

140 FERC ¶ 61,021
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

July 12, 2012

In Reply Refer To:
Ryckman Creek Resources, LLC
Docket No. RP12-805-000

Locke Lord LLP
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Attention: Thomas E. Knight
Attorney for Ryckman Creek Resources, LLC

Reference: Non-Conforming Agreements

1. On June 15, 2012, Ryckman Creek Resources, LLC (Ryckman) filed tariff records¹ reflecting three non-conforming Firm Storage Service Agreements and certain revisions to its pending FERC Gas tariff. The public copies of each Exhibit A to the respective service agreements have been redacted to eliminate pricing and certain other terms agreed to by the parties. Ryckman requests the Commission accept the agreements and tariff revisions, to be effective on the later of July 16, 2012, or the date that Ryckman's facilities go into service. We accept the tariff records to be effective the later of July 16, 2012, or the date Ryckman's facilities go into service, subject to Ryckman re-filing the agreements with all pertinent information on each Exhibit A made public within 15 days after the first nomination for service under the agreements.

¹ Ryckman Creek Resources, LLC, FERC NGA Gas Tariff, FERC Gas Tariff, [Section 1, Table of Contents, 2.0.0](#); [Section 5.1, FSS - Firm Storage Service, 2.0.0](#); [Section 7.2, FSS - Firm Storage Service, 2.0.0](#); [Section 8, List of Non-Conforming Agreement, 1.0.0](#); [Section 8.1, Anadarko Agreement, 1.0.0](#); [Section 8.2, Questar Agreement, 1.0.0](#); and [Section 8.3, Sequent Agreement, 1.0.0](#).

2. On July 28, 2011, the Commission issued a Certificate Order² authorizing Ryckman to construct and operate its underground gas storage project facilities. The Commission found that Ryckman's proposed *pro forma* tariff sheets generally complied with Commission regulations and directed Ryckman to file actual tariff records at least 60 days prior to the commencement of service. On May 15, 2012, in Docket No. RP12-733-000, Ryckman filed a baseline electronic tariff in the format required by Order No. 714³ and Part 154 of the Commission's regulations.

3. Ryckman requests that the Commission accept the deviations contained in the non-conforming agreements submitted with Sequent Energy Management, L.P., Questar Gas Company, and Anadarko Energy Services Company. In addition, Ryckman requests privileged treatment pursuant to 18 C.F.R. § 388.112 of the pricing terms and storage ratchets set forth in each Exhibit A to the respective agreements. Ryckman states that the pricing terms are unrelated to the material deviations in the agreements and that consistent with 18 C.F.R. § 284.13(b) it will make a posting of such information on its website at or before the time it accepts the first nomination for service under each service agreement.

4. When a pipeline files non-conforming agreements, the Commission is willing to consider a request, pursuant to section 388.112 of our regulations,⁴ for privileged treatment of commercially sensitive portions of the agreement which are unrelated to consideration of the material deviation. For example, the rate agreed to between the parties is generally not itself a material deviation and is generally not relevant to consideration of whether the material deviation should be permitted. Order No. 637-A permitted pipelines to delay posting transactional information, including the rate, until the first nomination for service in order to minimize any adverse competitive effects on the pipeline from the release of such information immediately upon execution of the contract.⁵ Therefore, the

² *Ryckman Creek Resources, LLC*, 136 FERC ¶ 61,061 (2011) (Certificate Order), *reh'g denied and clarification granted*, 138 FERC ¶ 61,097 (2012).

³ *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

⁴ 18 C.F.R. § 388.112 (2012).

⁵ *Regulation of Short-Term Natural Gas Transp. Servs. & Regulation of Interstate Natural Gas Transp. Servs.*, FERC Stats. and Regs., Regulations Preambles July 1996-December 2000 ¶ 31,091 (Order No. 637), *order on reh'g*, FERC Stats. and Regs., Regulations Preambles July 1996-December 2000

(continued...)

Commission will approve the non-conforming provisions, subject to Ryckman Filing revised tariff records with complete, unredacted copies of the full agreements, within 15 days of the first nomination for service under the agreements.⁶

5. Public notice of the filing was issued on June 18, 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.

6. Accordingly, Ryckman is directed to re-file each of the agreements with all pertinent information made public within 15 days after the first nomination for service under the agreements.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

¶ 31,099, at 31,613 (Order No. 637-A), *order on reh'g*, Order No. 637-B, 92 FERC ¶ 61,062 (2000) (Order No. 637-B), *aff'd in part and remanded in part*, *Interstate Natural Gas Assoc. of Am. v. FERC*, 283 F.3d 18 (D.C. Cir. 2002).

⁶ 18 C.F.R § 154.112(b).