

170 FERC ¶ 61,178
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

March 3, 2020

In Reply Refer To:
Enable Mississippi River
Transmission, LLC
Docket No. RP20-507-000

Enable Mississippi River Transmission, LLC
910 Louisiana Street
48th Floor
Houston, TX 77002

Attention: Lisa D. Yoho, Sr. Director
Regulatory & FERC Compliance

Dear Ms. Yoho:

1. On February 7, 2020, Enable Mississippi River Transmission, LLC (MRT) filed tariff records¹ containing a negotiated rate agreement between MRT and Elementis Specialties, Inc. MRT requests waiver of the Commission's 30-day notice requirement in 18 C.F.R. § 154.207 so that the tariff records may become effective January 1, 2019 and January 1, 2020, as indicated in the Appendix. MRT filed the negotiated rate agreement to implement settlements submitted in Docket Nos. RP18-923-007 (2018 Rate Case Settlement) and RP20-212-000 (2019 Rate Case Settlement). Waiver of the Commission's 30-day notice requirement is granted, and we accept and suspend the referenced tariff records to be effective January 1, 2019 and January 1, 2020, subject to the outcome of the 2018 Rate Case Settlement and the 2019 Rate Case Settlement, as discussed below.

2. On June 29, 2018, in Docket No. RP18-923-000, MRT filed a general rate case pursuant to section 4 of the Natural Gas Act (NGA), as it was obliged to do under an earlier settlement in Docket No. RP12-955-000.² As part of this general NGA section 4

¹ See Appendix.

² *Enable Miss. River Transmission, LLC*, 144 FERC ¶ 61,230 (2013) (order on 2013 settlement).

rate case, MRT proposed rate increases, modifications to certain rate schedules, and various other changes to the General Terms and Conditions of its tariff. On July 31, 2018, the Commission accepted and suspended the NGA section 4 rate case tariff records to be effective January 1, 2019, subject to refund, conditions, and the outcome of a hearing on rate-related issues and a technical conference on non-rate related issues.³

3. On December 31, 2018, the Commission accepted in part MRT's tariff proposals that were examined at the September 19, 2018 technical conference, rejected other tariff proposals as unjust and unreasonable, and set certain tariff proposals for hearing and settlement judge procedures in the ongoing hearing in Docket No. RP18-923-000.⁴

4. MRT notified the presiding Administrative Law Judge and the Chief Judge on September 26, 2019 that it had agreed to principles of settlement endorsed, or not opposed, by at least 94 percent of its subscribed firm service shippers and that it expected to file a settlement no later than November 1, 2019. MRT stated that it subsequently negotiated additional support for the settlement. On November 1, 2019, in anticipation of the 2018 Rate Case Settlement, MRT filed negotiated rate agreements to be effective January 1, 2019 with two of its customers, Union Electric Company (Ameren Missouri) in Docket No. RP20-196-000 and CenterPoint Energy Resources Corporation in Docket No. RP20-197-000.

5. On October 30, 2019, MRT filed another general NGA section 4 rate case in Docket No. RP20-131-000 (2019 Rate Case). On November 5, 2019, MRT filed with the presiding Administrative Law Judge the 2018 Rate Case Settlement addressing issues raised in the ongoing 2018 Rate Case proceeding. On November 6, 2019, MRT filed an additional negotiated rate agreement with Spire Missouri Inc. in Docket No. RP20-201-000 and also filed with the Commission the 2019 Rate Case Settlement in Docket No. RP20-212-000 to resolve the 2019 Rate Case.

6. On November 26, 2019, the Commission issued an order that accepted and suspended the tariff records in the 2019 Rate Case in Docket No. RP20-131-000, subject to refund, the outcome of hearing procedures established therein, and the outcome of the 2018 Rate Case Settlement and the 2019 Rate Case Settlement in Docket No. RP20-212-000.⁵ Also on November 26, 2019, the Commission accepted and suspended the

³ *Enable Miss. River Transmission, LLC*, 164 FERC ¶ 61,075 (2018).

⁴ *Enable Miss. River Transmission, LLC*, 165 FERC ¶ 61,285 (2018).

⁵ *Enable Miss. River Transmission, LLC*, 169 FERC ¶ 61,163 (2019).

negotiated rate agreements filed in Docket Nos. RP20-196-000, RP20-197-000, and RP20-201-000, subject to the outcome of the 2018 and 2019 Rate Case Settlements.⁶

7. On December 12, 2019, MRT filed a Supplement to the 2019 Rate Case Settlement, and on December 13, 2019, MRT filed a Supplement to the 2018 Rate Case Settlement. MRT stated that these supplements include agreements among participants to the settlements that reflect 100% of the subscribed firm transmission service entitlements of parties to the two settlements.

8. Public notice of MRT's filing was issued on February 10, 2020. Interventions and protests were due as provided in section 154.210 of the Commission's regulations.⁷ Pursuant to Rule 214,⁸ all timely-filed motions to intervene and any unopposed motions to intervene filed out-of-time 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.

9. In the November 26, 2019 Order, the Commission accepted and suspended negotiated rate agreements, effective January 1, 2019, that were filed to implement the 2018 and 2019 Rate Case Settlements, subject to the outcome of the Commission's review of the settlements.⁹ Similarly, in this proceeding, MRT has filed an additional negotiated rate agreement to implement the 2018 and 2019 Rate Case Settlements (as supplemented by the December 12 and December 13, 2019 filings), to be effective January 1, 2019, before the Commission has had the opportunity to act on the 2018 and 2019 Rate Case Settlements. In this order, we affirm and adopt the analysis set forth in the November 26, 2019 Order and accept and suspend the proposed tariff records listed in the Appendix to be effective January 1, 2019 and January 1, 2020, subject to the outcome of the 2018 Rate Case Settlement and 2019 Rate Case Settlement.¹⁰ Because the negotiated rate agreement implements the terms of the 2018 and 2019 Rate Case

⁶ *Enable Miss. River Transmission, LLC*, 169 FERC ¶ 61,164 (2019) (November 26, 2019 Order).

⁷ 18 C.F.R. § 154.210 (2019).

⁸ 18 C.F.R. § 385.214 (2019).

⁹ November 26, 2019 Order, 169 FERC ¶ 61,164 at P 6.

¹⁰ *Id.* PP 7-8.

Settlements, we also grant the unopposed waiver of the 30-day notice requirement to permit the uncontested negotiated rate agreement to take effect as indicated in the Appendix.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

Appendix

Enable Mississippi River Transmission, LLC
FERC NGA Gas Tariff
Tariff Database

Tariff record accepted and suspended effective January 1, 2019, subject to conditions:

[Section 2.56, Elementis Specialties, Inc. TSA No. 226 \(RS FTS\), 0.0.0](#)

Tariff record accepted and suspended effective January 1, 2020, subject to conditions:

[Section 1.0, Table of Contents, 22.0.0](#)