

170 FERC ¶ 61,162  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

February 27, 2020

In Reply Refer To:  
Columbia Gulf Transmission, LLC  
Docket No. RP20-540-000

Columbia Gulf Transmission, LLC  
700 Louisiana Street  
Suite 700  
Houston, TX 77002-2700

Attention: John A. Roscher, Director, Rates & Tariffs

Dear Mr. Roscher:

1. On February 21, 2020, Columbia Gulf Transmission, LLC (Columbia Gulf) filed an expedited request for waiver to allow it to defer its annual Transportation Retainage Adjustment (TRA) filing otherwise required by February 28, 2020, to become effective April 1, 2020. Columbia Gulf states that a waiver will allow it and its shippers to finalize a settlement of Columbia Gulf's two prior TRA filings that are currently in hearing. For good cause shown we grant a temporary waiver of Columbia Gulf's tariff.
2. Public notice of the filing was issued on February 24, 2020. Interventions and protests were due by February 27, 2020. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2019)), 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 32.2 of the General Terms and Conditions (GT&C) of Columbia Gulf's tariff requires Columbia Gulf to file its annual TRA on or before March 1 to become effective April 1. Columbia Gulf's two prior TRA filings were set for hearing and are currently pending before a settlement judge. In Docket No. RP19-211-000, Columbia Gulf made a Periodic TRA Filing to address an ongoing and substantial under-recovery of the gas retained from customers to operate Columbia Gulf's system. Columbia Gulf proposed to increase the percentage of Company-Use Gas (CUG) in the Retainage Percentage that Columbia Gulf collects from customers under certain rate schedules, to become effective December 1, 2018. Columbia Gulf also proposed to retain CUG

on its Mainline solely from shippers using the system in the north-to-south direction. On November 29, 2018, the Commission issued an order accepting and suspending the tariff records filed as part of the Periodic TRA Filing to be effective December 1, 2018, subject to the outcome of a technical conference.<sup>1</sup>

4. In Docket No. RP19-787-000, Columbia Gulf filed to revise its annual TRA rates. In the Annual TRA Filing, Columbia Gulf maintained its proposal to assess Mainline CUG charges only on north-to-south shippers. On March 27, 2019, the Commission issued an order accepting and suspending the tariff record, to be effective April 1, 2019, subject to refund and the outcome of the technical conference in Docket No. RP19-211-000.<sup>2</sup> On December 6, 2019, the Commission issued an order following the technical conference that established hearing procedures to address both Columbia Gulf's Periodic TRA Filing and 2019 Annual TRA Filing.<sup>3</sup>

5. On January 7, 2020, the Chief Administrative Law Judge issued an order designating a Settlement Judge, and the participants in these proceedings agreed to engage in settlement discussions to resolve the outstanding issues.

6. In support of its requested waiver, Columbia Gulf states that allowing it to defer the filing of its upcoming Annual TRA Filing will enable the participants to continue settlement negotiations with the goal of finalizing and filing a settlement so that any agreed-upon retainage methodology can be implemented in the next Annual TRA Filing. Columbia Gulf states that, although it requests a waiver to permit a deferral in filing the Annual TRA filing, it is also committed to making a *pro forma* TRA filing under GT&C Section 32.2 with the Commission within 10 days of an order approving a settlement agreement in Docket Nos. RP19-211-000 and RP19-787-000, so that any changes to the TRA methodology can be implemented upon the effective date of such a settlement.

7. Columbia Gulf states that if a settlement is not filed or approved, it will make a TRA filing as soon as reasonably practicable. Columbia Gulf states that all participants, including Commission Trial Staff, at an informal settlement conference held on February 21, 2020, agreed to either support or not oppose the requested waiver.

8. We find good cause to grant the requested temporary waiver of Columbia Gulf's tariff because the settlement negotiations could result in the resolution of the fuel costs issue on Columbia Gulf's system. However, Columbia Gulf's waiver request filing does not provide a specific time period for its requested waiver. Columbia Gulf requests only

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<sup>1</sup> *Columbia Gulf Transmission, LLC*, 165 FERC ¶ 61,181 (2018).

<sup>2</sup> *Columbia Gulf Transmission, LLC*, 166 FERC ¶ 61,230 (2019).

<sup>3</sup> *Columbia Gulf Transmission, LLC*, 169 FERC ¶ 61,192 (2019).

that the waiver extend 10 days after an order approving a settlement agreement in the subject dockets or in the alternative, if no settlement is reached or approved, Columbia Gulf states that it will make a TRA filing as soon as reasonably practicable. Although we believe that Columbia Gulf has shown good cause for its waiver, we will not grant such a waiver on an open-ended basis such as that requested by Columbia Gulf. Accordingly, we grant Columbia Gulf a limited waiver of GT&C Section 32.2 to allow Columbia Gulf to defer filing its annual TRA to the earlier of 120 days from the date of this order or within 10 days of the Commission's approval of a settlement in the subject dockets.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.