

141 FERC ¶ 61,206
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 No. IS13-40-000

ORDER ACCEPTING AND SUSPENDING TARIFF RECORDS SUBJECT
TO REFUND AND CONDITIONS

(Issued December 13, 2012)

1. On November 13, 2012, SFPP, L.P. (SFPP) filed revised tariff records modifying its current East Line rates.¹ SFPP requests a waiver of the 30-day notice period² and proposes an effective date of December 1, 2012. The Commission grants waiver and accepts and suspends the proposed tariff records, to be effective December 1, 2012, subject to refund and a further Commission order in this docket pending the outcome of the ongoing proceedings in Docket Nos. IS09-437-000, *et al.*, IS10-572-000, *et al.*, and IS12-390-000, *et al.*

2. The proposed rates decrease SFPP's rates from El Paso, Texas and Diamond Junction, Texas to Lordsburg, New Mexico, Tucson, Arizona and Phoenix, Arizona, as shown in Tariff No. 197.5. SFPP states the proposed rate reductions are consistent with Opinion No. 522, which required SFPP to make a compliance filing consistent with the findings of that order. Concurrently with this filing, on November 13, 2012, SFPP made a compliance filing in Docket Nos. IS09-437-000, *et al.*, and IS10-572-000, *et al.*, (November 13 Compliance Filing) which SFPP states conforms to Opinion No. 522. SFPP states the proposed rates are supported by its November 13 Compliance Filing.

3. On November 28, 2012, HollyFrontier Refining & Marketing, LLC., Valero Marketing and Supply Company, Southwest Airlines Co., US Airways, Inc., and Western Refining Company, L.P. (collectively, "Protesters") filed a joint protest. SFPP filed its answer on December 3, 2012.

¹ SFPP, L.P., FERC Oil Tariff, [SFPP Tariff Database](#), [East Line](#), [FERC 197.5.0](#), [197.5.0](#).

² 49 app. U.S.C. § 6(3); 18 C.F.R. § 341.14 (2012).

4. The Protesters claim the rates reflected in the instant filing may decrease as a result of rehearing and judicial review of the Commission's orders in Docket Nos. IS09-437-000, *et al.*, and IS10-572-000, *et al.*, and the Commission's review of the November 13 Compliance Filing. The Protesters also state the rates reflect the application of the full 2011 and 2012 index-based rate increase under section 342.3 of the Commission's regulations³ and this application of the index adjustments for 2011 and 2012 may be improper. The Protesters also note that the 2012 index adjustment is currently before the Commission on rehearing in Docket No. IS12-390-000, *et al.* Thus, they urge the Commission to make the proposed rates effective subject to refund and the final resolution of all these ongoing proceedings.

5. In its answer, SFPP agrees with the Protesters that these tariff records should be accepted subject to refund and the final outcome of Docket Nos. IS09-437-000, *et al.*, IS10-572-000, *et al.*, and IS12-390-000, *et al.*

6. The Commission accepts and suspends the proposed tariff records, effective December 1, 2012, subject to refund and a further Commission order in this docket pending the resolution of the proceedings in Docket Nos. IS09-437-000, *et al.*, IS10-572-000, *et al.*, and IS12-390-000, *et al.* Pursuant to section 6(3) of the Interstate Commerce Act⁴ and section 341.14 of the Commission regulations,⁵ the Commission grants waiver of the 30-day notice requirement because the proposed rates will result in lower rates for East Line shippers.

The Commission orders:

The tariff records listed in footnote one are accepted and suspended, effective December 1, 2012, subject to refund and a further Commission order in this docket to reflect the ultimate resolution of the proceedings in Docket Nos. IS09-437-000, *et al.*, IS10-572-000, *et al.*, and IS12-390-000, *et al.*

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ 18 C.F.R. § 342.3 (2012).

⁴ 49 app. U.S.C. § 6(3).

⁵ 18 C.F.R. § 341.14.