

142 FERC ¶ 61,023  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

January 8, 2013

In Reply Refer To:  
TC Offshore LLC  
Docket Nos. RP13-365-000  
RP13-365-002

TC Offshore LLC  
Attention: John A. Roscher, Director, Rates & Tariffs  
717 Texas Street Suite 2400  
Houston, TX 77002

Dear Mr. Roscher:

1. On December 3, 2012, TC Offshore LLC (TC Offshore) filed a Lease Dedication Agreement (LDA) with Anadarko US Offshore Corporation (Anadarko) as a non-conforming agreement.<sup>1</sup> TC Offshore states that it and Anadarko have agreed to enter into the LDA, which represents a volume commitment from Anadarko in exchange for a discounted Rate Schedule ITS arrangement with TC Offshore. TC Offshore states that its tariff contains no *pro forma* lease dedication agreement, and therefore it is submitting the LDA as a non-conforming agreement. On December 10, 2012, in Docket No. RP13-365-002, TC Offshore amended the December 3, 2012 tariff filing, stating that it was including the complete transportation agreement with Anadarko as part of the tariff record, and to correct certain Record Plain Text meta data.<sup>2</sup> The tariff records are accepted effective December 3, 2012, as proposed, subject to conditions.

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<sup>1</sup> TC Offshore LLC, FERC NGA Gas Tariff, TC Offshore Tariffs, [PART 1, TABLE OF CONTENTS, 1.0.0, 6.31 - GT&C, Non-Conforming Agreements, 1.0.0](#), and [PART 8, NON-CONFORMING AGREEMENTS, 0.0.0](#).

<sup>2</sup> TC Offshore LLC, FERC NGA Gas Tariff, TC Offshore Tariffs, [8.1 - Non-Conf Agmt, Anadarko US Offshore Corporation Lease Dedication Agmt, 0.2.0](#). See the *Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings*, found on the Commission's website at <http://www.ferc.gov/docs-filing/etariff/implementation-guide.pdf>, for the definition of the Record Plain Text tariff record data element.

2. Public notices of these filings were issued on December 4 and 11, 2012. Interventions and protests were due as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (2012)). Pursuant to Rule 214 (18 C.F.R. § 385.214 (2012)) all timely filed motions to intervene and any unopposed motion to intervene out-of-time filed before the issuance date of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.
3. Section 154.1(d) of the Commission's regulations requires a pipeline to file a contract which materially deviates for the pipeline's form of service agreement.<sup>3</sup> Because TC Offshore has no *pro forma* Lease Dedication Agreement, it must file its individual Lease Dedication Agreements.<sup>4</sup>
4. In its December 3, 2012, transmittal letter in Docket No. RP13-365-000, TC Offshore states that the LDA transportation agreement "represents a volume commitment from Anadarko in exchange for a **discounted** Rate Schedule ITS arrangement with TC Offshore."<sup>5</sup> However, the version of the LDA that TC Offshore proposes to include in its Tariff does not include such a discount. Rather, the Rates section states, "Maximum rates, charges, and fees shall be applicable for the entitlements and quantities delivered pursuant to this Agreement unless Transporter and Shipper have agreed otherwise in the Further Agreement Section of this Agreement."<sup>6</sup> The Further Agreement Section states "None."<sup>7</sup>
5. Accordingly, we accept TC Offshore's filing subject to the condition that, within 30 days, TC Offshore files: (i) a statement explaining that its December 3, 2012, transmittal letter was in error, and Anadarko's rates are not in fact discounted; or (ii) a revised tariff filing that includes any portions of the LDA or ITS service agreement that

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<sup>3</sup> 18 C.F.R. §154.1(d) (2006).

<sup>4</sup> *Discovery Gas Transmission LLC*, 130 FERC ¶ 61,067, at P 8 (2010).

<sup>5</sup> TC Offshore December 3, 2012, Filing in Docket No. RP13-365-000 at 2 (emphasis added).

<sup>6</sup> See TC Offshore December 10, 2012 Filing in Docket No. RP13-365-002, ITS SERVICE AGREEMENT, Contract No. 119883, at § 4.

<sup>7</sup> *Id.* § 7.

TC Offshore omitted from its previous filing, including but not limited to any portions of the LDA or ITS service agreement discussing Anadarko's rates.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.