

143 FERC ¶ 61,290
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

June 28, 2013

In Reply Refer To:
National Fuel Gas Distribution
Corporation
Docket No. PR13-35-000

National Fuel Gas Distribution Corporation
6363 Main Street
Williamsville, NY 14221

Attention: Randy C. Rucinski, Esq.

Dear Mr. Rucinski:

1. On February 12, 2013, pursuant to sections 284.123(b)(2) and 284.123(e) of the Commission's regulations,¹ National Fuel Gas Distribution Corporation (National Fuel) filed a revised Statement of Operating Conditions (SOC)² to modify its existing Order No. 63 blanket certificate transportation rates.³ National Fuel states that it is a local distribution company which has two geographical divisions, one regulated by the New York Public Service Commission and the other regulated by the Pennsylvania Public Service Commission. Specifically, National Fuel states that its proposed maximum transportation rate for transportation service provided in New York is \$0.3626 per Mcf, and that its proposed maximum transportation rate for Pennsylvania is \$0.4543 per Mcf. Also, National Fuel proposes a minimum transportation rate for both New York and Pennsylvania of \$0.10 per Mcf. Lastly, National Fuel requests approval to charge rates between the maximum and minimum rate so National Fuel can provide a discount rate if necessary to meet competitive conditions.

¹ 18 C.F.R. §§ 284.123(b)(2) and 284.123(e) (2012).

² National Fuel Gas Distribution Corporation, FERC NGPA Gas Tariff, National Fuel Gas Distribution Corporation Statement of Operating Conditions, Section X-A, Statement of Rates, 2.0.0.

³ *National Fuel Gas Distribution Corp.*, 16 FERC ¶ 62,269 (1981).

2. Public notice of National Fuel's filing was issued on February 21, 2013 with interventions and protests due on or before February 27, 2013. Pursuant to Rule 214,⁴ 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. Based on our review of the petition, the Commission finds National Fuel's proposed transportation rates to be fair and equitable and not in excess of an amount that an interstate pipeline would be permitted to charge for comparable service. Therefore, National Fuel's rate petition and revised SOC are accepted and approved to become effective on February 12, 2013 as proposed, subject to the condition noted below.

4. On or before February 12, 2018,⁵ National Fuel must file with the Commission either: (a) an application pursuant to 18 C.F.R. § 284.123(b)(1) seeking to establish its cost-based state commission approved transportation rates as it rates for interstate transportation services provided under its Order No. 63 blanket certificate; or (b) a filing with cost, throughput, revenue, and other data, in the form specified in section 154.313 of the Commission's regulations,⁶ to allow the Commission to determine whether any change in National Fuel's interstate transportation rates is required pursuant to section 5 of the Natural Gas Act. National Fuel may file a petition for rate approval under section 284.123(b)(2) of the Commission's regulations to establish new maximum rates at any time within the five-year period to fulfill this periodic rate review requirement.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁴ 18 C.F.R. § 385.214 (2012).

⁵ *Contract Reporting Requirements of Intrastate Natural Gas Companies*, Order No. 735, FERC Stats. & Regs. ¶ 31,310, *order on reh'g*, Order No. 735-A, FERC Stats. & Regs. ¶ 31,318 (2010); *see also Hattiesburg Industrial Gas Sales, L.L.C.*, 134 FERC ¶ 61,236 (2011) (imposing a five year rate review requirement on Hattiesburg Industrial Gas Sales, L.L.C. in an order approving Hattiesburg's multiple revisions to its SOC).

⁶ 18 C.F.R. § 154.313 (2012).