

141 FERC ¶ 61,051
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

SFPP, L.P.

Docket Nos. IS09-437-000
IS10-572-000
(consolidated)

ORDER GRANTING CLARIFICATION

(Issued October 19, 2012)

1. On September 20, 2012, the Commission issued Order No. 522¹ in the above-referenced proceeding. On September 27, 2012, the Parties² in this proceeding filed a motion requesting that the Commission clarify the procedural history and Ordering Paragraph B in Order No. 522. As discussed below, the Commission grants the requested clarification.

2. The Parties state that paragraph 4 of Order No. 522 inaccurately states that SFPP provided interim refunds for the difference between the rates as initially filed in Docket No. IS09-437, which became effective January 1, 2010, and the interim rates filed in Docket No. IS10-572, which became effective September 1, 2010.³ The Parties ask that the Commission correct the record to reflect that, consistent with the stipulation adopted by the Parties, SFPP never paid such interim refunds. The Parties state that the Commission should make clear that any refunds payable in this proceeding will be based on the difference between the rates actually charged (beginning January 1, 2010, when

¹ *SFPP, L.P.*, Opinion No. 522, 140 FERC ¶ 61,220 (2012).

² HollyFrontier Refining & Marketing, LLC; Navajo Refining Company, L.C.C.; Western Refining Company, L.P.; Chevron Productions Company; Phillips 66 Company; Valero Marketing and Supply Company; Southwest Airlines Co.; and SFPP, L.P. (collectively, “the Parties”).

³ The interim rates reflected the reduction in rates that resulted from the Parties’ stipulation in IS09-437-002 regarding the cost of equity, the related inflation rate, and the real cost of equity. *SFPP, L.P.*, 132 FERC ¶ 61,235 (2010), *order on reh’g*, 133 FERC ¶ 61,188 (2010).

the rates filed in Docket No. IS09-437 became effective) and the rates that the Commission finds to be just and reasonable in this proceeding.

3. The Parties also request that the Commission modify Ordering Paragraph B to clarify that SFPP must include an estimate of refunds in its compliance filing.⁴ The Parties ask that the Commission act on the requested clarification on or before October 19, 2012, prior to the October 22, 2012, deadline for filing rehearing requests of Order No. 522.

4. The Commission grants the requested clarification. Consistent with the stipulation between the parties, SFPP has not paid interim refunds⁵ and any refunds payable in this proceeding will be based on the difference between the rates actually charged beginning January 1, 2010, and the rates the Commission ultimately finds just and reasonable in this consolidated proceeding. The Commission also clarifies that SFPP should include an estimate of refunds in the compliance filing specified by Ordering Paragraph B of Opinion No. 522.

The Commission orders:

(A) The request for clarification is granted as discussed in the body of this order.

(B) Ordering Paragraph B of Opinion No. 522 is revised as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁴ Ordering Paragraph B is hereby corrected so that it will end with the phrase “,and an estimate of refunds.” As corrected, Ordering Paragraph B of Opinion No. 522 will read as follows:

SFPP shall file revised East Line rates consistent with this order within 45 days after this order issues, including a supporting cost of service, workpapers, explanatory statements, and any other necessary documentation, and an estimate of refunds.

⁵ *SFPP, L.P.*, 133 FERC ¶ 61,188 (2012).