

169 FERC ¶ 61,242
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick and Bernard L. McNamee.

Southwest Gas Storage Company

Docket No. RP19-257-008

ORDER GRANTING REQUEST FOR CLARIFICATION

(Issued December 23, 2019)

1. On October 29, 2019, the Commission approved an Offer of Settlement (Settlement) filed by Southwest Gas Storage Company (Southwest Gas Storage)¹ pursuant to Rule 602 of the Commission’s Rules of Practice and Procedure.² In response, on November 15, 2019, Southwest Gas Storage filed its “Request For Expedited Clarification, Or, In the Alternative, Rehearing.”³ Southwest Gas Storage contends that clarification is needed to ensure that “an incorrect interpretation” regarding the effective date of the Settlement does not modify the terms of the Settlement.⁴ As explained below, we grant the requested clarification.

2. Southwest Gas Storage’s request for clarification concerns the timing of the effective date of the Settlement. In the Order Approving Settlement, the summary of Article VI of the Settlement provides that the Settlement “shall become effective on the first day of the first month following the date on which a Commission order approves the Settlement.”⁵ However, Article VI of the Settlement states that the Settlement becomes “effective upon the first day of the first month following the date on which a Commission order approving this Settlement, without modification or conditions *becomes final*

¹ *Southwest Gas Storage Co.*, 169 FERC ¶ 61,078 (2019) (Order Approving Settlement).

² 18 C.F.R. § 385.602 (2019).

³ Southwest Gas Storage November 15, 2019 Request for Expedited Clarification Or, In The Alternative, Rehearing (Request for Clarification).

⁴ *Id.* at 3.

⁵ *Id.* at 2 (citing Order Approving Settlement, 169 FERC ¶ 61,078 at P 8).

(‘Effective Date’).”⁶ Southwest Gas Storage seeks clarification that the language in Article VI of the Settlement, rather than the summary in the Order Approving Settlement, applies.⁷ We agree and clarify that, in accordance with the terms of Article VI of the Settlement, the effective date of the Settlement is tied to the date on which the Commission’s order approving the Settlement becomes final.

The Commission orders:

The request for clarification is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁶ Settlement, art. VI (emphasis added).

⁷ Southwest Gas Storage notes that pursuant to the express terms of the Settlement, the Settlement becomes effective on December 1, 2019. Southwest Gas Storage argues that, without the requested clarification, the Order Approving Settlement could lead to an incorrect interpretation that the Settlement becomes effective on November 1, 2019. Request for Clarification at 2-3.