

142 FERC ¶ 61,225
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 27, 2013

In Reply Refer To:
Ruby Pipeline, L.L.C.
Docket No. RP13-647-000

Ruby Pipeline, L.L.C.
Post Office Box 1087
Colorado Springs, CO 80944

Attention: Ms. M. Catherine Rezendes
Director, Rates, Ruby Pipeline L.L.C.

Reference: Fuel Reimbursement Filing and Limited Waiver Request

Ladies and Gentlemen:

1. On March 1, 2013, Ruby Pipeline, L.L.C. (Ruby) filed revised tariff records¹ to reflect changes to its Fuel Percentage, Lost and Unaccounted for (L&U) Percentage, and its Electric Power Cost (EPC) rate. Ruby requests a limited waiver of section 13 and section 28 of the General Terms and Conditions (GT&C) of its tariff, so that it may calculate these rates by (a) offsetting the prior period net L&U over-collection against the prior period Fuel Percentage under-collection and (b) deferring recovery of a portion of its prior period Fuel Percentage and EPC under-collections. As discussed below, we grant Ruby's request for limited waiver of its tariff.

2. Sections 13 and 28 of Ruby's GT&C require Ruby to adjust its Fuel Percentage, L&U Percentage, and its EPC rate at least once every three months. Ruby states that due to the dynamics of the California electric market and the winter heating season, it experienced high fuel and electric usage during the October 1, 2012, to December 31, 2012 Data Collection Period used as the basis for this filing. Because Ruby had established lower fuel collection and EPC rates in its prior quarterly filings, Ruby experienced an under-collection of both the fuel and the EPC during the Data Collection Period. In contrast, Ruby experienced an

¹ Ruby Pipeline, L.L.C., FERC NGA Gas Tariff, Ruby Tariff, [Part II: Stmt. of Rates, Section 1 - Service Rates, 6.0.0](#), [Part II: Stmt. of Rates, Section 2 - Fuel and L&U Rates, 6.0.0](#).

over-collection of L&U.² Under Ruby's tariff, under-collections and over-recollections from prior periods are to be addressed using a true-up in Ruby's subsequent quarterly rate filings.

3. In order to moderate the increases in Fuel Percentages and EPC rates resulting from the true-up of past under-recoveries, Ruby requests a limited waiver of sections 13 and 28 of its tariff. First, Ruby requests a waiver of these tariff sections to defer 320,000 Dth of the fuel under-collection and \$700,000 of EPC under-collection. These sums represent approximately half of the under-collections. Ruby states that it will recover these deferred under-collections in subsequent filings. Ruby also seeks waiver of its tariff in order to net the over-collection of L&U with the under-collections of fuel pursuant to its Fuel Percentage.

4. Consistent with its tariff and these waivers, Ruby proposes a fuel reimbursement percentage of 0.30 percent and an L&U Retention Percentage of 0.00%. Ruby also proposes a total EPC rate of \$0.040 per Dth. Ruby's filing also includes its Operational Purchases and Sales report for the Data Collection Period.

5. Public notice of the filing was issued on March 4, 2013. 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.

6. Based upon our review of the filing and Ruby's request for limited waiver, the Commission accepts the tariff records listed in footnote No. 1 effective April 1, 2013. The Commission finds that good cause exists to grant limited waiver of sections 13 and 28 of Ruby's GT&C so that, in calculating the rates in this filing, Ruby may (a) offset the net L&U over-collection against the Fuel Percentage

² Ruby states that it has experienced negative L&U quantities in ten of the past twelve months and it continues to investigate possible causes for what it characterizes as a temporary problem.

under-collection during the Data Collection Period and (b) defer recovery of a portion of Ruby's Fuel Percentage and EPC under-collections from the Data Collection Period.

By direction of the Commission. Chairman Wellinghoff is not participating.

Kimberly D. Bose,
Secretary.