

141 FERC ¶ 61,245
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

December 20, 2012

In Reply Refer To:
Pelican Gathering Systems, LLC
Docket No. OR13-4-000

Weber Law Firm, LLC
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Attention: Anne D. Weber, Esq.
Attorney for Pelican Gathering Systems, LLC

Reference: Request for Temporary Waiver of Sections 6 and 20 of the Interstate
Commerce Act and Related Commission Regulations

Ladies and Gentlemen:

1. On October 19, 2012, Pelican Gathering Systems, LLC (Pelican) filed a request for temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act (ICA) and Parts 341 and 357 of the Commission's regulations which implement these filing and reporting requirements.¹
2. Pelican states that it will own and operate approximately 85 miles of crude oil gathering pipeline facilities located entirely within North Dakota. Pelican further states that it will transport only the supplies of its affiliate, Slawson Exploration Company, Inc., from the Bakken Shale Formation in North Dakota to rail or other pipeline facilities within North Dakota.

¹49 app. U.S.C. §§ 6 and 20 (1988). Section 6 requires interstate oil pipelines to file all rates, fares, and charges for transportation on their systems, as well as to file copies of contracts with other common carriers for any such traffic. Section 20 authorizes the Commission to require annual or special reports from carriers subject to the ICA. 18 C.F.R. Parts 341, 357 (2012) (implementing the filing and reporting requirements of ICA sections 6 and 20).

3. Pelican asserts that the Commission previously has granted requests for temporary waivers of the filing and reporting requirements of its regulations and sections 6 and 20 of the ICA.² According to Pelican, the Commission granted these waivers based on the following: (1) the pipelines (or their affiliates) own 100 percent of the throughput on the line; (2) there is no demonstrated third-party interest in gaining access to or shipping on the line; (3) no such interest is likely to materialize; and (4) there is no opposition to granting the waivers. Further, states Pelican, the Commission conditioned similar previous waivers by requiring the requesting pipeline company to keep its books and records in a manner consistent with the Commission's Uniform System of Accounts for Oil Pipelines and to make such books and records available to the Commission on request.³

4. Public notice of Pelican's request was issued November 27, 2012, with interventions and protests due as provided in accordance with Rules 211 and 214 of the Commission's regulations.⁴ No interventions or protests were filed.

5. The Commission concludes that, given the physical characteristics of the facilities and the limited nature of the pipeline operations described by Pelican, it meets the criteria necessary to qualify for a temporary waiver consistent with previous Commission's rulings in the cases cited in Footnote No. 2 to this order and other similar cases.

6. Accordingly, the Commission grants Pelican a temporary waiver of the filing and reporting requirements of ICA sections 6 and 20 relating to the pipeline gathering operations described above. Because these waivers are temporary and based solely on the facts presented in the requests for waiver, the Commission also directs Pelican to report immediately to the Commission any change in the circumstances on which these waivers are based. Specifically, Pelican must report any changes including, but not limited to: (1) increased accessibility of other pipelines or refiners to its facilities; (2) changes in the ownership of the facilities; (3) changes in the ownership of the crude

² Pelican cites *Saddle Butte Pipeline, LLC*, 136 FERC ¶ 61,071 (2011); *Sinclair Pipeline Company, L.L.C.*, 134 FERC ¶ 61,077 (2011); *MV Purchasing, LLC*, 133 FERC ¶ 61,251 (2010); *Whiting Oil and Gas Corp.*, 131 FERC ¶ 61,263 (2010); *Parnon Gathering, Inc.*, 129 FERC ¶ 61,273 (2009); *Cimarron Gathering, L.P.*, 126 FERC ¶ 61,017 (2009); *Giant Pipeline Co.*, 120 FERC ¶ 61,275 (2007); *Enbridge Pipelines (NE Texas Liquids) L.P.*, 117 FERC ¶ 61,046 (2006); *Enbridge Pipelines (NE Texas Liquids) L.P.*, 110 FERC ¶ 61,159 (2005); *Ciniza Pipe Line Inc.*, 73 FERC ¶ 61,377 (1995); *Hunt Refining Co.*, 70 FERC ¶ 61,035 (1995); *Sinclair Oil Corp.*, 4 FERC ¶ 62,026 (1978).

³ Pelican cites *Saddle Butte Pipeline, LLC*, 136 FERC ¶ 61,071, at P 2 (2011).

⁴ 18 C.F.R. §§ 385.211 and 385.214 (2012).

oil shipped; and (4) shipment tenders or requests for service by any person. In addition, Pelican must maintain all books and records in a manner consistent with the Uniform System of Accounts for Oil Pipelines, 18 C.F.R. Part 352 (2012), and make such books and records available to the Commission or its duly authorized agents upon request.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.