Terminal until such time.

5. In its response, Enterprise TEPPCO argues that Thrifty's protest fails to allege any claim upon which the Commission could grant relief. Enterprise TEPPCO states that thirty-eight of its fifty-three terminals are owned by third-parties. Enterprise TEPPCO asserts that Eagle Terminal is one of them and is owned by a non-jurisdictional affiliate, Enterprise Terminals and Storage, LLC (ETS). Moreover, Enterprise TEPPCO submits the Commission specifically held that the terminals connected to Enterprise TEPPCO's system, including the Eagle Terminal, are non-jurisdictional and that the Commission lacks authority to regulate a non-jurisdictional facility or require the pipeline to maintain the operations of a facility the pipeline does not own.⁴ Enterprise TEPPCO states that Thrifty ignores this precedent and does not even attempt to explain how the Commission has authority to require it to maintain the operations of facilities specifically found to be non-jurisdictional.

6. Enterprise TEPPCO also asserts that while the Commission suspended its cost-of-service rate increase for seven months, this does not freeze the operations of the pipeline or bar it from updating and amending its tariff. Accordingly, Enterprise TEPPCO concludes the Commission should dismiss Thrifty's protest.

³ *Enterprise TE Products Pipeline Co.*, 139 FERC ¶ 61,036 (2012) (Suspension Order).

⁴ *TE Products Pipeline Company, LLC*, 130 FERC ¶ 61,257 (*TE Products I*), order on reh'g, *TE Products Pipeline Company, LLC*, 131 FERC ¶ 61,277 (2010) (*TE Products II*).

7. The Commission has no jurisdiction to prevent the closure of the Eagle propane Terminal and dismantling the equipment at this facility.⁵ In response to Thrifty's argument about the suspension of Enterprise TEPPCO tariff until November 16, 2012, the Commission clarifies that while it suspended the cost-of-service rates charged by Enterprise TEPPCO until November 16, 2012, the Commission did not suspend the closing of third-party terminals connected to the Enterprise TEPPCO pipeline. Accordingly, Enterprise TEPPCO's FERC Tariff No. 54.20.0 is accepted, effective July 21, 2012.

By direction of the Commission

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁵ Thrifty Propane Inc. v. Enterprise TE Products Pipeline, LLC, 140 FERC ¶ 61,017 (2012).