131 FERC ¶ 61,150
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Part 284

[Docket No. RM09-2-000; Order No. 735]

Contract Reporting Requirements of Intrastate Natural Gas Companies

(Issued May 20, 2010)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule

SUMMARY: In this Final Rule, the Commission revises the contract reporting requirements for those natural gas pipelines that fall under the Commission's jurisdiction pursuant to section 311 of the Natural Gas Policy Act or section 1(c) of the Natural Gas Act. The Final Rule revises § 284.126(b) and replaces Form No. 549 – Intrastate Pipeline Annual Transportation Report with the new Form No. 549D – Quarterly Transportation and Storage Report for Intrastate Natural Gas and Hinshaw Pipelines. The Final Rule makes changes so as to (1) increase the reporting frequency from annual to quarterly, (2) include certain additional types of information and cover storage transactions as well as transportation transactions, (3) establish a procedure for the Form No. 549D reports to be filed in a uniform electronic format and posted on the Commission's web site, (4) and hold that those reports must be public and may not be filed with information redacted as privileged. The Commission is also modifying its policy concerning periodic reviews of the rates charged by section 311 and Hinshaw pipelines to extend the cycle for such reviews from 3 years to 5 years.

EFFECTIVE DATE: This rule will become effective **April 1, 2011.**

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SUPPLEMENTARY INFORMATION:

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Before Commissioners: Jon Wellinghoff, Chairman;
Marc Spitzer, Philip D. Moeller,
and John R. Norris.

Contract Reporting Requirements of Intrastate Natural Gas Companies — Docket No. RM09-2-000

ORDER NO. 735

FINAL RULE

(Issued May 20, 2010)

Paragraph Numbers

I. <u>Introduction and Summary</u>

1. In this Final Rule, the Commission revises the contract reporting requirements for (1) intrastate natural gas pipelines[1] providing interstate transportation service pursuant to pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA)[2] and (2) Hinshaw pipelines providing interstate service subject to the Commission's Natural Gas Act (NGA) section 1(c) jurisdiction pursuant to blanket certificates issued under § 284.224 of the Commission's regulations.[3] The revised reporting requirements are intended to increase market transparency, without imposing unduly burdensome requirements on the pipelines. Specifically, the Final Rule revises § 284.126(b) and replaces Form No. 549 – Intrastate Pipeline Annual Transportation Report with the new Form No. 549D, so as to (1) increase the reporting frequency from annual to quarterly, (2) include certain additional types of information and cover storage transactions as well as transportation

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[1] Pursuant to section 2(16) of the NGPA, 15 U.S.C. 3301(16), the term "intrastate pipeline" may refer to all entities engaged in natural gas transportation under section 311 of the NGPA or section 1(c) of the NGA. For consistency, this Final Rule will also use the terms "transportation," "pipeline," and "shippers" to refer inclusively to storage activity (except where noted).

[2] 15 U.S.C. 3372.

[3] Section 1(c) of the NGA exempts from the Commission's NGA jurisdiction those pipelines which transport gas in interstate commerce if (1) they receive natural gas at or within the boundary of a state, (2) all the gas is consumed within that state and (3) the pipeline is regulated by a state Commission. This exemption is referred to as the Hinshaw exemption after the Congressman who introduced the bill amending the NGA to include section 1(c). <u>See ANR Pipeline Co. v. Federal Energy Regulatory Comm'n</u>, 71 F.3d 897, 898 (1995) (briefly summarizing the history of the Hinshaw exemption).

transactions,[4] (3) establish a procedure for Form No. 549D to be filed in a uniform electronic format and posted on the Commission's web site, and (4) hold that those reports must be public and may not be filed with information redacted as privileged. The Commission is also modifying its policy concerning periodic reviews of the rates charged by section 311 and Hinshaw pipelines to extend the cycle for such reviews from 3 years to 5 years.

II. Background

A. Current Reporting Requirements

2. NGPA section 311 authorizes the Commission to allow intrastate pipelines to transport natural gas "on behalf of" interstate pipelines or local distribution companies served by interstate pipelines "under such terms and conditions as the Commission may prescribe."[5] NGPA section 601(a)(2) exempts transportation service authorized under NGPA section 311 from the Commission's NGA jurisdiction. Congress adopted these provisions in order to eliminate the regulatory barriers between the intrastate and interstate markets and to promote the entry of intrastate pipelines into the interstate market. Such entry eliminates the need for duplication of facilities between interstate and

[4] This Final Rule does not eliminate or revise § 284.126(c) and the corresponding Form No. 537, which require a semi-annual storage report.

[5] 15 U.S.C. 3371(c).

intrastate pipelines.[6] Shortly after the adoption of the NGPA, the Commission authorized Hinshaw pipelines to apply for NGA section 7 certificates, authorizing them to transport natural gas in interstate commerce in the same manner as intrastate pipelines may do under NGPA section 311.[7]

3. Subpart C of the Commission's Part 284 open access regulations (18 CFR § 284.121-126) implements the provisions of NGPA section 311 concerning transportation by intrastate pipelines. Those regulations require that intrastate pipelines performing interstate service under NGPA section 311 must do so on an open access basis.[8] However, consistent with the NGPA's goal of encouraging intrastate pipelines to provide interstate service, the Commission has not imposed on intrastate pipelines all of the Part 284 requirements imposed on interstate pipelines.[9] For example, when the Commission first adopted the Part 284 open access regulations in Order No. 436, the Commission exempted intrastate pipelines from the requirement that they offer open

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[6] EPGT Texas Pipeline, 99 FERC ¶ 61,295 at 62,252-3 (2002).

[7] Certain Transportation, Sales, and Assignments by Pipeline Companies not Subject to Commission Jurisdiction Under Section 1(c) of the Natural Gas Act, Order No. 63, FERC Stats. & Regs. ¶ 30,118, at 30,824-25 (1980).

[8] See 18 CFR §§ 284.7(b), 284.9(b) and 284.122.

[9] Associated Gas Distributors v. FERC, 824 F.2d 981, 1002-1003 (D.C. Cir. 1987) (AGD); Mustang Energy Corp. v. Federal Energy Regulatory Comm'n, 859 F.2d 1447, 1457 (10th Cir. 1988), cert. denied, 490 U.S. 1019 (1988); see also EPGT Texas Pipeline, 99 FERC ¶ 61,295 (2002).

access service on a firm basis.[10] The Commission found that requiring intrastate pipelines to offer firm service to out-of-state shippers could discourage them from providing any interstate service, because such a requirement could progressively turn the intrastate pipeline into an interstate pipeline against its will and against the will of the responsible state authorities. Similarly, Order No. 636-B exempted intrastate pipelines from the requirements of Order No. 636.[11] Those requirements included capacity release, electronic bulletin boards (now internet websites), and flexible receipt and delivery points.

4. Section 284.224 of the regulations provides for the issuance of blanket certificates to Hinshaw pipelines to provide open access transportation service "to the same extent that, and in the same manner" as intrastate pipelines are authorized to perform such service by Subpart C.

5. The Commission currently has less stringent transactional reporting requirements for NGPA section 311 intrastate pipelines and Hinshaw pipelines, than for interstate

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[10] Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, Order No. 436, FERC Stats. & Regs. ¶ 30,665, at 31,502 (1985).

[11] Pipeline Service Obligations, and Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulations; Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, Order No. 636-B, 61 FERC ¶ 61,272, at 61,992 n.26 (1992), order on reh'g, 62 FERC ¶ 61,007 (1993), aff'd in part and remanded in part sub nom. United Distribution Cos. v. FERC, 88 F.3d 1105 (D.C. Cir. 1996), order on remand, Order No. 636-C, 78 FERC ¶ 61,186 (1997).

pipelines. In Order No. 637,[12] the Commission revised the reporting requirements for interstate pipelines in order to provide more transparent pricing information and to permit more effective monitoring for the exercise of market power and undue discrimination. As adopted by Order No. 637, § 284.13(b) requires interstate pipelines to post on their internet websites basic information on each transportation and storage transaction with individual shippers, including revisions to a contract, no later than the first nomination under a transaction. This information includes:

- The name of the shipper
- The contract number (for firm service)
- The rate charged
- The maximum rate
- The duration (for firm service)
- The receipt and delivery points and zones covered
- The quantity of natural gas covered

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[12] Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services, Order No. 637, FERC Stats. & Regs. ¶ 31,091, clarified, Order No. 637-A, FERC Stats. & Regs. ¶ 31,099, reh'g denied, Order No. 637-B, 92 FERC ¶ 61,062 (2000), aff'd in part and remanded in part sub nom. Interstate Natural Gas Ass'n of America v. FERC, 285 F.3d 18 (D.C. Cir. 2002), order on remand, 101 FERC ¶ 61,127 (2002), order on reh'g, 106 FERC ¶ 61,088 (2004), aff'd sub nom. American Gas Ass'n v. FERC, 428 F.3d 255 (D.C. Cir. 2005).

- Any special terms or details, such as any deviations from the tariff
- Whether any affiliate relationship exists.

6. Section 284.13(c) of the Commission's regulations also requires interstate pipelines to file with the Commission on the first business day of each calendar quarter an index of its firm transportation and storage customers and to publish the same information on their websites. The information required to be included in the Index of Customers does not include the rates paid by the customers. Section 284.13(e) requires interstate pipelines to file semi-annual reports of their storage injection and withdrawal activities, including the identities of the customers, the volumes injected into and withdrawn from storage for each customer and the unit charge and total revenues received. Order No. 637 did not modify the reporting requirements for NGPA section 311 intrastate pipelines and Hinshaw pipelines provided in § 284.126(b) and (c) of the Commission's regulations.

7. Section 284.126(b) of the Commission's regulations requires intrastate pipelines to file with the Commission annual reports of their transportation transactions, but not their storage transactions. Those Form No. 549 reports must include the following information:

- The name of the shipper receiving transportation service
- The type of service performed (i.e. firm or interruptible)

- The total volumes transported for the shipper, including for firm service a separate statement of reservation and usage quantities
- Total revenues received for the shipper, including for firm service a separate statement of reservation and usage revenues.

8. Unlike the interstate pipelines' reporting requirement (§ 284.13(b)), the current version of § 284.126(b) does not require intrastate pipelines to include in these Form No. 549 reports the rate charged under each contract, the duration of the contract, the receipt and delivery points and zones or segments covered by each contract, whether the contract includes any special terms and conditions, and whether there is an affiliate relationship between the pipeline and the shipper.

9. Section 284.126(c) requires Section 311 intrastate pipelines and Hinshaw pipelines to file Form No. 537, a semi-annual report of their storage activity, within 30 days of the end of each complete storage and injection season. This requirement is substantially the same as the § 284.13(e) requirement that interstate pipelines file such semi-annual reports of their storage activity.

B. The NOPR

10. In November 2008, the Commission issued a Notice of Inquiry (NOI), requesting comments on whether the Commission should impose additional reporting requirements

on NGPA section 311 intrastate pipelines and on Hinshaw pipelines.[13] The NOI stated that, in a contemporaneous order, the Commission was denying a request by interstate storage provider with market based rates[14] for waiver of the requirements that interstate pipelines post the rates charged in firm and interruptible transactions no later than first nomination for service. In that order, the Commission held that the fact some interstate storage companies have been authorized to charge market-based rates does not justify exempting them from the requirements in section 284.13(b) that they post the rates charged in each storage transaction. The SGRM order held that the existing posting requirements for interstate pipelines are necessary to provide shippers with the price transparency they need to make informed decisions, and the ability to monitor transactions for undue discrimination and preference.[15] The Commission also found that the requested exemption would be contrary to NGA section 4(c)'s requirement that "every natural gas company . . . keep open . . . for public inspection . . . all rates."[16]

11. However, in recognition of interstate storage providers' concern about the competitive effects of the disparate reporting requirements for interstate pipelines and

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[13] Contract Reporting Requirement of Intrastate Natural Gas Companies, FERC Stats. & Regs. ¶ 35,559 (2008).

[14] SG Resources Mississippi, L.L.C. (SGRM).

[15] SGRM, 125 FERC ¶ 61,191 (2008).

[16] 15 U.S.C. 717c(c).

section 311 intrastate pipelines, the NOI stated that the Commission was interested in exploring (1) whether the disparate reporting requirements for interstate and intrastate pipelines have an adverse competitive effect on the interstate pipelines and (2) if so, whether the Commission should modify the posting requirements for Section 311 intrastate pipelines and Hinshaw pipelines in order to make them more comparable to the § 284.13(b) posting requirements for interstate pipelines. Accordingly, the Commission sought comments to assist it in evaluating whether changes in the Commission's posting requirements should be considered in order to remove any competitive disadvantage for interstate pipelines, as compared to intrastate pipelines providing interstate transportation and storage services under Section 311 of the NGPA and to Hinshaw pipelines providing such service pursuant to a § 284.224 blanket certificate.

12. Based upon a review of the comments received in response to the NOI, the Commission issued a Notice of Proposed Rulemaking (NOPR),[17] proposing to revise its transactional reporting requirements for intrastate and Hinshaw pipelines in order to increase market transparency, without imposing unduly burdensome requirements on those pipelines. The Commission proposed to increase the availability and usefulness of the transactional information reported by intrastate and Hinshaw pipelines by requiring that (1) the existing annual § 284.126(b) transactional reports be filed on a quarterly

[17] Contract Reporting Requirements of Intrastate Natural Gas Companies, FERC Stats. & Regs. ¶ 32,644 (2009) (NOPR).

basis, (2) the quarterly reports include certain additional types of information and cover storage transactions as well as transportation transactions, (3) the quarterly reports be filed in a uniform electronic format and posted on the Commission's web site, and (4) the reports must be public and may not be filed with information redacted as privileged.

13. The Commission invited all interested parties to comment on all aspects of the NOPR. The Commission also elaborated on the proposed uniform electronic format in a separate Notice Requesting Comments On Proposed Standardized Electronic Information Collection (Information Notice).[18]

14. Comments on the NOPR and Information Notice were due on November 4, 2009. Sixteen parties filed comments. A list of Commenters and Abbreviations is included as an appendix to this order. Most commenters were Section 311 or Hinshaw pipelines or their associations, but interstate pipelines, exploration & production companies, and an association of municipal consumers also filed comments. We discuss the comments below in the context of reviewing, amending, and promulgating each aspect of this Final Rule.

III. Statutory Authority for the Rule

15. In this section, we address contentions by some commenters that the Commission lacks authority under NGPA section 311 to require intrastate pipelines to file more

[18] Contract Reporting Requirements of Intrastate Natural Gas Companies, FERC Stats. & Regs. ¶ 35,051 (2009) (Information Notice).

detailed transactional reports. While some commenters contest specific aspects of our proposal as it affects Hinshaw pipelines, no commenter questions the Commission's general authority under NGA sections 4 and 10 to require Hinshaw pipelines to file more detailed transactional reports.

A. NOPR

16. In the NOPR, the Commission stated that NGPA section 311(c) authorizes the Commission to prescribe the "terms and conditions" under which intrastate pipelines perform interstate service. The NOPR concluded that its proposal to require intrastate pipelines to file and make public the proposed transactional reports so that shippers and others can monitor NGPA section 311 transactions for undue discrimination is well within the Commission's broad conditioning authority under § 311(c).

B. Comments

17. TPA claims that the Commission lacks statutory authority to enact the proposed regulations, arguing that "Congressional intent [was] that transactions under NGPA Section 311 are to be subjected to minimal regulation."[19] Enogex, along with TPA, adds that the proposed reporting requirements are "in direct contravention of Section 311 of

[19] TPA at 2. See also id. at 12, 13, 16.

the NGPA and the legislative intent," because compliance would be "unduly burdensome," and because disclosure would harm the pipelines' business position.[20]

18. Other commenters, citing the legislative history of the NGPA, argue that the proposed regulations are lawful. Clayton Williams states that "to the extent the intrastate pipeline is involved in an authorized" interstate transaction, the Commission has jurisdiction to review that transaction.[21] Similarly, Texas Alliance argues that claims of undue burden are too conclusory, and that the NGPA's jurisdiction is actually based on whether a given activity of a Section 311 pipeline is interstate or intrastate.[22] Clayton Williams argues that it is the purpose of Section 311 to "help integrate gas markets," and that "reasonable rules have always been part of the 311 world."[23] Further, Apache argues for even more frequent and detailed reporting, stating, "the Commission has jurisdiction and discretion to require … [intrastate] pipelines to report the same information during the same time frame about natural gas transactions that the interstate pipelines are

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[20] Enogex at 6. Enogex and several other commenters also raise this concern as a policy argument instead of an argument on statutory authority; these policy arguments are addressed in the subsequent section on the Need for the Rule.

[21] Clayton Williams at 4 (quoting H.R. Rep. No. 543, 95th Cong. 1st Sess. 45 (1977)).

[22] Texas Alliance at 8.

[23] Clayton Williams at 3-4.

required to report."[24] Apache reasons "that interstate pipelines and Section 311 and Hinshaw pipelines are held to the same prohibition on undue discrimination,"[25] so the transparency regulations necessary to ensure compliance should be the same as well.

C. Commission Determination

19. The Commission's statutory authority to impose reporting requirements on Section 311 pipelines derives from NGPA section 311(c), which states, "any authorization granted under this section shall be under such terms and conditions as the Commission may prescribe."[26] This blanket authority is well-established as the ground for the previous reporting requirements for Form No. 549. As the Commission reasoned in the rulemaking establishing a previous version of this reporting requirement, "section 311 tasks the Commission with the responsibility to ensure rates and charges are fair and equitable. For the Commission to carry out this responsibility, it is important for rates charged to be reported."[27] None of the commenters in this docket challenge the legality of the previous reporting requirements. The new reporting requirements are not so

[24] Apache at 3.

[25] Apache at 6.

[26] 15 U.S.C. 3371(c).

[27] Revisions to Uniform System of Accounts, Forms, Statements, and Reporting Requirements for Natural Gas Companies, Order No. 581, 60 FR 53019, 53050-51, FERC Stats. & Regs. ¶ 31,026 (1995), order on reh'g, Order No. 581-A, FERC Stats. & Regs. ¶ 31,032 (1996) (Order No. 581).

different in scope or burden as to generate serious questions about the Commission's long-established statutory authority to require transactional reporting.

20. TPA's characterization that the NGPA limits the Commission to "minimal regulation,"[28] is misleading and unsupported. While Congress sought to encourage intrastate pipelines to participate in the interstate transportation market by enabling them to do so without bearing the burden of full Commission regulation under the NGA,[29] this does not mean that Commission regulation under NGPA section 311 was to be minimal. In Associated Gas Distributors v. FERC,[30] the court affirmed the Commission's use of its NGPA section 311(c) conditioning authority to impose conditions necessary to assure that section 311 intrastate pipelines do not engage in undue discrimination. The court also stated "that the Commission has been correct in its belief that under § 311 it should assert the traditional regulatory approach in areas where it is needed to protect the public from market dominance by natural gas companies."[31] Requiring intrastate pipelines to file quarterly transactional reports to permit the Commission, shippers, and others to monitor for undue discrimination is fully within the scope of this conditioning authority.

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[28] TPA at 2.

[29] Mustang Energy Corp. v. Federal Energy Regulatory Comm'n, 859 F.2d 1447, 1457 (10th Cir. 1988), cert. denied, 490 U.S. 1019 (1988); see also EPGT Texas Pipeline, 99 FERC ¶ 61,295 (2002).

[30] 824 F.2d 981, 1002-1003 (D.C. Cir. 1987) (AGD).

[31] Id. at 1018 (citation omitted).

21. While the Commission will consider the burden question in more detail below, commenters have provided no persuasive evidence that the Final Rule is somehow so burdensome as to be beyond Commission's jurisdiction. As compared to the requirements for interstate pipelines, the Final Rule is limited in the scope of the reports, the burden of publishing a report, and the frequency of the reports. As discussed below, the Commission held itself to these limitations so that the § 284.126(b) requirements should remain lighter than the § 284.13(b) interstate requirements and so that the value of the increased flow of information exceeds the increased burden of reporting. Any further lightening would risk undermining the Final Rule's ability to increase transparency and improve the functioning of the transportation market.

IV. Need for the Rule

A. NOPR

22. Upon review of the comments received in response to the NOI, the Commission held that its primary goal in revising the transactional reporting requirements for intrastate and Hinshaw pipelines would be to increase market transparency.[32] As the Commission reasoned, "[t]ransactional information provides price transparency so shippers can make informed purchasing decisions, and also permits both shippers and the Commission to monitor actual transactions for evidence of possible abuse of market

[32] NOPR at 1, 16.

power or undue discrimination."[33] The Commission found that certain types of additional information should be published in order to enable shippers, other market participants, and the Commission "to determine the extent to which particular transactions are comparable to one another,"[34] a prerequisite for determining the rights of similarly situated shippers and for detecting undue discrimination.

23. The Commission stated in the NOPR that it "believes that the revised reporting requirements … avoid[] unduly burdensome requirements that might discourage … participating in the interstate market."[35] In proposing the frequency, content, and format of the reports, the Commission sought the best balance of minimizing the reporting burden and maximizing the competitive effects on the markets. For example, the Commission proposed to host reporting data on its own website, and encouraged intrastate pipelines to comment on the preferred file format, in order to help the Commission lessen the information technology burden for pipelines.[36]

B. <u>Comments</u>

24. Several intrastate pipelines argue that the Commission failed to identify sufficiently compelling reasons for revising the reporting requirements. These

[33] NOPR at 16.

[34] NOPR at 19.

[35] NOPR at 17.

[36] NOPR at 28-29.

commenters argue that further transparency is unnecessary, or that the proposal would have little practical benefit.[37] Enogex, for example, argues that "[i]n view of the minimal amount of concern expressed by interstate pipelines … the Commission should have terminated this proceeding."[38] AOG suggests that the Commission should, if not abandon the proposal, at least "more narrowly tailor[it] to address a perceived problem [regarding] … transparency."[39] TPA claims that further transparency in the section 311 and Hinshaw transportation and storage markets is not needed because the United States' natural gas commodity sales hubs are the most price-transparent in the world.[40] TPA further complains that commenters have yet to "cite[] any specific examples of adverse market impacts" from the status quo, and "no entity has asked the Commission to expand the Section 311 reporting requirements to increase transparency," and is therefore "not reasoned decision making."[41]

25. Several pipelines argue that the new regulations place them at a competitive disadvantage compared to pipelines that only operate under the NGA or under state jurisdiction, or compared to shippers. Similarly, several pipelines complain that the

[37] E.g., OneOK at 3, TPA at 3.

[38] Enogex at 5.

[39] AOG at 1.

[40] TPA at 11.

[41] TPA at 2, 4, 10.

current proposal could be too burdensome,[42] potentially causing some pipelines to abandon the Section 311 or Hinshaw markets.[43]

26. Enogex and Enstor contend that the proposed reporting requirements would harm NGPA section 311 storage providers with market-based rates. Enogex argues that letting competitors see its rate information would limit its own ability to "capture rates", calling it "tantamount to rescinding market-based rate authority."[44] Enogex asserts the Commission should at least exempt storage services provided at market-based rates. Enogex argues that sufficient public information already exists on storage services, and that the Commission has stated when it authorizes market-based rates that such providers lack market power, thus reducing the need for regulatory scrutiny.[45] Enstor is also concerned that the proposed reporting requirements, particularly the requirement to report quarterly revenues received from each storage customer, would allow customers "to recreate the storage positions" that resulted in another customer receiving favorable rates.[46] Shippers, Enstor argues, should not have more information about the pipeline than the pipeline has about its shippers.

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[42] E.g., AGA at 7; AOG at 7; Jefferson at 2, 6.

[43] E.g., Enogex at 8; TPA at 14.

[44] Enogex at 8.

[45] Enogex at 11-12.

[46] Enstor at 7.

27. Atmos goes further, warning "of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information."[47]

28. Other commenters, however, applaud the NOPR, arguing that the information sought in the reports would help enable the market to function more efficiently. Cities, Clayton Williams, and Texas Alliance ask the Commission to expand reporting requirements in order to provide greater transparency, especially in the Texas market.[48] Cities and others contend that this "lack of competition in the intrastate pipeline market in Texas" could be ameliorated by "making information and records available both to the public and to shippers."[49] For example, Clayton Williams provides a detailed narrative suggesting that it could have pursued allegations that a pipeline has been engaging in unlawful business practices, if only it had more publicly available information to support its allegation.[50]

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[47] Atmos at 5 (citing Transparency Provisions of Section 23 of the Natural Gas Act, Order No. 704, FERC Stats. & Regs. ¶ 31,260 at P 88 (2007); order on reh'g, Transparency Provisions of Section 23 of the Natural Gas Act, Order No. 704-A, FERC Stats. & Regs. ¶ 31,275 (2008); order on reh'g, Transparency Provisions of Section 23 of the Natural Gas Act, Order No. 704-B, 125 FERC ¶ 61,302 (2008)).

[48] Cities at 3; Clayton Williams at 1; Texas Alliance at 8.

[49] Cities at 2, 4.

[50] Clayton Williams at 5-15.

29. These commenters further argue that lack of transparency harms the integrity of national price indices,[51] and that the Commission's proposed new regulations will help state-level transparency, and thus state-level markets, as well.[52] Apache also responds to TPA's argument that interstate pipelines have not sought out the proposed regulation: "It can be expected that most interstate pipelines would hope to levelize the playing field by eliminating regulation for all pipelines, rather than increasing regulation for all."[53] However, Apache urges, new regulations are warranted based on the expected usefulness of improved access to market information.

30. These commenters also argue that publicly available data is vital to eliminate unfair advantages.[54] For example, Apache argues that intrastate and interstate pipelines both face the same economic environment and therefore should report the same information.[55] Constellation argues that existing regulations harm the market by leaving shippers without enough information to "make fully informed purchasing decisions."[56]

[51] Texas Alliance at 4.

[52] Cities at 4; Texas Alliance at 6.

[53] Apache at 8.

[54] E.g., Yates at 6.

[55] Apache at 7-8.

[56] Constellation at 4.

Texas Alliance and Clayton Williams, likewise, argue that transparency helps limit the abuse of the monopoly power that some pipelines have over upstream shippers.[57]

31. Commenters also dismiss the notion that the current proposal could be too burdensome.[58] Apache argues, "[a] Section 311 pipeline is not going to forego the opportunity to earn money merely because it must comply with a transactional posting requirement."[59] As Texas Alliance phrases it, the reason why the rulemaking "is so strongly opposed by the Texas intrastate pipelines and their association [is that i]t threatens to let sunshine in where they prefer the dark."[60]

C. Commission Determination

32. In this Final Rule, the Commission is adopting the proposed quarterly transactional reporting requirements for section 311 and Hinshaw pipelines, with several clarifications discussed in subsequent sections of this rule. The Commission finds that these transactional reporting requirements appropriately balance the need for increased transparency of intrastate and Hinshaw pipeline transactions, while avoiding unduly burdensome requirements that might discourage such pipelines from participating in the interstate market.

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[57] Texas Alliance at 9-10; Clayton Williams at 12.

[58] E.g., Yates at 7.

[59] Apache at 8.

[60] Texas Alliance at 3.

33. Transactional information provides price transparency so shippers can make informed purchasing decisions, and also permits both shippers and the Commission to monitor actual transactions for evidence of possible abuse of market power or undue discrimination. The existing reporting requirements in § 284.126 are inadequate for this purpose. For example, the annual reports of transportation transactions required by existing § 284.126(b) do not include (1) the rates charged by the pipeline under each contract, (2) the receipt and delivery points and zones or segments covered by each contract, (3) the quantity of natural gas the shipper is entitled to transport, store, or deliver, (4) the duration of the contract, or (5) whether there is an affiliate relationship between the pipeline and the shipper. Similarly, the semi-annual storage reports required by existing § 284.126(c) do not include the rates charged by the storage provider in each contract, the duration of each contract, or whether there is an affiliate relationship between the storage provider and its customer.

34. However, all this information is necessary to allow the Commission, shippers, and others to determine the extent to which particular transactions are comparable to one another for purposes of monitoring for undue discrimination. For example, contracts for service on different parts of a pipeline system or with different durations may not be comparable to one another. In addition, the requirement that affiliate relationships between the pipeline and its shippers be reported will allow the Commission and interested parties to monitor whether the pipeline is favoring its affiliates. The additional

information required to be reported by the Final Rule is also necessary to allow shippers to make informed decisions about their capacity purchases. Shippers need to know the price paid for capacity over a particular path to enable them to decide, for instance, how much to offer for the specific capacity they seek.

35. The Commission also finds that the lack of transparency ultimately harms not only shippers, but the pipelines themselves, whose individual actions to protect market advantage work collectively to make intrastate transportation less attractive. Without transparency and trust, efficient free-market allocation of resources is not possible. As the specific example reported by Clayton Williams shows, the current market's lack of transparency fosters, at the very least, an atmosphere of mistrust. While TPA may plausibly assert that natural gas commodity sales hubs are the most price-transparent commodity markets in the world, the same cannot be said of the market for intrastate transportation. It is the Commission's obligation to ensure transparency at all stages of the natural gas market over which it has jurisdiction, because inefficiencies and unfair treatment in one stage of the market can lead to harm elsewhere in the market. Accordingly, we find that there is a need for revised regulations that improve market transparency.

36. Exempting storage services provided at market-based rates is also unwarranted. A Commission finding that a service provider lacks market power should not be read to mean that its shippers are at no risk of undue discrimination or other unlawful practices.

Furthermore, it is still in the public interest to disseminate market information concerning the transactions of market-based storage services. As the Commission reasoned in a previous rulemaking, "[i]t is even more critical for the Commission to review pricing when the Commission is relying on competition to regulate rates, rather than scrutinizing the underlying cost of service. Thus, we will not exempt intrastate storage companies charging market-based rates from the requirement to file … reports."[61] Posting rates charged in previous market-based transactions leads to greater transparency and competition. As the Commission found, in Order No. 637-A, with respect to alleged competitive harm to individual firms:

> while disclosure of the transactional information may cause some commercial disadvantage to individual entities, it will benefit the market as a whole, by improving efficiency and competition. Buyers of services need good information in order to make good choices among competing capacity offerings. Without the provision of such information, competition suffers.[62]

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[61] Revisions to Uniform System of Accounts, Forms, Statements, and Reporting Requirements for Natural Gas Companies, Order No. 581, 60 FR 53019, 53051, FERC Stats. & Regs. ¶ 31,026 (1995), order on reh'g, Order No. 581-A, FERC Stats. & Regs. ¶ 31,032 (1996) (Order No. 581).

[62] Order No. 637-A, at 31,614-615. Enstor is concerned that the requirement to include the revenues received from each interruptible storage customer during a quarter will cause competitive damage, alleging that such information will allow customers to recreate the storage positions that resulted in another customer receiving favorable rates. However, the existing semi-annual storage reports required by § 284.126(c) already require the reporting of revenues received from each customer. Increasing the frequency of such revenue reports from semi-annually to quarterly would not appear to significantly

(continued)

37. Further, we are convinced the burdens to respondents will be small relative to the gains that the new regulations will bring to the market. The burden test goes to the heart of our regulatory authority: one purpose of the NGPA was to induce intrastate pipelines to participate in the interstate market by ensuring that it would not be unduly burdensome to do so.[63] As discussed in more detail below, we are minimizing the burden of these new transactional reporting requirements in several ways. For example, we are not imposing a daily posting requirement, such as we have required of interstate pipelines. Therefore, the transactional reports required by the Final Rule will not require section 311 and Hinshaw pipelines to maintain internet websites. We are also clarifying several of the specific proposed reporting requirements as requested by commenters in a manner that should reduce the burden of compliance. Finally, while the reports must be filed in a standardized electronic format, the Commission will develop an electronic form in a PDF format that can be downloaded from the FERC website and saved to a user's computer desktop. In addition, the Commission will develop an XML Schema that can be used by Respondents who wish to file an XML file.

38. In addition, since the establishment of the first intrastate pipeline reporting requirements, electronic communications have reduced the cost of reporting transactional

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affect this concern.

[63] Associated Gas Distributors v. FERC, 824 F.2d 981, 1001-1003 (D.C. Cir. 1987).

information. Given these advances in data management, collecting and compiling information for the proposed quarterly reports should be no more burdensome at present than it was to manage the lesser amount of information required when the Commission first established transactional reporting for intrastate pipelines.

39. We consider the question of undue burden not only in isolation, but in the context of a pipeline's entire jurisdictional business, and relative to the benefits to the market.[64] The new requirements aim to empower shippers "to determine the extent to which particular transactions are comparable to one another."[65] In this way, the Commission gives shippers increased ability to protect themselves from undue discrimination, and thus be less dependent on Commission investigations to protect their rights. The new

[64] See, e.g., Transparency Provisions of Section 23 of the Natural Gas Act, Order No. 704-A, FERC Stats. & Regs. ¶ 31,275 at P 17 (2008) ("While we acknowledge that removing purchases from volumes that must be reported on Form No. 552 would somewhat reduce the reporting burden on certain market participants, we continue to believe that the substantial benefits of having such data publicly available outweigh this burden."), order on reh'g, Order No. 704-B, 125 FERC ¶ 61,302 (2008). See also Pipeline Posting Requirements under Section 23 of the Natural Gas Act, Order No. 720, 73 FR 73494, FERC Stats. & Regs. 31,283, at P 56 (2008) ("We also believe that the goals of this Final Rule outweigh the burdens to be placed upon non-interstate and interstate pipelines."); order on reh'g, Order No. 720-A, FERC Stats. & Regs. ¶ 35,302, at P 116 (2010) ("The Commission understands commenters' arguments that posting new points on a rolling basis would be burdensome for major non-interstate pipelines, but believes that these burdens are overstated and substantially outweighed by the transparency benefit of timely posting of newly eligible points.").

[65] NOPR at 19.

reporting requirements also provide information that may assist state and local regulatory bodies, without interfering in their autonomy of action.

40. In response to the pipelines that suggest that they have an overriding confidentiality interest, or that even raise the specter that increased transparency may cause unlawful behavior, we disagree. The Commission's decades of experience in enforcement have confirmed the wisdom of what jurists have long held in the related realm of financial disclosure: "confidentiality interest is not absolute, however, and can be overcome by a sufficiently weighty government purpose…. 'Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.'"[66]

V. Details of Pipeline Posting Requirements

A. Overview and Summary of Requirements

41. The Final Rule, in accordance with the NOPR, requires Form No. 549D transactional reports under § 284.126(b) to be filed on a quarterly basis, to include certain additional types of information and cover storage as well as transportation, and to be filed in a uniform electronic format and posted on the Commission's web site without redaction.

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[66] Statharos v. New York City Taxi & Limousine Comm'n, 198 F.3d 317, 323 (2d Cir. N.Y. 1999) (citing Louis Brandeis, Other People's Money and How the Bankers Use It 62 (1914)).

42. In addition, the Final Rule clarifies or amends the NOPR on several points elaborated below. We clarify that pipelines are to file their Form No. 549D transactional reports on a contract-by-contract basis for each shipper, rather than on a transaction-by-transaction basis. We adopt a common identification requirement for shippers. For receipt and delivery points, however, pipelines need only use an industry common code where one is already in use, and may report wells and other gathering systems in the aggregate. We clarify that pipelines should continue to only report on their jurisdictional activities. Finally, we provide several clarifications regarding the data format and technical protocols, with the result being a flexible framework similar to the "simple spreadsheet" concept proposed by some commenters.

B. Definition of Reportable Service

1. NOPR

43. The version of § 284.126(b)(1) proposed in the NOPR calls for a quarterly report that contains information on "each transportation and storage service provided." Neither the proposed regulations nor the preamble to the NOPR directly defined the word "service." In the preamble, in the context of rejecting daily posting, the Commission rejected the option of "daily postings of information about individual transactions."[67]

[67] NOPR at 25.

However, the preamble also states that pipelines should report "additional information concerning each transaction."[68]

2. Comments

44. Some commenters express concern that the NOPR's phrasing is unclear as to whether pipelines are to make their reports on a contract-by-contract basis or a transaction-by-transaction basis.[69] They point out that a shipper may schedule numerous transactions during a quarter under a single contract. For example, a shipper may have a single interruptible contract, but may schedule separate transactions at different rates using different receipt and delivery points on a daily basis. AGA, for example, "urges the Commission to clarify that Hinshaw pipelines are required to report their 'contracts' on a quarterly basis in a manner similar to what they currently report [rather than r]equiring information to be reported separately for each individual 'transaction.'"[70] Other commenters are concerned that the Commission intends to require separate reports for each transaction. TPA, for example, complains that under "the onerous approach … proposed in the NOPR," a pipeline with "multiple daily transactions under single contracts could [be] … reporting thousands of individual transportation transactions."[71]

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[68] NOPR at 20.

[69] E.g., Jefferson at 11.

[70] AGA at 2; see also AGA at 9-10.

[71] TPA at 4-5.

45. Apache and Jefferson take the opportunity to propose alternative approaches to the question of what should be reported. Apache argues that "[f]ull transparency regarding all natural gas transactions on a real-time basis, comparable to the reporting requirements of interstate pipelines, is the only comprehensive way to protect natural gas consumers to ensure the integrity of the market."[72] Nevertheless, Apache clarifies that it supports the NOPR as "a helpful improvement over the status quo."[73] Jefferson argues that the level of detail proposed in the NOPR for the reports is too burdensome and too far beyond what is required to address the actual disparities between interstate and intrastate reporting.[74] Accordingly, Jefferson proposes limiting the report to 22 fields.[75]

3. Commission Determination

46. We clarify that pipelines are to report the required transactional information in Form No. 549D on a contract-by-contract basis for each shipper, rather than on a transaction-by-transaction basis. In general, a pipeline will be required to make a separate data entry for each of a shipper's contracts under a given rate schedule. The pipeline should aggregate all nominations and shipments under each contract for the quarter. In other words, while the reports will contain information on each transaction,

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[72] Apache at 3.

[73] Apache at 3.

[74] Jefferson at 16.

[75] Jefferson at 15-16.

that information will be aggregated by contract for each shipper for each type of service provided.

47. If the pipeline charges a shipper multiple prices for different transactions or shipments under a single contract and service, the pipeline would still file a single report for that contract, with the following information. The pipeline would report the volume-weighted average rate charged under that contract for the quarter. The pipeline would also include a list of all the various rates charged during the quarter in the appropriate comment field for that contract. The pipeline would not be required to state the volumes associated with each rate or the dates each rate was charged. Similarly, the pipeline would list the receipt and delivery points used during each quarter for each contract, but is not required to separately report the rates charged and volumes received and delivered at each point.

48. We decline the opportunity to radically alter the type of information reported, as suggested by Apache and Jefferson. Based on the comments in this docket, the Commission believes that refinements to the NOPR are more certain to ensure a fair balance of the additional transparency benefits that would accrue to the market versus the administrative costs of compliance.

C. Reporting Frequency

1. NOPR

49. In the NOPR, the Commission found that increasing the frequency of the § 284.126(b) transactional reports from annual to quarterly would provide market participants and the Commission with more timely and more useful information concerning the transactions entered into by intrastate pipelines. The Commission stated that it sought to balance the benefits of increased transactional transparency against the need to avoid creating undue burden for the responding pipelines. The Commission highlighted that "one primary difference will remain between the reporting requirements for interstate pipelines and the Section 311 and Hinshaw pipelines: interstate pipelines will post transactional information daily on their websites, while Section 311 and Hinshaw pipelines will submit this information in a quarterly report to the Commission."[76] The Commission noted alternative proposals from commenters, but found that a quarterly filing requirement would strike the appropriate balance.

2. Comments

50. Most commenters support quarterly reporting. Even some parties who urge the Commission to cancel the rulemaking docket nevertheless state that they could accept limited quarterly reporting.[77] Some shippers, while generally supportive of the NOPR,

[76] NOPR at P 23.

[77] TPA at 6; Atmos at 5.

state that they would prefer daily reporting is the best way to ensure transparency and competitive markets.[78] The pipelines, however, consider the possibility of daily reporting to be "very costly, particularly if daily posting on a website was required,"[79] due "to the [sheer] volume of reporting" of each day's transactions.[80]

3. Commission Determination

51. The Final Rule adopts the NOPR's proposal to require quarterly reporting by section 311 and Hinshaw pipelines. The Commission continues to find that a quarterly reporting requirement strikes the appropriate balance of increasing transparency without imposing undue burdens on section 311 and Hinshaw pipelines. One purpose of the NGPA was to induce intrastate pipelines to participate in the interstate market by ensuring that it would not be unduly burdensome to do so.[81] This participation by intrastate pipelines eliminates the need for duplication of facilities between interstate and intrastate pipelines.[82] Thus, as the court has stated, "Congress intended that intrastate

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[78] Apache at 2-3; Constellation at 4; Yates at 5-6.

[79] Duke at 5.

[80] TPA at 20.

[81] AGD, 824 F.2d at 1001-1003.

[82] EPGT Texas Pipeline, L.P., 99 FERC ¶ 61,295 at 62,252.

pipelines should be able to compete in the transportation market without bearing the burden of full regulation by FERC under the Natural Gas Act."[83]

52. In the NOPR, the Commission stated that a daily reporting requirement would require all intrastate and Hinshaw pipelines to maintain their own websites for this purpose, and such daily postings of information about individual transactions would be significantly more burdensome than a quarterly reporting requirement. As described above, several pipeline commenters have reaffirmed that a daily posting requirement would be very costly. In addition, Constellation, while stating that daily posting would provide more transparency, agrees that at this time such a requirement appears unduly burdensome.[84]

53. Only two commenters request that the Commission require daily reporting. They contend that real-time reporting of individual transaction data would allow more immediate monitoring of whether the pipeline is engaging in undue discrimination and provide more useful price transparency. The Commission recognizes that daily posting could enable shippers and others to observe potentially discriminatory actions more quickly. However, the quarterly reports will provide similar information, enabling

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[83] Mustang Energy Corp. v. Federal Energy Regulatory Comm'n, 859 F.2d 1447, 1457 (10th Cir. 1988), cert. denied, 490 U.S. 1019 (1988); see also EPGT Texas Pipeline, 99 FERC ¶ 61,295 (2002).

[84] Constellation at 4.

shippers and others to file complaints if they believe such information suggests a pattern of discrimination by the pipeline. Given the interest in avoiding placing undue burdens on section 311 and Hinshaw pipelines, the Commission finds that the quarterly reporting requirement, together with our other changes to the reporting requirements including the requirement that all reports be public, appropriately balances the need for more transparency with the interest in encouraging section 311 and Hinshaw pipelines to participate in the interstate pipeline grid.

D. Identification of Receipt and Delivery Points and Shippers

1. NOPR

54. The NOPR proposed requiring intrastate pipelines to report several new elements of information, among them the primary receipt and delivery points covered by the contract. The NOPR proposed that the reports include the "industry common code" for each receipt and delivery point in order to minimize any ambiguity as to what receipt and delivery points are being reported and to ensure that all reporting pipelines identify such points in a consistent manner.[85] Similarly, the NOPR proposed that, when reporting the identity of a given shipper, respondents should include not only the full legal name, but also an "identification number" for each shipper.[86]

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[85] NOPR at P 33.

[86] NOPR at P 33.

55. However, the NOPR stated that, while the Commission was aware of some shipper identification standards and receipt and delivery point codes that are used in the natural gas industry (for example, Dun & Bradstreet, Inc.'s D-U-N-S identification numbers for shippers), the Commission was reluctant to choose any particular standard without input as to that standard's cost-effectiveness and usefulness. Accordingly, the Commission sought comment on two related questions: (1) What sort of shipper identification numbers and receipt and delivery point common industry codes are currently used or readily available to section 311 and Hinshaw pipelines?; and (2) Which shipper identification standard or standards and receipt and delivery point codes, if any, should be used?[87]

2. Comments

56. Some commenters argue that using industry common codes to report receipt and delivery points would be highly burdensome, due to the cost of obtaining common code identifiers from a third-party registry. According to Jefferson, the annual charge for licensing common location codes is $1,670 for 1-20 points, $3,506 for 21-100 points, and $5,428 for 100+ points.[88] Enogex protests that it "does not have 'primary' and 'secondary' points on its system, but rather uses standard receipt and delivery points. As

[87] NOPR at P 34.

[88] Jefferson at 9.

a result, Enogex does not have … common codes," and urges that the Commission reject this element as "base[d] … on the business practices of interstate pipelines."[89] TPA voices similar concerns. Jefferson and ONEOK suggest letting respondents use their own meter codes instead. AGA suggests, as a compromise, that pipelines that do not already use common codes should be allowed "to use an interstate pipeline's Data Reference Number (DRN) for points of interconnection with an interstate pipeline and use [their own] proprietary code where a DRN has not already been assigned."[90]

57. AOG and Cranberry, whose pipelines perform gathering functions, state that they do not keep organized records of who has contract rights to which receipt or delivery points.[91] AOG proposes that, instead of differentiating among receipt points that are gas wells, they "would simply identify all receipt points as 'AOG system.'"[92] Cranberry proposes that the Commission waive the requirement to report receipt and delivery points where, as with their system, all shippers have access to all or numerous points, and no common industry codes exist.[93]

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[89] Enogex at 12.

[90] AGA at 2.

[91] AOG at 6; Cranberry at 5.

[92] AOG at 10.

[93] Cranberry at 6.

58. The proposal to require use of standardized shipper identification numbers also raised some concerns. Jefferson estimated that “it will cost approximately $24,000 annually to utilize a third-party service to verify a unique shipper identification number such as a D-U-N-S® number,” and suggests removing this requirement.[94] TPA likewise argues that intrastate providers would have no use for D-U-N-S numbers other than filing the proposed reports. TPA proposes having the public reports only “contain coded references to individual shippers and points, with the key to the code available to the Commission” for investigation but otherwise kept confidential; in the alternative TPA suggests that the exact legal name of the shipper should be sufficient.[95] Most pipelines, however, did not object to standardized shipper identification, and “AGA supports the use of the D-U-N-S® Number as a common company identifier.”[96]

3. Commission Determination

59. We acknowledge the concern of some pipelines that requiring all pipelines to use industry common codes for receipt and delivery points could prove to be expensive, and we have adjusted § 284.126(b)(1)(iv) of the final regulations accordingly. Where respondents already use Industry Common Codes in their existing business practices (such as wherever an intrastate system interconnects with an NGA interstate system),

[94] Jefferson at 9.

[95] TPA at 22.

[96] AGA at 2.

they must use those codes in their reports. However, where respondents do not use Industry Common Codes, they should report using the same point identification system that they use for scheduling with shippers. In addition, respondents who do not use Industry Common Codes must publish a list of all the jurisdictional receipt and delivery point codes they use for scheduling, along with the county and state of each point, and the name of the jurisdictional pipeline (if any) that interconnects at each point. This list should be filed as a separate narrative alongside the respondent's initial report; if the list should change at any time, the respondent should include a narrative alongside its next quarterly report updating the list.

60. The Commission also acknowledges the particular challenges in reporting receipt points for systems that perform a gathering function. Accordingly, for gas received from dedicated wells or gathering lines, respondents may instead note as the receipt point the common point where the gathered gas is considered to enter the pipeline's transmission system. Respondents who use this method in their reports must develop their list of jurisdictional receipt and delivery points accordingly.

61. In contrast with receipt and delivery points, however, standardized shipper identification is not unduly burdensome in comparison to the benefit to the Commission and market participants of being certain of the true identity of a pipeline's shippers. As of the date that the Commission approves this Final Rule, we observe that it is possible to

both create a D-U-N-S number[97] and search for any company's D-U-N-S number[98] for free. Further, since standardized shipper identification numbers, by their nature, do not change with time, respondents will not need to spend time verifying each number every quarter. Accordingly, the time and expense spent on verifying the identity of one's shippers should be reasonable.

E. Requests for Exemptions and Safe Harbor

1. NOPR

62. In the NOI, the Commission sought comment on whether any of the proposed reporting requirements should exempt certain classes of respondents, based on the type of service provided or on the respondent's size. Having considered the comments received, the Commission did not provide for any exemptions in the NOPR. The Commission reasoned that so long as reports were hosted on the FERC website and no more frequent than quarterly, they would not be unduly burdensome to prepare and file.[99]

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[97] Available at http://smallbusiness.dnb.com/establish-your-business/12334338-1.html.

[98] Available at https://smallbusiness.dnb.com/ePlatform/servlet/DUNSAdvancedCompanySearch?storeId=10001&catalogId=70001.

[99] See, e.g., NOPR at P 14, 24.

2. Comments

63. AOG asks the Commission to exempt companies with de minimis jurisdictional activity. In particular, AOG suggests a cut-off "somewhere between 2.2 and 50 million MMBtu,"[100] or for entities with under 500 employees. ONEOK similarly argues that it should be excluded, but does not proffer a cut-off point.

64. In addition to the above exemption requests, AGA suggests two clarifications as a means of minimizing the burden for all respondents. First, AGA asks the Commission to "clearly state that Hinshaw pipelines are required to report only those contracts authorized by their limited jurisdictional certificates and are not required to report on retail or intrastate activities that are not regulated by the Commission."[101] Second, "AGA also recommends that the Commission explicitly state as part of the Final Rule in this proceeding that it will not prosecute, penalize or otherwise impose remedies on parties for inadvertent errors in reporting."[102]

3. Commission Determination

65. The Commission rejects the requests for exemptions based on size or type of activity. As the Commission reasoned in the NOPR, since the reports and data are to be hosted on the FERC website and filed no more frequently than quarterly, they should not

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[100] AOG at 8.

[101] AGA at 1; see also AGA at 8-9.

[102] AGA at 3; see also AGA at 15-16.

be unduly burdensome to prepare and file. The Commission has not exempted any section 311 or Hinshaw pipelines from filing the existing reports required by § 284.126, using current Form No. 549. With the clarifications made to the technical protocols discussed below, the Commission is confident that, after the transition to the new reporting format, it will not be significantly more burdensome for pipelines to prepare and file each Form No. 549D report required by this rule, than it has been to file the existing Form No. 549 Intrastate Pipeline Annual Transportation report. In addition, if a pipeline has de minimis jurisdictional activity, it follows that it should have relatively few transactions to report, thereby minimizing its burden of completing the necessary report.

66. We grant AGA's requested clarification that Hinshaw pipelines are required to report only those contracts authorized by their limited jurisdictional certificates and are not required to report on retail or intrastate activities that are not regulated by the Commission. Similarly section 311 pipelines are only required to report contracts for NGPA section 311 interstate service, and not contracts for non-jurisdictional intrastate service.

67. In response to the AGA's second request, the Commission states that because Form. No. 549D is a new information collection, we will focus any enforcement efforts on instances of intentional submission of false, incomplete, or misleading information to

the Commission, of failure to report in the first instance, or of failure to exercise due diligence in compiling and reporting data.[103]

F. Public Status of Reports

1. NOPR

68. The NOPR proposed to require that the reports filed pursuant to revised § 284.126(c) be posted without any information redacted as privileged. The Commission stated that currently, when a report is filed subject to a request for privileged treatment, any person desiring to see the report must file a formal request, pursuant to the Freedom of Information Act (FOIA) and § 385.1112 of the Commission's Rules of Practice and Procedure,[104] that the Commission make the report public. Due to the expense and delay caused by this additional step, in practice these requests have been infrequent. The Commission stated that allowing pricing information to be confidential undermines the Commission's goals of preventing undue discrimination and promoting price transparency, while a prohibition on the confidential treatment of § 284.126(b) reports would further all of these policy goals. The Commission noted concerns about the commercial sensitivity of the information to be reported, but found, based on the

[103] The Commission adopted a similar guideline in Transparency Provisions of Section 23 of the Natural Gas Act, Order No. 704, 73 FR 1014 (Jan. 4, 2008), FERC Stats. and Regs. ¶ 31,260 at P 114 (2007), order on reh'g, Order No. 704-A, 73 FR 55726 (Sept. 26, 2008), FERC Stats. & Regs. ¶ 31,275 (2008), order on reh'g, Order No. 704-B, 125 FERC ¶ 61,302 (2008).

[104] 18 CFR § 385.1112.

comments filed, that "a quarterly reporting requirement should allay any concerns regarding the commercial sensitivity of contract data."[105]

69. In addition to the policy considerations, the Commission found that its governing statutes support public treatment of data reported both by Hinshaw pipelines and by NGPA Section 311 pipelines. Accordingly, the NOPR proposed that the standardized reporting form include a statement that the report will be public.

2. Comments

70. TPA and some individual pipelines argue that the Commission must retain the traditional confidentiality process in Rule 1112 and § 388.112 of the Commission's regulations.[106] TPA argues that a policy of public disclosure would violate both Commission precedent and § 388.112, which call for case-by-case review of requests to release information.[107] ONEOK and TPA argue that complying with the proposed regulations could violate the confidentiality provisions of existing contracts.[108] Enstor and ONEOK suggest that many market-oriented shippers and large industrial end-users would seek to avoid Section 311 transactions in order to protect their trading positions.[109]

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[105] NOPR at P 31.

[106] E.g., Enogex at 8.

[107] TPA at 18.

[108] TPA at 5, 16-17; ONEOK at 5.

[109] Enstor at 9; ONEOK at 5.

71. Enstor particularly urges the Commission to amend the proposed § 284.126(b)(1)(viii) requirement to report "Total revenues received for the shipper." Enstor argues that, when applied to "interruptible storage services (such as parking and lending)," this requirement would compel reporting of information "that is not currently disclosed by interstate natural gas companies."[110] Especially if unredacted, reporting individual shipper revenues "even on a quarterly basis" would do "catastrophic" damage to a pipeline's "business model, as well as to market liquidity."[111]

72. However Apache, Cities, Clayton Williams, Texas Alliance, and Yates expressly support public reporting, in order for the reports to serve the purported goal of benefitting market participants.[112] Clayton Williams cites the specific example of Texas's "grossly inadequate"[113] state-level data, which it claims is responsible for rampant discriminatory behavior in Texas markets.

3. Commission Determination

73. As we clarified in the preceding section, the revised reporting requirements adopted by this rule apply only to contracts for interstate service which are subject to our jurisdiction under the NGA in the case of Hinshaw pipelines or NGPA section 311 in the

[110] Enstor at 6.

[111] Enstor at 7.

[112] E.g., Apache at 10-11.

[113] Clayton Williams at 1.

case of intrastate pipelines. While we regulate the interstate services of Hinshaw pipelines in a more light-handed manner than we regulate interstate pipelines, nevertheless the courts have made clear that such regulation of Hinshaw pipelines must comply with the basic requirements of the NGA, including sections 4 and 5 of the NGA.[114] In SGRM, the Commission pointed out that NGA section 4(c) requires that "under such rules and regulations as the Commission may prescribe, every natural gas company shall . . . keep open for public inspection . . . all rates . . . together with all contracts which in any manner affect or relate to such rates." The Commission concluded that:

> Although the NGA gives the Commission some discretion with respect to how to provide for the disclosure of rate schedules and contracts, clearly the public disclosure of rate schedules and related contracts, in some manner, is required.[115]

74. Accordingly, our requirement that the quarterly reports of Hinshaw pipelines concerning their jurisdictional contracts be posted without any information redacted is simply carrying out NGA section 4(c)'s requirement for public disclosure of rate and contract information "under such regulations and regulations as the Commission may

[114] Consumers Energy Co. v. FERC, 226 F.3d 777 (6th Cir. 2000), holding that the Commission must comply with the requirements of NGA section 5 in order to require a Hinshaw pipeline to modify its rates for interstate service.

[115] SGRM, 125 FERC ¶ 61,191 at P 23, quoting Order No. 637-A, at 31,614.

prescribe." Furthermore, NGA section 23(a)(1) directs the Commission "to facilitate price transparency in markets for the sale or transportation of physical natural gas in interstate commerce."[116]

75. While the NGPA does not contain an express public disclosure provision similar to NGA section 4(c), Section 311(c) of the NGPA authorizes the Commission to prescribe the "terms and conditions" under which intrastate pipelines perform interstate service. Requiring NGPA section 311 pipelines to publicly disclose transactional information for the purpose of allowing shippers and others to monitor NGPA Section 311 transactions for undue discrimination is well within the Commission's broad conditioning authority under Section 311(c).[117]

76. We reject TPA's argument that the Commission procedural rules in §§ 385.1112 and 388.112 require the Commission to allow pipelines to request confidential or privileged treatment of their transactional reports. The existence of those procedural rules does not prevent the Commission from establishing, in this rulemaking proceeding after notice and comment, a category of document, i.e. the Form 549D reports required by this rule, which must be made public in order for the Commission to carry out its

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[116] 15 U.S.C. 717t-2(a)(1). See Energy Policy Act of 2005, Pub. L. No. 109-58, § 316 ("Natural Gas Market Transparency Rules"), 119 Stat. 594 (2005).

[117] See, e.g., AGD, 824 F.2d at 1015 – 1018 (D.C. Cir. 1987) (affirming the Commission's use of Section 311(c) to require intrastate pipelines to permit their interstate sales customers to convert to transportation-only service).

statutory responsibilities under the NGA and the NGPA. Such automatic disclosure requirements already apply to various other reports filed with the Commission, including for example the FERC Form Nos. 2, 2-A, and 3-Q financial reports required by §§ 260.1, 260.2, and 260.300.[118]

77. As a matter of policy, we find that Hinshaw and section 311 pipelines must file their Form No. 549D reports as public in order to achieve the Final Rule's purpose of improving transparency, monitoring discrimination, and fostering efficient markets. The Commission recognizes the concern of some pipelines that disclosure of commercially sensitive information will enable a shipper to know what the pipeline is charging other shippers and thus prevent the pipeline from being able to negotiate the best price for the services it offers. In Order No. 637-A, the Commission exercised its discretion concerning the manner of public disclosure to delay interstate pipelines' posting of transactional information until the first nomination of service under the contract, rather than requiring posting upon execution of the contract. The Commission stated that this would temper any potential disadvantages from the public disclosure requirement, because the first nomination could be significantly after the contract was executed. In

[118] See Quarterly Financial Reporting and Revisions to the Annual Reports, Order No. 646, FERC Stats. & Regs. ¶ 31,158, Appendix B at 48 ("This report is also considered to be a non-confidential public use form."), order on reh'g, Order No. 646-A, FERC Stats. & Regs. ¶ 31,163 (2004); accord Instructions for Filing FERC Forms 2, 2-A, and 3-Q at I.

light of our more light-handed regulation of Hinshaw and section 311 pipelines and our desire to minimize undue burdens on such pipelines, we are permitting a longer delay between contract execution and disclosure by only requiring such reports to be filed quarterly. This should temper any potential adverse effects from disclosure.

78. However, public disclosure of all information in the quarterly reports is necessary to permit all market participants to monitor the market and detect undue discrimination. The Commission also expects and hopes that market participants will use the information from these reports in order to educate themselves about market conditions. Regardless of any adverse effect on individual entities, public disclosure will improve the market as a whole by improving efficiency and competition.

79. Finally, while ONEOK and TPA assert that the disclosure requirement could violate the confidentiality provisions of pipelines' existing contracts, most jurisdictional contracts include provisions that the contract is subject to all rules adopted by the Commission. Moreover, the Commission has previously held that such confidentiality provisions violate Commission policy. For example, in Bay Gas Storage Co.,[119] the Commission required a section 311 pipeline to remove from its Statement of Operating Conditions a provision that the terms of any storage or transportation service agreement must be kept confidential with certain exceptions, holding that the provision was

[119] 110 FERC ¶ 61,154 at P 17 (2005).

"contrary to the Commission's favoring public disclosure of the provisions of service contracts under NGPA section 311." If any Hinshaw or section 311 pipeline believes that it is subject to a binding contractual obligation to keep confidential any information required to be disclosed by this rule, it must file that contract with the Commission so that it can be modified to remove any such provision.

G. Data Format and Technical Protocols

1. NOPR and Information Notice

80. The NOPR proposed that Commission Staff develop a mandatory, standardized electronic format for the Form No. 549D reports. The goals are to facilitate data submission, to provide the public timely and easy access to the information, and to avoid the costs of requiring intrastate pipelines to maintain a NAESB-compliant website.

81. The Commission introduced its proposed format in the Information Notice. The Information Notice provided a table showing proposed Form No. 549D data elements to be collected each quarter from each respondent. It also included an example of data entries reported by a sample pipeline for one shipper, a Proposed Form No. 549D Data Dictionary and Reporting Units, and draft Instructions for Reporting Data. The Commission also asked for comments on the technological issue of whether the proposed standardized format should be developed using XML or an ASP.NET web-based form.

2. Comments

82. The discussion of information technology in the NOPR and Information Notice garnered widespread concern from pipelines. The chief concern of pipelines is that they may have to engage in extensive training or outsourcing in order to understand and comply with the Commission's directive.[120] AGA reports that "one company has estimated the cost of developing an in-house solution for XML Schema reporting to be approximately $30,000."[121] Jefferson reported its own estimate of $130,000 "to develop a quarterly report similar to the proposed Form No. 549D in the XML Schema format."[122] Jefferson also stated, however, that it could not support ASP.NET unless the Commission could first guarantee that the format would not "require[] a filer to manually enter data," or otherwise make the data submission and correction process laborious.[123]

83. In order to reduce this compliance burden, AGA along with Duke recommend that the Commission support not only the XML and ASP.NET approaches, but also "a simple spreadsheet with the data in tabular form that the intrastate and Hinshaw pipelines could complete and file with the Commission using the eFiling portal."[124] TPA urges the

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[120] E.g., Jefferson at 9-11.

[121] AGA at 7.

[122] Jefferson at 14.

[123] Jefferson at 10.

[124] AGA at 14; see also Duke at 2-3, 7-9.

Commission to not adopt a form at all, but rather allow pipelines to continue to file reports similar in format and content to what they file now.[125] In the alternative, TPA recommends making both XML and ASP.NET available.[126]

84. AGA also "recommends that the Commission develop a Frequently Asked Questions webpage or other web-based Query System to assist intrastate and Hinshaw pipelines in complying with the new standardized electronic information filing requirements."[127] AGA, TPA, and Jefferson have several questions in this vein regarding specific elements and definitions from the Information Notice.[128]

85. Cities, along with Constellation, praise the Commission's decision "to shoulder the burden of website maintenance and standards compliance."[129] Yates, while generally supporting the Commission's proposal, argues that it would not be unduly burdensome to require pipelines to maintain their own websites on which they regularly publish transactional data.[130]

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[125] TPA at 16.

[126] TPA at 20; see also ONEOK at 5.

[127] AGA at 3; see also AGA at 15.

[128] AGA at Appendix A; TPA at 20-25; Jefferson at 11-13.

[129] Cities at 4; see also Constellation at 4.

[130] Yates at 7.

3. <u>Commission Determination</u>

86. The Commission will use XML to collect and process the data required by the Form No. 549D report and present it in a timely manner on its website. The Commission recognizes that some respondents may prefer not to use XML. Other respondents have experience with the format or for efficiency purposes would use XML. Therefore, the Commission will allow respondents at the beginning of each quarter to select the method[131] of filing most appropriate to their circumstances as described below:

a. <u>Fillable-PDF Form No. 549D</u>

For respondents who prefer not to use XML, the Commission will develop an electronic form in a PDF format that can be downloaded from the FERC website and saved to a user's computer desktop. The form can be viewed and updated using Adobe Acrobat Reader version 9 or higher. The fillable-PDF form will look like a standard document, so that a clerk or any other employee(s) will be able collaborate on filling it out, saving it, and submitting the fillable-PDF electronically to the Commission.[132] The data will be verified

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[131] Respondents must choose only one methodology in a given quarter to file their quarterly report. They do not have to notify Commission staff of their selection.

[132] <u>See</u> Appendix for a paper copy of the Form No. 549D and an example of a completed copy.

and validated before it will be officially accepted by the Commission. Each respondent's filing would be publicly available in eLibrary within 1 day after filing. The public would also be able to download the entire Form No. 549D database for the quarter from the FERC website a few days after the filing deadline. Respondents would be able to correct any errors in their initial filings by filing a revised fillable PDF Form No. 549D with the Commission.[133]

b. <u>File an XML file that validates against an XML Schema for Form No. 549D</u>

This method of filing is for those respondents who have some experience with XML, or have a relatively large number of shippers and contracts to report on each quarter. The Commission would develop an XML Schema for Form No. 549D and make it available for download on the FERC website. Respondents would have to test and successfully validate their XML filing against the XML Schema for Form No. 549D prior to submitting it electronically to the Commission. Once the XML file is submitted, the Commission will examine it to ensure that it is formatted properly and validates

[133] The Form No. 549D database accessible on the FERC website would only show the latest filing of each Respondent.

against FERC's XML Schema for Form No. 549D before it is officially accepted by the Commission. Each respondent's filing would be publicly available in eLibrary within 1 day after filing. The public would also be able to download the entire Form No. 549D database for the quarter from the FERC website a few days after the filing deadline. Respondents would be able to correct any errors in their initial filings by resubmitting another XML file.

87. An updated data dictionary, paper copy of the Fillable PDF Form No. 549D, an example of the filled out Form No. 549D, and Instructions are attached as an appendix to this order. At a date closer to the deadline for filing the first Form No. 549D, the Commission will issue a notice for a Workshop in which Commission Staff will explain the overall filing process, including the fillable-PDF Form No. 549D, data dictionary, XML Schema and will answer any technical questions. Commission Staff are also directed to set up a form549D email box (form549d@ferc.gov) where respondents can send questions. Commission staff will also provide online filing guidance and technical advice to respondents who request it, in line with the Commission's current guidelines for contact between Staff and regulated entities.

88. Finally, to the extent possible, the General Instructions for Form No. 549D developed by the Commission Staff will conform with the instructions for eTariff filing, so that pipelines shall use the same names to refer to the same objects and concepts in

both their Statements of Operating Conditions and their quarterly reports. In this manner, the Commission hopes to address all of the above-noted concerns with regard to information technology for the Form No. 549D.

VI. Periodic Rate Review

A. Current Policy

89. Section 311 of the NGPA provides that the rates of intrastate pipelines performing transportation service under the NGPA shall be fair and equitable. Section 284.123 of the Commission's regulations implements this requirement for section 311 pipelines, and § 284.224(e)(i) provides that provides that Hinshaw pipelines performing interstate service will be subject to the same rate requirements that apply to intrastate pipelines under § 284.123. As a general matter, the Commission's review of the rates of both section 311 and Hinshaw pipelines is more light-handed than its review of the rates of interstate pipelines. For example, when intrastate and Hinshaw pipelines file a request for a rate change, the Commission does not impose the five-month suspension typically imposed on interstate pipeline rate increases, and it uses advisory, non-evidentiary proceedings to resolve the issues, rather than setting the case for an evidentiary hearing before an Administrative Law Judge, as it does for interstate pipeline rate cases.[134]

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[134] Gulf Terra Texas Pipeline, L.P., 109 FERC ¶ 61,350, at P 9 (2004) (Gulf Terra).

90. However, as part of this overall, more light-handed regulation of intrastate and Hinshaw pipelines, the Commission has established a policy of reviewing the rates of both types of pipelines every three years in order to ensure that the rates affecting interstate services remain fair and equitable.[135] The Commission has stated that the triennial rate review of section 311 intrastate and Hinshaw pipelines enables the Commission to determine whether their rates have become unfair and unreasonable because the cost of service data upon which they are based have become stale.

91. The primary difference in the Commission's regulation of section 311 and Hinshaw pipelines is the procedural vehicle through which the three-year rate review of those pipelines' rates is performed. This difference arises from the difference in the statutes under which we regulate the two types of pipelines. For the reasons discussed in full in Green Canyon Pipe Line Co.,[136] the Commission has broad conditioning authority under NGPA section 311(c), which it has consistently exercised to require intrastate pipelines to file new petitions for rate approval every three years. However, the United States Court of Appeals for the District of Columbia Circuit has held that the Commission cannot require interstate pipelines subject to its NGA jurisdiction to make

[135] See, e.g., id. at P 10 (citing Arkansas Western Gas Company, 56 FERC ¶ 61,407 (1991), reh'g denied, 58 FERC ¶ 61099 (1992)).

[136] 98 FERC ¶ 61,041 at 61,122-3 (2002).

new rate filings under NGA section 4.[137] Consistent with that finding, the Commission in Consumers Energy Co.[138] only required Hinshaw pipelines performing interstate service under a § 284.224 certificate to submit a triennial informational filing in the form specified in § 154.313 of the Commission's regulations for minor rate changes.

92. While the triennial rate review requirement is not part of the Commission's regulations, the Commission has consistently imposed that requirement as a condition of its approval of each rate filing by a section 311 or Hinshaw pipeline. The Commission has done this, whether the pipeline has chosen to elect a state-based rate pursuant to § 284.123(b)(1) or has proposed a rate for a Commission-approved rate pursuant to § 284.123(b)(2).[139]

B. Comments

93. While the NOPR did not directly raise the issue of whether the Commission should modify its triennial rate review policy, Duke points out in its comments that Order No. 636 removed the requirement that interstate pipelines file new rate cases every three years. It contends that, in order to treat section 311 pipelines and Hinshaw pipelines

[137] Public Service Commission of New York v. FERC, 866 F.2d 487 (D.C. Cir. 1989).

[138] 94 FERC ¶ 61,287 (2001). See also Gulf Terra at P 12.

[139] See Centana Intrastate Pipeline Co., 75 FERC ¶ 61,253 (1996) (Order on Rehearing) (imposing triennial rate review on a § 284.123(b)(1) filing); Green Canyon Pipe Line Company, L.P., 98 FERC ¶ 61,041 (2002) (Order on Rehearing) (imposing triennial rate review on a § 284.123(b)(2) filing).

similarly: "the Commission should either reimpose a periodic rate filing requirement on interstate pipelines or eliminate the triennial filing requirement currently imposed on intrastate and Hinshaw pipelines."[140]

94. Other commenters argue that the triennial rate review requirement renders any additional information collection partly or wholly unnecessary. TPA predicts that the proposed reports "would not likely yield significant transparency benefits," because Section 311 pipelines already must file Statements of Operating Conditions with maximum rates and submit cost of service filings to the Commission and to state officials.[141] Enogex argues that the triennial rate review offers the Commission and other interested parties sufficient opportunity to review the rates and contracts of Section 311 pipelines. Enogex further argues that most interstate pipelines are not subject to rate reviews that are as detailed or frequent, and that Section 311 pipelines would be unduly burdened if further reporting were required.[142]

C. Commission Determination

95. As noted above, the Commission generally requires triennial rate reviews of section 311 intrastate and Hinshaw pipelines to ensure that the Commission has current information and rates have not become stale. Since these pipelines are not subject to the

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[140] Duke at 7.

[141] TPA at 3.

[142] Enogex at 10-11.

same reporting requirements, nor the same level of rate review, as interstate pipelines, the Commission can not eliminate periodic rate review without abrogating its duty to continually assure fair and equitable rates.

96. However, the Commission is sensitive to concerns that the improved reporting requirements could prove too burdensome, when considered in aggregation with other burdens such as triennial rate review. In recent years, the Commission has found it only occasionally necessary to impose rate reductions during these periodic reviews. It is our expectation that the improved reporting requirements will instill further market discipline, thus helping to continue this favorable trend. It thus appears that requiring all section 311 and Hinshaw pipelines to make filings for a review of their rates every three years imposes an unnecessary burden on both the pipelines and the Commission, as compared to the public benefits obtained by such rate review. Accordingly, the Commission has decided to modify its triennial rate review policy in order to decrease the frequency of review from three to five years. Therefore, the Commission intends in future orders approving rates filed by section 311 and Hinshaw pipelines to include a condition requiring a review of those rates five years from the date the approved rates took effect. Any pipelines subject to a requirement to file a triennial rate review after the issuance of this Final Rule may file a request for an extension of time consistent with the revised policy announced here.

VII. Effective Date of the Final Rule and Compliance Deadlines

A. Comments

97. Several commenters expressed concern over the speed with which the Commission would adopt and implement the proposed reporting requirements. Three suggestions raised by Jefferson and others were to hold conferences or otherwise delay the issuance of the Final Rule, delay the effective date of the Final Rule, and establish a safe harbor period.

98. First, Jefferson and others seek to delay the issuance of the Final Rule. Jefferson argues that the proposed format "[r]equires additional guidance in the form of industry conferences and workshops prior to the Commission's issuance of a Final Rule to avoid conflicts in interpretation of each proposed data element, develop a consensus regarding proposed technical reporting formats, and to give intrastate and Hinshaw pipelines an opportunity to present information that would more accurately represent the burden of reporting."[143] TPA, while also requesting a conference, urges the Commission to postpone any activity in this docket until after the Commission has completed the implementation and appeals process for the rulemaking in Order No. 720, which also

[143] Jefferson at 7.

concerns intrastate pipeline reporting, and assesses the impact of that rule before considering any further regulations.[144]

99. Second, Jefferson requests "an implementation period of at least 18 months from the issuance of a final rule … regardless of the technical format ultimately selected."[145] AGA also requests a delayed effective date, without specifying a length.[146]

100. Third, Jefferson requests a one year safe-harbor period, during which pipelines will not be penalized for inadvertent reporting errors.[147]

B. Commission Determination

101. The Final Rule will become effective on April 1, 2011. Pursuant to the regulations, the Form No. 549D quarterly report for the period January 1, 2011 through March 31, 2011 must be eFiled on or before May 1, 2011. Based on the comments from all shippers, we believe that this allows a sufficient period before implementation of the revised reporting requirement to allow reporting pipelines to familiarize themselves with the new reporting format and update their internal processes, if necessary. As noted above, Commission Staff plans to hold a technical workshop on a date to be announced in the near future for the purpose of assisting reporting pipelines in this transition.

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[144] TPA at 6, 15; see also Atmos at 7; ONEOK at 3.

[145] Jefferson at 8.

[146] AGA at 16.

[147] Jefferson at 8.

102. We will not institute a safe-harbor period. However, as stated above in this order, because this is a new information collection, the Commission will focus any enforcement efforts on instances of intentional submission of false, incomplete, or misleading information to the Commission, of failure to report in the first instance, or of failure to exercise due diligence in compiling and reporting data.[148]

VIII. Information Collection Statement

A. Original Statement

103. In the NOPR, in accordance with the requirements of the Office of Management and Budget (OMB), the Commission estimated that on an annual basis the burden to comply with the rule as proposed would be as follows:

Data Collection	Number of Respondents	Number of Responses	Hours per Response	Total Hours
Form No. 549D	125	4	3.5	1,750

Using an hourly rate of $150 to estimate the costs for filing and other administrative processes, the Commission estimated the total cost for all respondents to be $262,500.

B. Comments

104. Many pipelines strongly disagreed with the Commission's burden estimate. Most prominently, commenters urge the Commission to consider the initial implementation

[148] See, e.g., Order No. 704 at P 114.

burden. Atmos states that it spent five months on the first annual report required by Order No. 704.[149] AGA estimates that the development of an XML Schema alone would cost $30,000 per respondent, for an initial total burden of $3.75 million.[150] Enogex estimates the "major information systems upgrades to allow Enogex to track, report, and maintain the level of detailed data necessary … [at] $3 to $4 million."[151]

105. Commenters also disagreed with the estimated ongoing annual burden. AGA estimated annual reporting would take over 12 hours per respondent to complete, which for 125 respondents would be an annual burden of $900,000.[152] TPA also believes that annual burdens will be significantly higher, especially if the Commission chooses a format that requires manual data entry.[153] "[D]ue to the large number of small-volume, interruptible 311 transactions … the burden of additional reporting might outweigh the benefits of participating," TPA warns.[154] Jefferson estimates 24 hours per quarter per respondent, with thousands of dollars in fees to third party information technology

[149] Atmos at 3.

[150] AGA at 7.

[151] Enogex at 7.

[152] AGA at 7.

[153] TPA at 15.

[154] TPA at 24.

vendors.[155] In addition, Jefferson and others provide separate estimates of the cost of using industry common codes for shippers and receipt and delivery points, as detailed above in this order.[156]

C. Revised Statement

106. The Office of Management and Budget (OMB) regulations require that OMB approve certain reporting, record keeping, and public disclosure requirements (collections of information) imposed by an agency.[157] The Commission has submitted notification of these proposed information collection requirements to OMB for its review and approval under section 3507(d) of the Paperwork Reduction Act of 1995.[158]

107. The requirement for intrastate pipelines to post additional information regarding their transactions would impose an initial burden on pipelines as they organize their corporate data to be compatible with the data elements selected by the Commission for Form No. 549D. Certain pipelines have asserted in comments that the costs could include the reconfiguring of information collection systems. However, given that this information is used in their business, the Commission still believes that the burden that would be imposed by this proposed requirement is largely for the collection of this

[155] Jefferson at 14.

[156] E.g., Jefferson at 9.

[157] 5 CFR §1320.11.

[158] 44 U.S.C. 3507(d).

information.[159] As stated above in this Final Rule, intrastate pipelines can choose to submit their quarterly Form No. 549D using a Commission-provided Fillable PDF form.[160] In this instance, intrastate pipelines would not be required to incur costs to learn XML or develop an XML Schema. Even if an intrastate pipeline chose to file an XML file, it would not incur costs to develop an XML Schema. The Schema would be developed by the Commission and provided to pipelines in order to validate their submission before eFiling it to the Commission. While the Commission erred in not including this burden in its original estimate, we nevertheless find that the burden estimates provided by commenters are far too high. These estimates were based on assumptions that the Commission would require a far more intensive volume of reports – transaction-by-transaction reports instead of contract-by-contract reports – and that the Commission would require the more technologically challenging XML data format without developing a "simple spreadsheet" form to guide respondents.

108. OMB regulations require OMB to approve certain information collection requirements imposed by agency rule. The Commission submitted notification of this

[159] See 5 CFR § 1320.3(b)(2) ("The time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities (e.g., in compiling and maintaining business records) will be excluded from the "burden" if the agency demonstrates that the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary.").

[160] Respondents would have to download the free version of Acrobat Reader version 9 to use the fillable PDF.

rule to OMB. The Commission has developed a cost estimate of the initial implementation burden and revised the estimate of the ongoing annual burden concomitant with the decision allow multiple versions of the report. The analysis began with an examination of a representative sample of over one-third of the companies currently filing a Form No. 537, the semi-annual storage report, or Form No. 549, the annual transportation report. Studying the level and type of services performed for their shippers made it possible to split the industry between those that would logically file using the PDF form because of the relatively small number of shippers and services, and those that would incur the addition up-front effort associated with developing tools for filing the report using the Commission's XML schema. This analysis estimates that the 70 percent of Respondents that average less than five shippers transacting in a given quarter would file using the PDF form. The other 30 percent would incur addition development costs associated with the XML-based report to offset the larger on-going burden cost associated with reporting more shippers, services, and contracts. Cost estimates were developed for the initial burden and the on-going burden for each of the permissible file methods, using prevailing Houston labor costs and the most efficient hourly split of manpower by legal, accounting, regulatory and IT departments. The initial burden was split between effort involved in the initial review and planning procedures to ensure compliance with the rulemaking and the effort required to develop and implement the new procedures. The PDF startup effort would require an average 68 person-hours or

$4,354 per Respondent. The XML startup effort would require an additional 128 person-hours, primarily associated with the increased IT development and testing requirements, for an estimated initial burden of $11,287 per Respondent. The start-up burden estimates for complying with this Final Rule are as follows:

Initial Public Reporting Burden:

Data Collection Filing Method	**Number of Respondents**	**Average Start-Up Burden per Respondent**	**Total Industry Hours**	**Total Industry Costs**
Using PDF Form	87	$4,354	5,916	$378,798
Using XML Schema	38	$11,287	7,448	$428,906
Total	125		13,364	$807,704

To estimate ongoing burden, the Commission analyzed two sets of costs: the per-report cost for the effort by the legal accounting, IT and regulatory departments related to changes in the mix of shippers and services, and the per-contract costs related to the effort populate the report with the information associated with each shipper by service type and by contract. For the first set of costs, this analysis estimates the PDF form to require 11 person-hours at an estimated cost of $596 per report, and the XML Schema 10 man-hours at an estimated cost of $556 per report. For the per-contract set of costs, this analysis estimates the PDF form to require $663 per report and the XML Schema $543 per report, for the average Respondent.

Ongoing Public Reporting Burden:

Data Collection Filing Method	Number of Respondents	Average Annual Ongoing Burden per Respondent	Total Industry Hours per Year	Total Industry Costs per Year
Using PDF Form	87	$2,650	4,294	$230,550
Using XML Schema	38	$2,171	1,520	$ 82,498
Total	125		5,814	$313,048

Title: Form No. 549D

Action: Proposed Information Posting and Information Filing

OMB Control No: xxxx-xxxx

Respondents: Business or other for profit.

Frequency of Responses: Quarterly posting requirements.

Necessity of the Information: The quarterly filing of additional information by intrastate pipelines is necessary to provide information regarding the price and availability of natural gas transportation services to market participants, state commissions, the Commission, and the public. The filing would contribute to market transparency by empowering market participants to determine the extent to which particular transactions are comparable to one another; and it would allow the monitoring of potentially manipulative or unduly discriminatory activity.

Interested persons may obtain information on the reporting requirements by contacting the following:

Federal Energy Regulatory Commission

888 First Street, NE

Washington, DC 20426

[Attention: Data Clearance, Phone: (202)502-8415, fax: (202)273-0873]

e-mail: DataClearance@ferc.gov

or by contacting:

Office of Management and Budget

Office of Information and Regulatory Affairs, Washington, DC 20503

[Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202)395-7345, fax: (202)395-7285].

IX. Environmental Analysis

109. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[161] The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human

[161] Order No. 486, Regulations Implementing the National Environmental Policy Act of 1969, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs., Regulations Preambles 1986-1990 ¶ 30,783 (1987).

environment.[162] The actions taken here fall within categorical exclusions in the Commission's regulations for rules that are corrective, clarifying or procedural, for information gathering, analysis, and dissemination, and for sales, exchange, and transportation of natural gas that requires no construction of facilities.[163] Therefore an environmental review is unnecessary and has not been prepared in this rulemaking.

X. Regulatory Flexibility Act

110. The Regulatory Flexibility Act of 1980 (RFA)[164] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The Commission is not required to make such analysis if proposed regulations would not have such an effect.

111. Most of the natural gas companies regulated by the Commission do not fall within the RFA's definition of a small entity.[165] Approximately 125 natural gas companies are potential respondents subject to the requirements adopted by this rule. For the year 2008

[162] 18 CFR § 380.4.

[163] See 18 CFR §§ 380.4(a)(2)(ii), 380.4(a)(5) and 380.4(a)(27).

[164] 5 U.S.C. 601-612.

[165] See 5 U.S.C. 601(3), citing section 3 of the Small Business Act, 15 U.S.C. 623. Section 3 of the SBA defines a "small business concern" as a business which is independently owned and operated and which is not dominant in its field of operation. The Small Business Size Standards component of the North American Industry Classification System defines a small natural gas pipeline company as one that transports natural gas and whose annual receipts (total income plus cost of goods sold) did not exceed $7 million for the previous year.

(the most recent year for which information is available), 4 companies had annual revenues of less than $7 million. This represents 3.2 percent of the total universe of potential respondents or only a very few entities that may have a significant burden imposed on them. In addition, by providing entities with an option of how they file the information, the Commission has provided alternatives, thereby lessening the economic impact for smaller entities while still accomplishing the regulatory objective of increasing market transparency. In view of these considerations, the Commission certifies that this Final Rule’s amendments to the regulations will not have a significant impact on a substantial number of small entities.

XI. Document Availability

112. In addition to publishing the full text of this document, except for the Appendix, in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document, including the Appendix, via the Internet through FERC's Home Page (http://www.ferc.gov) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, NE, Room 2A, Washington, DC 20426.

113. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document, including the Appendix, is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading.

To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

114. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. E-mail the Public Reference Room at public.referenceroom@ferc.gov.

XII. Effective Date and Congressional Notification

115. These regulations are effective April 1, 2011. The quarterly report for transactions occurring during the period January 1, 2011 through March 31, 2011 must be filed on or before May 1, 2011. The Commission has determined that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of subjects in 18 CFR Part 284

Continental shelf, Natural gas, Reporting and recordkeeping requirements.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

In consideration of the foregoing, the Commission amends Part 284, Chapter I, Title 18, Code of Federal Regulations, as follows.

PART 284 – CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

1. The authority citation for Part 284 continues to read as follows:

Authority: 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 7101-7352; 43 U.S.C. 1331-1356

2. In § 284.126, paragraph (b) is revised to read as follows:

§ 284.126 Reporting Requirements

* * * * *

(b) Form No. 549D, Quarterly Transportation and Storage Report of Intrastate Natural Gas and Hinshaw Pipelines.

(1) Each intrastate pipeline must use Form No. 549D to file a quarterly report with the Commission and the appropriate state regulatory agency that contains, for each transportation and storage service provided during the preceding calendar quarter under § 284.122, the following information on each transaction, aggregated by contract:

i. The full legal name, and identification number, of the shipper receiving the service, including whether there is an affiliate relationship between the pipeline and the shipper;

ii. The type of service performed (i.e., firm or interruptible transportation, storage, or other service);

iii. The rate charged under each contract, specifying the rate schedule/name of service and docket where the rates were approved. The report should separately state each rate component set forth in the contract (i.e. reservation, usage, and any other charges);

iv. The primary receipt and delivery points covered by the contract, identified by the list of points that the pipeline has published with the Commission, which shall include the industry common code for each point where one has already been established;

v. The quantity of natural gas the shipper is entitled to transport, store, or deliver under each contract;

vi. The duration of the contract, specifying the beginning and ending month and year of the current agreement;

vii. Total volumes transported, stored, injected or withdrawn for the shipper; and

viii. Total revenues received for the shipper. The report should separately state revenues received under each rate component;

(2) The quarterly Form No. 549D report for the period January 1 through March 31 must be filed on or before May 1. The quarterly report for the period April 1 through June 30 must be filed on or before August 1. The quarterly report for the period July 1 through September 30 must be filed on or before November 1. The quarterly report for the period October 1 through December 31 must be filed on or before February 1.

(3) Each Form No. 549D report must be filed as prescribed in § 385.2011 of this chapter as indicated in the General Instructions and Data Dictionary set out in the quarterly reporting form. Each report must be prepared and filed in conformance with the Commission's software or XML Schema, eTariff filing structure, and reporting guidance, so as to be posted and available for downloading from the FERC Web site (http://www.ferc.gov). One copy of the report must be retained by the respondent in its files.

(4) Intrastate pipelines filing Form No. 549D are no longer required to file Form No. 549 – Intrastate Pipeline Annual Transportation Report after their March 31, 2011 filing.

* * * * *

Appendix
Form No. 549D in Docket No. RM09-2-000

Quarterly Transportation and Storage Report For Intrastate Natural Gas and Hinshaw Pipelines

A. **Paper Copy of Form No. 549D**

Federal Energy Regulatory Commission	Form Approved OMB No. 1902 XXXX Expires on: XX/XX/XX

Federal Energy Regulatory Commission

FERC Form 549D for quarter ending (Date)

Respondent Header Information

1	Filing Company- Legal Name of Intrastate/ Hinshaw Company		10	Filing Company- Contact E-Mail Address	
2	FERC designated "Company Identifier"		11	Filing Company- Street Address	
3	Report is Original / Resubmission		12	Filing Company- City	
4	Submission Date		13	Filing Company- State	
5	Report is to confirm transportation of gas under § 284.122		14	Filing Company- Zip	
6	Filing Calendar Year & Quarter		15	Filing Company- Country Name	
7	Filing Company- Contact Name		16	Signing Official Title	
8	Filing Company- Contact Title		17	Signing Official Signature	
9	Filing Company- Contact Phone No.		18	Date Signed	

Federal Energy Regulatory Commission

Form Approved
OMB No. 1902-XXXX
Expires on: XX/XX/XX

Shipper Information

Add Row | Delete Row

19	Name of Shipper Receiving Service		20	Shipper Identification Number		21	Affiliate (Y/N)

Contract Information

Add Row | Delete Row

22	Contract Identification Number		24	Ending date of current contract term	
23	Beginning date of current contract term		25	Firm / Interruptible	

Services Performed

26	Type of Service Performed - Transportation / Storage (Parking) / Lending / Other (Specify)		30	Primary Receipt Point Industry Common Code	
27	Rate Schedule Designation		30a	Additional Primary Receipt Point Industry Common Codes	
			31	Primary Delivery Point Name	
28	Docket where rates were approved		31a	Additional Primary Delivery Point Names	
29	Primary Receipt Point Name		32	Primary Delivery Point Industry Common Code	
29a	Additional Primary Receipt Point Names		32a	Additional Primary Delivery Point Industry Common Codes	

Rates Data

33	Contract Reservation Rate - Peak Day		44	Contract Usage Rate - Injected (Rate Units)	
34	Contract Reservation Rate - Peak Day (List of Discounted Rates)		45	Contract Usage Rate - Withdrawn	
35	Contract Reservation Rate - Peak Day (Rate Units)		46	Contract Usage Rate - Withdrawn (List of Discounted Rates)	
36	Contract Reservation Rate - Annual Volume		47	Contract Usage Rate - Withdrawn (Rate Units)	
37	Contract Reservation Rate - Annual Volume (List of Discounted Rates)		48	Contract Usage Rate – Storage (Parking) / Lending Service [Initial Day or Single One-Part Rate]	

B. Example of Form 549D data entries for shipper with contract and single service

Federal Energy Regulatory Commission	Form Approved OMB No. 1902 XXXX Expires on: XX/XX/XX

Federal Energy Regulatory Commission
FERC Form 549D for quarter ending (Date)

Respondent Header Information

1	**Filing Company- Legal Name of Intrastate/ Hinshaw Company**	Acme Intrastate Pipeline Company	10	**Filing Company- Contact E-Mail Address**	c.responder@acmeintrastate.com
2	**FERC designated "Company Identifier"**	12345	11	**Filing Company- Street Address**	1111 Sam Houston Blvd
3	**Report is Original / Resubmission**	Original	12	**Filing Company- City**	Houston
4	**Submission Date**	20110515	13	**Filing Company- State**	TX
5	**Report is to confirm transportation of gas under § 284.122**	Y	14	**Filing Company- Zip**	77201
6	**Filing Calendar Year & Quarter**	201103	15	**Filing Company- Country Name**	U.S.
7	**Filing Company- Contact Name**	Ms. Responder	16	**Signing Official Title**	Sr. VP, Marketing and Reg. Affairs
8	**Filing Company- Contact Title**	Director, Regulatory Affairs	17	**Signing Official Signature**	S. Jones
9	**Filing Company- Contact Phone No.**	713-555-1212	18	**Date Signed**	20110514

Federal Energy Regulatory Commission

Form Approved
OMB No. 1902 XXXX
Expires on. XX/XX/XX

Shipper Information

Add Row | Delete Row

19	Name of Shipper Receiving Service	Acme Intrastate Marketing Group	20	Shipper Identification Number	NNNNNNNN	21	Affiliate (Y/N)	Y

Contract Information

Add Row | Delete Row

22	Contract Identification Number	123-ASD-538	24	Ending date of current contract term	2021307
23	Beginning date of current contract term	2004207	25	Firm / Interruptible	I

Services Performed

26	Type of Service Performed - Transportation / Storage (Parking) / Lending / Other (Specify)	T	30	Primary Receipt Point Industry Common Code	Acme Hill Ranch Plant
27	Rate Schedule Designation	ITS	30a	Additional Primary Receipt Point Industry Common Codes	Mid-Atlantic Interstate – Acme Interconnect
			31	Primary Delivery Point Name	
28	Docket where rates were approved	PR07-99	31a	Additional Primary Delivery Point Names	NNNNN-ACMA
29	Primary Receipt Point Name	Acme Hill Ranch Plant	32	Primary Delivery Point Industry Common Code	NNNNNN-ACMA
29a	Additional Primary Receipt Point Names		32a	Additional Primary Delivery Point Industry Common Codes	

Rates Data

33	Contract Reservation Rate - Peak Day		44	Contract Usage Rate - Injected (Rate Units)	
34	Contract Reservation Rate - Peak Day (List of Discounted Rates)		45	Contract Usage Rate - Withdrawn	
35	Contract Reservation Rate - Peak Day (Rate Units)		46	Contract Usage Rate - Withdrawn (List of Discounted Rates)	
36	Contract Reservation Rate - Annual Volume		47	Contract Usage Rate - Withdrawn (Rate Units)	
37	Contract Reservation Rate - Annual Volume (List of Discounted Rates)		48	Contract Usage Rate – Storage (Parking) / Lending Service [Initial Day or Single One-Part Rate]	

C. **<u>Form No. 549D Data Dictionary and Reporting Units.</u>** (Note: all field numbers correspond to Form No. 549D data fields)

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
1	CO ID DATA	COMPANY	CID_CompanyName	Filing Company- Legal Name of Intrastate/ Hinshaw Company	Y	Unrestricted text (100 characters)	Acme Intrastate Pipeline Company	Name of the company filing this report.	
2	CO ID DATA	COMPANY	CID_Company_ID	FERC designated "Company Identifier"	Y	Text - 6 digits beginning with letter "C".	C00001	FERC designated "Company Identifier" for filing company that was obtained from FERC.	
3	CO ID DATA	REPORT ID	CID_Orgin_Resubmit	Report is Original / Resubmission	Y	O-Original R-Resubmission	O	Indentify if the report is an Original or a Resubmission.	
4	CO ID DATA	REPORT ID	CID_SubmitDate	Submission Date	Y	YYYYMMDD	20110515	The first 4 numbers represent the year (e.g., 2010). The last 5th and 6th numbers represent the month. The last two numbers represent the date.	
5	CO ID DATA	REPORT ID	CID_Transport_Y_N	Report is to confirm if transporter performed transportation of natural gas this quarter.	Y	Y-Yes N-No	Y	Indentify if the filer transported gas under § 284.122 during the quarter, if yes complete all fields as necessary, if no complete the through field 18.	
6	CO ID DATA	REPORT ID	CID_Filing_Qtr	Filing Calendar Year & Quarter	Y	YYYYMM	201103	The first 4 numbers represent the year (e.g., 2010). The last 2 numbers represent the last month of the quarter (e.g., 03= 1st quarter; 06= 2nd quarter; 09= 3rd quarter; 12= 4th quarter.)	
7	CO ID DATA	CONTACT	CID_ContactName	Filing Company- Contact Name	Y	Unrestricted text (50 characters)	Ms. Responder	Name of the person who electronically files and will answer questions regarding the filing.	
8	CO ID DATA	CONTACT	CID_ContactTitle	Filing Company- Contact Title	Y	Unrestricted text (50 characters)	Director Regulatory Affairs	Title of the contact identified in field #7.	
9	CO ID DATA	CONTACT	CID_ContactPhone	Filing Company- Contact Phone No.	Y	Unrestricted text (20 characters)	(713) 555-1212	Phone Number for the filing contact identified in field #7.	
10	CO ID DATA	CONTACT	CID_ContactEmail	Filing Company- Contact E-Mail Address	Y	Unrestricted text (100 characters)	c.responder@acmeintrastate.com	E-Mail address for the contact identified in field #7.	
11	CO ID DATA	COMPANY	CID_ContactStreetAddress	Filing Company- Street Address	Y	Unrestricted text (150 characters)	1111 Sam Houston Blvd.	Address for the filing company identified in field #1.	
12	CO ID DATA	COMPANY	CID_ContactCity	Filing Company- City	Y	Unrestricted text (50 characters)	Houston	City for the filing company identified in field #1.	

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
13	CO ID DATA	COMPANY	CID_ContactState	Filing Company- State	Y	Restricted text (2 characters)	TX	State for the filing company identified in field #1.	
14	CO ID DATA	COMPANY	CID_ContactZip	Filing Company- Zip	Y	Restricted text (10 characters)	77201	Zip for the filing company identified in field #1.	
15	CO ID DATA	COMPANY	CID_ContactCountry	Filing Company- Country Name	Y	Unrestricted text (50 characters)	USA	Country for the filing company identified in field #1.	
16	CO ID DATA	SIGNATORY	CID_ContactSignTitle	Signing Official Title	Y	Unrestricted text (50 characters)	Sr. Vice President Marketing & Regulatory Affairs	Title of the company officer who attests to the accuracy of the filing.	§284.126(b)(viii)
17	CO ID DATA	SIGNATORY	CID_ContactSignName	Signing Official Signature	Y	Unrestricted text (50 characters)	Ms. S. Jones	Name of the company officer who attests to the accuracy of the filing by confirming that "I am duly authorized to verify, execute, and file with the Federal Energy Regulatory Commission the foregoing Quarterly Intrastate Report and that the statements and facts contained therein are true, correct, and accurate to the best of my knowledge." Typing in the name of the signing official is an acceptable electronic signature in accordance with 18 CFR §385.2005(c) of the Commission's regulations.	§284.126(b)(viii)
18	CO ID DATA	SIGNATORY	CID_ContactSignDate	Date Signed	Y	YYYYMMDD	20110514	The first 4 numbers represent the year (e.g., 2010). The 5th and 6th numbers represent the month. The last two numbers represent the date.	§284.126(b)(viii)
19	SHIPPER ID DATA	SHIPPER DATA	SD_Name	Name of Shipper Receiving Service	Y	Unrestricted text (100 characters)	Acme Intrastate Marketing Group, LLC	Enter full legal name of the shipper.	§284.126(b)(i)
20	SHIPPER ID DATA	SHIPPER DATA	SD_ID_No	Shipper Identification Number	Y	Unrestricted text (9 characters)	NNNNNNNNN	Shipper ID - Use the unique Data Universal Numbering System (D-U-N-S®) Number assigned by the Dun & Bradstreet Corporation and accepted by the North American Energy Standards Board (NAESB) as the common code for the shipper.	§284.126(b)(i)

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
21	SHIPPER ID DATA	SHIPPER DATA	SD_Affilite_Y_N	Affiliate (Y/N)	Y	Y-Yes N-No	Y	Companies or persons that directly or indirectly, through one or more intermediaries, control, or are controlled by, or under common control of the company in question.	§284.126(b)(i)
22	SHIPPER ID DATA	SHIPPER DATA	SD_Contract_No	Contract Identification Number	Y	Unrestricted text (20 characters)	123-ASD-538	Number that is assigned by the pipeline/ storage company to the shipper	§284.126(b)(i)
23	SHIPPER ID DATA	SHIPPER DATA	SD_Contract_BegDate	Beginning date of current contract term	Y	YYYYMM	2004207	The first 4 numbers represent the year (e.g., 2009). The last 2 numbers represent the last month of the quarter (e.g., 03 - March; 06-June; 09 - September; and 12 - December).	§284.126(b)(vi)
24	SHIPPER ID DATA	SHIPPER DATA	SD_Contract_EndDate	Ending date of current contract term	Y	YYYYMM	201307	The first 4 numbers represent the year (e.g., 2009). The last 2 numbers represent the last month of the quarter (e.g., 03 - March; 06-June; 09 - September; and 12 - December).	§284.126(b)(vi)
25	SHIPPER ID DATA	TYPE OF SERVICE PERFORMED	SD_Firm_Inter	Firm / Interruptible	Y	F-Firm I-Interruptible	F	Service on a firm basis means that the service is not subject to a prior claim by another customer or another class of service and receives the same priority as any other class of firm service. Service on an interruptible basis means that the capacity used to provide the service is subject to a prior claim by another customer or another class of service and receives a lower priority than such other class of service.	§284.126(b)(ii); §284.7 and §284.9
26	SHIPPER ID DATA	TYPE OF SERVICE PERFORMED	SD_TypeService	Type of Service Performed - Transportation / Storage / Parking-Lending / Other (Specify)	Y	T-Transportation S-Storage P/L-Parking /Lending O-Other (Specify)	T	Other includes wheeling, hub services, imbalance services, pooling service, title transfer tracking service, penalties, surcharges or other charges, etc.	§284.126(b)(iii)

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
27	SHIPPER ID DATA	TYPE OF SERVICE PERFORMED	SD_RateSched	Rate Schedule Designation	Y	Unrestricted text (100 characters)	FTS	The Rate Schedule designation should be readily identifiable in the Statement of Operating Conditions. Examples of Rate Schedule designation: FTS=Firm Transportation Service; FSS=Firm Storage Service; ITS=Interruptible Transportation Service; ISS=Interruptible Storage Service; P=Parking Service; L=Lending Service; and Other.	§284.126(b)(iii)
28	SHIPPER ID DATA	TYPE OF SERVICE PERFORMED	SD_RateDocket	Docket where rates were approved	Y	Unrestricted text (20 characters)	PR98-12-001	FERC docket number where rates were approved. For Intrastate pipelines the designation is usually PR or SA.	§284.126(b)(iii)
29	SHIPPER ID DATA	RECEIPT / DELIVERY POINTS	SD_ReceiptPt_Name	Primary Receipt Point Name	Y	Unrestricted text (100 characters)	Acme Hill Ranch Plant	The term "Receipt Point" shall mean either (a) a Headstation, (b) the Point of Injection/Withdrawal, or (c) a point on Pipeline's Pipeline System that Shipper and Pipeline shall agree upon, where Gas enters facilities owned by Transporter, and is metered. If more than one primary receipt point in an individual rate schedule category, indicate each additional point in a comment field 29a.	§284.126(b)(iv)
29a	SHIPPER ID DATA	RECEIPT / DELIVERY POINTS	SD_ReceiptPt_Name-Add	Primary Receipt Point Name – Additional Names	N	Unrestricted text (1000 characters)	Acme Hill Ranch Plant 2	If more than one primary receipt point in an individual rate schedule category, indicate each additional point in this comment field.	§284.126(b)(iv)
30	SHIPPER ID DATA	RECEIPT / DELIVERY POINTS	SD_ReceiptPt_CCode	Primary Receipt Industry Common Code	Y	Unrestricted text (9 characters)	NNNNN-NNNN	Point Identification Code - Use the North American Energy Standards Board/Petroleum Information Corporation (NAESB/PI) Data Reference Number, a one-to-nine digit number also assigned by IHS (successor to PI). If more than one primary delivery point in an individual rate schedule category, indicate each additional point in a comment field 30a.	§284.126(b)(iv)
30a	SHIPPER ID DATA	RECEIPT / DELIVERY POINTS	SD_ReceiptPt_CCode-Add	Primary Receipt Industry Common Code – Additional Names	N	Unrestricted text (100 characters)	NNNNN-NNN2	If more than one primary delivery point in an individual rate schedule category, indicate each additional point in this comment field.	§284.126(b)(iv)

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
31	SHIPPER ID DATA	RECEIPT / DELIVERY POINTS	SD_DeliveryPt_Name	Primary Delivery Point Name	Y	Unrestricted text (100 characters)	Mid-Atlantic Interstate Pipeline Co.-Acme Interconnect	The term "Delivery Point" shall mean either (a) a Headstation, (b) the Point of Injection/Withdrawal, or (c) a point on Pipeline's Pipeline System that Shipper and Pipeline shall agree upon, where Gas exits facilities owned by Pipeline, and is metered. If more than one primary delivery point in an individual rate schedule category, indicate each additional point in a comment field 31a.	§284.126(b)(iv)
31a	SHIPPER ID DATA	RECEIPT / DELIVERY POINTS	SD_DeliveryPt_Name-Add	Primary Delivery Point Name – Additional Names	N	Unrestricted text (1000 characters)	Middle Sunbelt Interstate Pipeline Co.-Acme Interconnect	If more than one primary delivery point in an individual rate schedule category, indicate each additional point in a this comment field 31.	§284.126(b)(iv)
32	SHIPPER ID DATA	RECEIPT / DELIVERY POINTS	SD_DeliveryPt_CCode	Primary Delivery Industry Common Code	Y	Unrestricted text (9 characters)	NNNNN-ACMA	Point Identification Code - Use the North American Energy Standards Board/Petroleum Information Corporation (NAESB/PI) Data Reference Number, a one-to-nine digit number also assigned by IHS (successor to PI). If more than one primary delivery point in an individual rate schedule category, indicate each additional point in a comment field.	§284.126(b)(iv)
32a	SHIPPER ID DATA	RECEIPT / DELIVERY POINTS	SD_DeliveryPt_CCode-Add	Primary Delivery Industry Common Code – Additional Names	Y	Unrestricted text (100 characters)	MDSUN-ACMA	If more than one primary delivery point in an individual rate schedule category, indicate each additional point in this comment field.	§284.126(b)(iv)
33	RATES	CONTRACT RESERVATION RATES	RRes_Peak	Contract Reservation Rate - Peak Day	Required if field #25 is F-Firm	Number with up to 6 decimals.	7.50	The rate charged under the current contract to reserve peak day capacity . If there is more than one rate for the transaction, provide the weighted average rate and include the various rates in field #34.	§284.126(b)(iii)
34	RATES	CONTRACT RESERVATION RATES	RRes_Peak_Discount	Contract Reservation Rate - Peak Day (List of Discounted Rates)	Required if field #33 is an average rate.	Unrestricted text (1,000 characters)	n/a	If there is more than one rate for the transaction, provide a list of all rates in this field.	§284.126(b)(iii)
35	RATES	CONTRACT RESERVATION RATES	RRes_Peak_Unit	Contract Reservation Rate - Peak Day (Rate Units)	Required if field #33 is filled out.	See Column (1) of Appendix E – Reporting Units.	¢/Mcf-day	The rate unit for the Peak Day Contract Reservation Rate.	§284.126(b)(iii)

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
36	RATES	CONTRACT RESERVATION RATES	RRes_Annual	Contract Reservation Rate - Annual Volume	May be required if field #25 is F-Firm	Number with up to 6 decimals.		The rate charged under the current contract to reserve annual volume capacity. If there is more than one rate for the transaction, provide the weighted average rate and include the various rates in field #37.	§284.126(b)(iii)
37	RATES	CONTRACT RESERVATION RATES	RRes_Annual_Discount	Contract Reservation Rate - Annual Volume (List of Discounted Rates)	Required if field #36 is an average rate.	Unrestricted text (1,000 characters)		If there is more than one rate for the transaction, provide a list of all rates in this field.	§284.126(b)(iii)
38	RATES	CONTRACT RESERVATION RATES	RRes_Annual_Unit	Contract Reservation Rate - Annual Volume (Rate Units)	Required if field #36 is filled out.	See Column (2) of Appendix E – Reporting Units.		The rate unit for the Annual Volume Contract Reservation Rate.	§284.126(b)(iii)
39	RATES	CONTRACT USAGE RATES	RUse_Transport	Contract Usage Rate - Transported	At least one of the fields # 39, 42, 45, or 48 is required.	Number with up to 6 decimals.	1.00	The rate charged under the current contract for transportation service. If there is more than one rate for the transaction, provide the weighted average rate and include the various rates in field #40.	§284.126(b)(iii)
40	RATES	CONTRACT USAGE RATES	RUse_Transport_Discount	Contract Usage Rate - Transported (List of Discounted Rates)	Required if field #39 is an average rate.	Unrestricted text (1,000 characters)	n/a	If there is more than one rate for the transaction, provide a list of all rates in this field.	§284.126(b)(iii)
41	RATES	CONTRACT USAGE RATES	RUse_Transport_Unit	Contract Usage Rate - Transported (Rate Units)	Required if field #39 is filled out.	See Column (3) of Appendix E – Reporting Units.	¢/Mcf	The rate unit for the Transported Contract Usage Rate.	§284.126(b)(iii)
42	RATES	CONTRACT USAGE RATES	RUse_Inj	Contract Usage Rate - Injected	At least one of the fields # 39, 42, 45, or 48 is required.	Number with up to 6 decimals.		The rate charged under the current contract for injection service. If there is more than one rate for the transaction, provide the weighted average rate and include the various rates in field #43.	§284.126(b)(iii)
43	RATES	CONTRACT USAGE RATES	RUse_Inj_Discount	Contract Usage Rate - Injected (List of Discounted Rates)	Required if field #42 is an average rate.	Unrestricted text (1,000 characters)		If there is more than one rate for the transaction, provide a list of all rates in this field.	§284.126(b)(iii)
44	RATES	CONTRACT USAGE RATES	RUse_Inj_Unit	Contract Usage Rate - Injected (Rate Units)	Required if field #42 is filled out.	See Column (4) of Appendix E – Reporting Units.		The rate unit for the Injected Contract Usage Rate.	§284.126(b)(iii)
45	RATES	CONTRACT USAGE RATES	RUse_Withdraw	Contract Usage Rate - Withdrawn	At least one of the fields # 39, 42, 45, or 48 is required.	Number with up to 6 decimals.		The rate charged under the current contract for withdrawal service. If there is more than one rate for the transaction, provide the weighted average rate and include the various rates in field #46.	§284.126(b)(iii)

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
46	RATES	CONTRACT USAGE RATES	RUse_Withdraw_Discount	Contract Usage Rate - Withdrawn (List of Discounted Rates)	Required if field #45 is an average rate.	Unrestricted text (1,000 characters)		If there is more than one rate for the transaction, provide a list of all rates in this field.	§284.126(b)(iii)
47	RATES	CONTRACT USAGE RATES	RUse_Withdraw_Unit	Contract Usage Rate - Withdrawn (Rate Units)	Required if field #45 is filled out.	See Column (5) of Appendix E – Reporting Units.		The rate unit for the Withdrawn Contract Usage Rate.	§284.126(b)(iii)
48	RATES	CONTRACT USAGE RATES	RUse_Park_First	Contract Usage Rate – Storage (Parking) /Lending Service [Initial Day or Single One-Part Rate]	At least one of the fields # 39, 42, 45, or 48 is required.	Number with up to 6 decimals.		The rate charged under the current contract for storage (parking) / lending service. If there is more than one rate for the transaction, provide the weighted average rate and include the various rates in field #49.	§284.126(b)(iii)
49	RATES	CONTRACT USAGE RATES	RUse_Park_First_Discount	Contract Usage Rate – Storage (Parking) /Lending Service [Initial Day or Single One-Part Rate] (List of Discounted Rates)	Required if field #48 is an average rate.	Unrestricted text (1,000 characters)		If there is more than one rate for the transaction, provide a list of all rates in this field.	§284.126(b)(iii)
50	RATES	CONTRACT USAGE RATES	RUse_Park_Second	Contract Usage Rate – Storage (Parking) /Lending Service [Consecutive Days]	N	Number with up to 6 decimals.		The usage rate charged under the current contract for storage / lending service for each consecutive day of service. If there is more than one rate for the transaction, provide the weighted average rate and include the various rates in a comment field.	§284.126(b)(iii)
51	RATES	CONTRACT USAGE RATES	RUse_Park_Second_Discount	Contract Usage Rate – Storage (Parking) /Lending Service [Consecutive Days] (List of Discounted Rates)	Required if field #50 is an average rate.	Unrestricted text (1,000 characters)		If there is more than one rate for the transaction, provide a list of all rates in this field.	§284.126(b)(iii)
52	RATES	CONTRACT USAGE RATES	RUse_Park_Unit	Contract Usage Rate – Storage (Parking) /Lending Service (Rate Units)	Required if field #48 is filled out.	See Column (6) of Appendix E – Reporting Units.		The rate unit for the Storage (Parking) / Lending Service Contract Usage Rate.	§284.126(b)(iii)
53	RATES	CONTRACT USAGE RATES	RUse_Other	Other Contract Charges	N	Unrestricted text (1,000 characters)		Include any additional charges billed under the current contract not included above. Explain in this comment field.	§284.126(b)(iii)
54	BILLING UNITS	RESERVATION QUANTITIES	BURes_Peak	Contract Reservation Quantity - Peak Day Delivery	N	Number with up to 3 decimals.	1,500	The level of peak capacity reserved under the current contract. Volumes should not be adjusted for discounts.	§284.126(b)(v)
55	BILLING UNITS	RESERVATION QUANTITIES	BURes_Peak_Unit	Contract Reservation Quantity - Peak Day Delivery (Billing Units)	Required if field #54 is filled out.	See Column (7) of Appendix E – Reporting Units.	Mcf-day	The billing unit for the contract reservation rate for peak day capacity.	§284.126(b)(v)

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
56	BILLING UNITS	RESERVATION QUANTITIES	BURes_Annual	Contract Reservation Quantity - Annual Volume	N	Number with up to 3 decimals.		The maximum level of annual volume reserved under the current contract. Volumes should not be adjusted for discounts.	§284.126(b)(v)
57	BILLING UNITS	RESERVATION QUANTITIES	BURes_Annual_Unit	Contract Reservation Quantity - Annual Volume (Billing Units)	Required if field #56 is filled out.	See Column (8) of Appendix E – Reporting Units.		The billing unit for the contract reservation rate for annual volume capacity.	§284.126(b)(v)
58	BILLING UNITS	USAGE QUANTITIES	BUUse_Transport	Usage Quantity - Volumes Transported	At least one of the fields # 58, 60, 62, or 64 is required.	Number with up to 3 decimals.	101,250	The level of transportation usage reported for the quarter. Volumes should not be adjusted for discounts.	§284.126(b)(vii)
59	BILLING UNITS	USAGE QUANTITIES	BUUse_Transport_Unit	Usage Quantity - Volumes Transported (Billing Units)	Required if field #58 is filled out.	See Column (9) of Appendix E – Reporting Units.	Mcf	The billing unit for the contract usage rate for gas transported.	§284.126(b)(vii)
60	BILLING UNITS	USAGE QUANTITIES	BUUse_Inj	Usage Quantity - Volumes Injected	At least one of the fields # 58, 60, 62, or 64 is required.	Number with up to 3 decimals.		The level of gas injection reported for the quarter. Volumes should not be adjusted for discounts.	§284.126(b)(vii)
61	BILLING UNITS	USAGE QUANTITIES	BUUse_Inj_Unit	Usage Quantity - Volumes Injected (Billing Units)	Required if field #60 is filled out.	See Column (10) of Appendix E – Reporting Units.		The billing unit for the contract usage rate for gas injected.	§284.126(b)(vii)
62	BILLING UNITS	USAGE QUANTITIES	BUUse_Withdraw	Usage Quantity - Volumes Withdrawn	At least one of the fields # 58, 60, 62, or 64 is required.	Number with up to 3 decimals.		The level of gas withdrawal reported for the quarter. Volumes should not be adjusted for discounts.	§284.126(b)(vii)
63	BILLING UNITS	USAGE QUANTITIES	BUUse_Withdraw_Unit	Usage Quantity - Volumes Withdrawn (Billing Units)	Required if field #62 is filled out.	See Column (11) of Appendix E – Reporting Units.		The billing unit for the contract usage rate for gas withdrawn.	§284.126(b)(vii)
64	BILLING UNITS	USAGE QUANTITIES	BUUse_Park_First	Usage Quantity - Storage (Parking) / Lending Service for Initial Day or Total for Service with Single One-Part Rate	At least one of the fields # 58, 60, 62, or 64 is required.	Number with up to 3 decimals.		The daily average level of gas using the storage (parking) / lending service for the initial day of service or the total if there is a one-part rate. Volumes should not be adjusted for discounts.	§284.126(b)(vii)
65	BILLING UNITS	USAGE QUANTITIES	BUUse_Park_Second	Usage Quantity - Storage (Parking) / Lending Service for Consecutive Days of Service	N	Number with up to 3 decimals.		The daily average level of gas using the storage (parking) / lending service for consecutive days of service. Volumes should not be adjusted for discounts.	§284.126(b)(vii)
66	BILLING UNITS	USAGE QUANTITIES	BUUse_Park_Unit	Usage Quantity - Storage (Parking) /Lending Service (Billing Units)	Required if field #64 is filled out.	See Column (12) of Appendix E – Reporting Units.		The billing unit for the contract usage rate for gas storage (parking) / lending service.	§284.126(b)(vii)

Field No.	Field Category	Field Sub-Category	Field ID	Field Name	Required (Y/N)	Format	Example	Definition	Reg. (Commission Requirement) *
67	BILLING UNITS	USAGE QUANTITIES	BUUse_Other	Usage Quantity for Other Charges	N	Unrestricted text (1,000 characters).		The amount of billing units associated with Other Charges. Explain in this comment field.	§284.126(b)(vii)
68	REVENUES	RESERVATION REVENUES	RevRes_Peak	Reservation Revenues related to Peak Day Delivery	Required if either field # 33 or 54 is filled out.	Whole number with no decimals.	10,125	The amount of revenue from the peak day contract reservation rate.	§284.126(b)(vii)
69	REVENUES	RESERVATION REVENUES	RevRes_Annual	Reservation Revenues related to Peak Day Delivery	Required if either field # 36 or 56 is filled out.	Whole number with no decimals.	-	The amount of revenue from the annual volume contract reservation rate.	§284.126(b)(viii)
70	REVENUES	USAGE REVENUES	RevUse_Transport	Usage Revenues related to Volumes Transported	Required if either field # 39 or 58 is filled out.	Whole number with no decimals.	1,013	The amount of revenue from gas transported.	§284.126(b)(viii)
71	REVENUES	USAGE REVENUES	RevUse_Inj	Usage Revenues related to Volumes Injected	Required if either field # 42 or 60 is filled out.	Whole number with no decimals.	-	The amount of revenue from gas injected.	§284.126(b)(viii)
72	REVENUES	USAGE REVENUES	RevUse_Withdraw	Usage Revenues related to Volumes Withdrawn	Required if either field # 45 or 62 is filled out.	Whole number with no decimals.	-	The amount of revenue from gas withdrawn.	§284.126(b)(viii)
73	REVENUES	USAGE REVENUES	RevUse_Park_Lend	Revenues related to Storage (Parking) / Lending Service	Required if any of fields # 48, 50, 64 or 66 is filled out.	Whole number with no decimals.	-	The amount of revenue from gas storage (parking) / lending service.	§284.126(b)(viii)
74	REVENUES	OTHER	RevUse_Other	Revenues related to Other services	Required if any of fields # 49, 51, 65 or 67 is filled out.	Whole number with no decimals.	-	The amount of revenue from other charges.	§284.126(b)(viii)
75	REVENUES	TOTAL REVENUES	Rev_Grand Total	Total Revenues	Y	Whole number with no decimals.	11,138	The total amount of revenue charged for services as permitted in the SOC.	§284.126(b)(viii)

D. <u>Instructions for Reporting Data</u>

(Note: this information should be used with the Form No. 549D paper copy)

GENERAL INFORMATION

I Purpose

Form No. 549D is a quarterly regulatory support requirement under 18 CFR §284.126(b) for Intrastate Natural Gas and Hinshaw pipelines. The reports are designed to collect operational information on transportation and storage services provided to each shipper during a reporting period. This information collection is considered to be a non-confidential public use.

II. Who Must Submit

Each intrastate pipeline company providing interstate services pursuant to section 311 of the NGPA or Hinshaw pipeline company that provides interstate services pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations must file a quarterly report with the Commission and the appropriate state regulatory agency. The report must contain the information required by § 284.126(b)(1), for each transportation and storage service provided to each shipper during the preceding calendar quarter under §284.122.

Companies that did not provide any interstate services to a shipper during the preceding quarter must still file the Form No. 549D to make an affirmative statement as such. However, only field numbers 1 through 18 must be completed.

III. Signature of Company Official

The Commission accepts a typed name as an electronic signature pursuant to 18 CFR § 385.2005(c). For the signature of a company officer, type the name of the officer who will attest to the accuracy and completeness of the submission.

IV. What and Where to Submit

Respondents have two options for complying with the filing requirements each quarter:

A. Complete the Fillable PDF Form No. 549D and eFile it to the Commission <u>*or*</u>
B. Provide the data in a XML file accordance with an XML Schema provided by the Commission and eFile the XML file to the Commission.

Respondents do not have to notify the Commission of the option they selected and may change options each quarter.

Respondents who elect to use the Fillable PDF Form 549D must:

i. Download Adobe Acrobat Reader version 9.0 or greater.
ii. Download, complete, and save the Fillable PDF Form No. 549D discussed above to your computer.
iii. eFile the saved Form No. 549D PDF to the Commission. Paper and email filings will not be accepted.
iv. Retain one copy of the electronic file and a paper copy for your files.

Respondents who elect to eFile a XML file of their data with the Commission must first test and validate it against the XML Schema before eFiling it.

V. When to Submit

Submit Form No. 549D according to the filing dates contained in section 18 CFR §284.126(b)(2) of the Commission's regulations.

Q1- January 1 through March 31 must be filed on or before May 1.
Q2- April 1 through June 30 must be filed on or before August 1.
Q3- July 1 through September 30 must be filed on or before November 1.
Q4- October 1 through December 31 must be filed on or before February 1.

VI. Where to Send Comments on Public Reporting Burden

The public reporting burden for the Form No. 549D collection of information is estimated to average 3.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding these burden estimates or any aspect of the collection of information, including suggestions for reducing burden, to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 (Attention: Mr. Michael Miller, Office of the Executive Director); and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission). No person shall be subject to any penalty if any collection of information does not display a valid control number (44 U.S.C. 3512 (a)).

VII. Reporting Units

When reporting rate units, use ¢ or $ depending on the rate amount required in the current contract. Revenues should be reported in whole numbers. See the Data Dictionary and Reporting Units for more information.

VII. Resubmissions

Companies may resubmit their reports to correct data. Resubmissions should be electronically filed in the same manner as the original submission. The filing should be designated as a resubmission in field number 3 and the dates changed in field numbers 4 and 18.

VIII. Questions

Direct any questions to form549d@ferc.gov.

Detailed Instructions for Form No. 549D

The respondent should provide the following information for each shipper for the reporting quarter.

Field 1	Enter the full legal name of the Intrastate/ Hinshaw Company providing transportation service.
Field 2	Enter transporter's FERC designated "Company Identifier".
Field 3	State if this submission is an Original or a Resubmission.
Field 4	State the Submission Date.
Field 5	Confirm if the respondent provided jurisdictional transportation of natural gas this quarter.
Field 6	Provide the year and quarter for this submission.
Field 7	Provide the transporter's contact name for this submission.
Field 8	Provide the title of the contact.
Field 9	Provide the phone number of the contact.
Field 10	Provide the e-mail address of the contact.
Field 11	Enter the transporter's street address.
Field 12	Enter the city in the transporter's address.
Field 13	Enter the state in the transporter's address.
Field 14	Enter the zip in the transporter's address.
Field 15	Enter the country in the transporter's address.
Field 16	Provide the title of the company officer attesting to the accuracy and completeness of this submission.
Field 17	Provide signature of the company officer attesting to the accuracy and completeness of this submission.
Field 18	Provide the date of the signature.
Field 19	Enter the full legal name of the shipper receiving service.
Field 20	Enter the unique Data Universal Numbering System (D-U-N-S®) Number assigned by the Dun & Bradstreet Corporation and accepted by the North American Energy Standards Board (NAESB) as the common code for the shipper.
Field 21	Designate if the shipper is an affiliate where an affiliate is defined as a company or person that directly or indirectly, through one or more intermediaries, controls, or is controlled by, or under common control, of the company in question.
Field 22	Report the contract number assigned by your company to the shipper.
Field 23	Report the starting month and year for the current contract / service agreement with the shipper.
Field 24	Report the ending month and year for the current contract / service agreement with the shipper.

Detailed Instructions for Form No. 549D	
The respondent should provide the following information for each shipper for the reporting quarter.	
Field 25	Designate for each transaction if the service being provided to the shipper is on a Firm or Interruptible basis. Service on a firm basis means that the service is not subject to a prior claim by another customer or another class of service and receives the same priority as any other class of firm service (See §284.7 of the Commission's regulations). Service on an interruptible basis means that the capacity used to provide the service is subject to a prior claim by another customer or another class of service and receives a lower priority than such other class of service. (See §284.9)"
Field 26	Report the type of service being provided for the shipper e.g., T = Transportation, S = Storage, PL = Parking / Lending. O = Other. Other includes, imbalance services, pooling transportation, title transfer tracking service, penalties, surcharges or other charges, etc.
Field 27	Report for each transaction the rate schedule designation for each service provided for the shipper. The Rate Schedule designation should be readily identifiable in the Statement of Operating Conditions. Rate schedule designation include FTS = Firm Transportation Service; FSS = Firm Storage Service; ITS = Interruptible Transportation Service; ISS = Interruptible Storage Service; PL = Park and Lend Services and Other
Field 28	Report FERC docket number where rates were approved. For intrastate pipelines the docket prefix is usually PR or SA.
Field 29	Report the Primary Receipt Point for each transaction. The term "Receipt Point" shall mean either (a) a Headstation, (b) the Point of Injection/Withdrawal, or (c) a point on Pipeline's Pipeline System that Shipper and Pipeline shall agree upon, where gas enters facilities owned by Transporter, and is metered. If more than one primary receipt point in an individual rate schedule category, indicate each additional point in comment Field 29a.
Field 29a	If more than one primary receipt point in an individual rate schedule category, indicate each additional point in this comment field.
Field 30	Report the Primary Receipt Point's Point Identification Code - Use the North American Energy Standards Board/Petroleum Information Corporation (NAESB/PI) Data Reference Number, a one-to-nine digit number also assigned by IHS (successor to PI). If more than one primary receipt point in an individual rate schedule category, indicate each additional point in comment Field 30a.
Field 30a	If more than one primary receipt point in an individual rate schedule category, indicate each additional point in this comment field.

Detailed Instructions for Form No. 549D	
The respondent should provide the following information for each shipper for the reporting quarter.	
Field 31	Report the Primary Delivery Point for each transaction. The term "Delivery Point" shall mean either (a) a Headstation, (b) the Point of Injection/Withdrawal, or (c) a point on Pipeline's Pipeline System that Shipper and Pipeline shall agree upon, where as exits facilities owned by Pipeline, and is metered. If more than one primary delivery point in an individual rate schedule category, indicate each additional point in comment Field 31a.
Field 31a	If more than one primary delivery point in an individual rate schedule category, indicate each additional point in this comment.
Field 32	Report the Primary Delivery Point's Point Identification Code - Use the North American Energy Standards Board/Petroleum Information Corporation (NAESB/PI) Data Reference Number, a one-to-nine digit number also assigned by IHS (successor to PI). If more than one primary delivery point in an individual rate schedule category, indicate each additional point in comment Field 32a.
Field 32a	If more than one primary delivery point in an individual rate schedule category, please indicate each additional point in this comment.
Field 33	Report the contract peak day reservation rate. If there is more than one rate for the transaction, provide the weighted average rate and include a list of all the rates charged in the quarter for this transaction in Field 34.
Field 34	If there was more than one rate for charged for contract peak day reservation rate in this transaction, provide a list of the all the rates charged in the quarter.
Field 35	If using Field 33 report in Field 35 the rate unit for the contract peak day reservation rate as shown in column 1 of Appendix E – Reporting Units.
Field 36	Report the contract annual volume reservation rate. If there is more than one rate for the transaction, provide the weighted average rate and include a list of all the rates charged in the quarter for this transaction in Field 37.
Field 37	If there was more than one rate charged for contract annual volume reservation rate in this transaction, provide a list of all the rates charged in the quarter.
Field 38	If using Field 36 report in Field 38 the rate unit for the contract annual volume reservation rate as shown in column 2 of Appendix E – Reporting Units.
Field 39	Report the contract usage rate for volumes transported. If there is more than one rate for the transaction, provide the weighted average rate and include a list of all the rates charged in the quarter for this transaction in Field 40.
Field 40	If there was more than one rate charged for contract usage rate for volumes transported in this transaction, provide a list of the all rates charged in the quarter.

Detailed Instructions for Form No. 549D

The respondent should provide the following information for each shipper for the reporting quarter.

Field 41	If using Field 39 report in Field 41 the rate unit for the contract usage rate for volumes transported as shown in column 3 of Appendix E – Reporting Units.
Field 42	Report the contract usage rate for volumes injected. If there is more than one rate for the transaction, provide the weighted average rate and include a list of all the rates charged in the quarter for this transaction in Field 43.
Field 43	If there was more than one rate for charged for contract usage rate for volumes injected in this transaction, provide a list of all the rates charged in the quarter.
Field 44	If using Field 42 report in Field 44 the rate unit for the contract usage rate for volumes injected as shown in column 4 of Appendix E – Reporting Units.
Field 45	Report the contract usage rate for volumes withdrawn. If there is more than one rate for the transaction, provide the weighted average rate and include a list of all the rates charged in the quarter for this transaction in Field 46.
Field 46	If there was more than one rate charged for contract usage rate for volumes withdrawn in this transaction, provide a list of all the rates charged in the quarter.
Field 47	If using Field 45 report in Field 47 the rate unit for the contract usage rate for volumes withdrawn as shown in column 5 of Appendix E – Reporting Units.
Field 48	Report the contract usage rate for storage (parking) / lending service for the initial day of service or for a one-part rate. If there is more than one rate for the transaction, provide the weighted average rate and include a list of all the rates charged in the quarter for this transaction in Field 49.
Field 49	If there was more than one rate for charged for contract usage rate for storage (parking) / lending service for the initial day of service or for a one-part rate in this transaction, provide a list of all the rates charged in the quarter.
Field 50	Report the contract usage rate for storage (parking) / lending service for consecutive days of service. If there is more than one rate for the transaction, provide the weighted average rate and include a list of all the rates charged in the quarter for this transaction in Field 51.
Field 51	If there was more than one rate for charged for contract usage rate for storage (parking) / lending service for consecutive days of service in this transaction, provide a list of all the rates charged in the quarter.
Field 52	If using Field 48 and / or Field 50 report in Field 52 the rate unit for the contract usage rate for volumes storage / lending service as shown in column 6 of Appendix E – Reporting Units.
Field 53	Report Other contract charges and explain in this comment field. Include any additional charges billed under the current contract not included above. Include a description of the nature of the Other charges in this comment field.

Detailed Instructions for Form No. 549D	
The respondent should provide the following information for each shipper for the reporting quarter.	
Field 54	Report the contract reservation quantity for peak day delivery. Volumes should not be adjusted for discounts.
Field 55	If using Field 54 report in Field 55 the billing unit for the contract reservation quantity for peak day delivery as shown in column 7 of Appendix E – Reporting Units.
Field 56	Report the contract reservation quantity for annual volumes. Volumes should not be adjusted for discounts.
Field 57	If using Field 56 report in Field 57 the billing unit for the contract reservation quantity for annual volumes as shown in column 8 of Appendix E – Reporting Units.
Field 58	Report the usage quantity for volumes transported. Volumes should not be adjusted for discounts.
Field 59	If using Field 58 report in Field 59 the billing unit for the usage quantity for volumes transported as shown in column 9 of Appendix E – Reporting Units.
Field 60	Report the usage quantity for volumes injected. Volumes should not be adjusted for discounts.
Field 61	If using Field 60 report in Field 61 the billing unit for the usage quantity for volumes injected as shown in column 10 of Appendix E – Reporting Units.
Field 62	Report the usage quantity for volumes withdrawn. Volumes should not be adjusted for discounts.
Field 63	If using Field 62 report in Field 63 the billing unit for the usage quantity for volumes withdrawn as shown in column 11 of Appendix E – Reporting Units.
Field 64	Report the usage quantity for storage (parking) / lending service for the initial day of service or the total for service with a one-part rate. Volumes should not be adjusted for discounts.
Field 65	Report the usage quantity for storage (parking) / lending service for consecutive days of service. Volumes should not be adjusted for discounts.
Field 66	If using Field 64 and / or Field 65 report in Field 66 the billing unit for the usage quantity for storage (parking) / lending service as shown in column 12 of Appendix E – Reporting Units.
Field 67	Report usage quantity for Other charges. Explain in this comment field. Volumes should not be adjusted for discounts.
Field 68	Report the amount of revenue from the peak day reservation associated with volumes reported on Field 54.
Field 69	Report the amount of revenue from the annual volume reservation associated with volumes reported on Field 56.

Detailed Instructions for Form No. 549D	
The respondent should provide the following information for each shipper for the reporting quarter.	
Field 70	Report the amount of revenue from transportation service associated with volumes reported on Field 58.
Field 71	Report the amount of revenue from injection service associated with volumes reported on Field 60.
Field 72	Report the amount of revenue from withdrawal service associated with volumes reported on Field 62.
Field 73	Report the amount of revenue from storage / lending service associated with volumes reported on Lines 64, 65.
Field 74	Report the amount of revenue for Other Charges associated with volumes reported on Field 67.
Field 75	Report the total amount of revenue from charges allowed under the SOC for this transaction.

E. Reporting Units for From No. 549D Data Dictionary and Instructions

(Note: this information should be used with the Form No. 549D data dictionary and the instructions for completing the paper copy)

REPORTING UNITS
Form No. 549D Data Dictionary and Instructions

RATE UNITS

(1) Contract Reservation Rate - Peak Day	(2) Contract Reservation Rate - Annual Volume	(3) Contract Usage Rate - Transported	(4) Contract Usage Rate - Injected	(5) Contract Usage Rate - Withdrawn	(6) Contract Usage Rate - Storage (Parking) / Lending Service
$/Dth-day	$/Dth-day	$/Dth	$/Dth	$/Dth	$/Dth-day
$/Dth-mo.	$/Dth-mo.	$/MMBtu	$/MMBtu	$/MMBtu	$/Dth
$/Dth	$/Dth	$/th	$/th	$/th	$/MMBtu-day
$/MMBtu-day	$/MMBtu-day	$/Mcf	$/Mcf	$/Mcf	$/MMBtu
$/MMBtu-mo.	$/MMBtu-mo.	¢/Dth	¢/Dth	¢/Dth	$/th-day
$/MMBtu	$/MMBtu	¢/MMBtu	¢/MMBtu	¢/MMBtu	$/th
$/th-day	$/th-day	¢/th	¢/th	¢/th	$/Mcf-day
$/th-mo.	$/th-mo.	¢/Mcf	¢/Mcf	¢/Mcf	$/Mcf
$/th	$/th				¢/Dth-day
$/Mcf-day	$/Mcf-day				¢/Dth
$/Mcf-mo.	$/Mcf-mo.				¢/MMBtu-day
$/Mcf	$/Mcf				¢/MMBtu
¢/Dth-day	¢/Dth-day				¢/th-day
¢/Dth-mo.	¢/Dth-mo.				¢/th
¢/Dth	¢/Dth				¢/Mcf-day
¢/MMBtu-day	¢/MMBtu-day				¢/Mcf
¢/MMBtu-mo.	¢/MMBtu-mo.				
¢/MMBtu	¢/MMBtu				
¢/th-day	¢/th-day				
¢/th-mo.	¢/th-mo.				
¢/th	¢/th				
¢/Mcf-day	¢/Mcf-day				
¢/Mcf-mo.	¢/Mcf-mo.				
¢/Mcf	¢/Mcf				

Revenues should be reported in whole numbers.

REPORTING UNITS
Form No. 549D Data Dictionary and Instructions

BILLING UNITS

(7) Contract Reservation Rate - Peak Day	(8) Contract Reservation Rate - Annual Volume	(9) Contract Usage Rate - Transported	(10) Contract Usage Rate - Injected	(11) Contract Usage Rate - Withdrawn	(12) Contract Usage Rate - Storage (Parking) / Lending Service
Dth-day	Dth-day	Dth	Dth	Dth	Dth
Dth-mo.	Dth-mo.	MMBtu	MMBtu	MMBtu	MMBtu
Dth	Dth	th	th	th	th
MMBtu-day	MMBtu-day	Mcf	Mcf	Mcf	Mcf
MMBtu-mo.	MMBtu-mo.				
MMBtu	MMBtu				
th-day	th-day				
th-mo.	th-mo.				
th	th				
Mcf-day	Mcf-day				
Mcf-mo.	Mcf-mo.				
Mcf	Mcf				

F. List of Commenters and Abbreviations

Commenter	Abbreviation
American Gas Association	AGA
Arkansas Oklahoma Gas Corporation	AOG
Apache Corporation	Apache
Atmos Pipeline-Texas	Atmos
Atmos Cities Steering Committee	Cities
Clayton Williams Energy Inc.	Clayton Williams
Constellation Energy Commodities Group, Inc., and Constellation NewEnergy-Gas Division, LLC	Constellation
Cranberry Pipeline Corporation	Cranberry
Duke Energy Ohio, Inc. and Duke Energy Kentucky, Inc.	Duke
Enogex LLC	Enogex
Enstor Operating Company, LLC	Enstor
Jefferson Island Storage & Hub, L.L.C.	Jefferson
ONEOK Gas Transportation, L.L.C., and ONEOK WesTex Transmission, L.L.C.	ONEOK
Texas Alliance of Energy Producers	Texas Alliance
Texas Pipeline Association	TPA
Yates Petroleum and Agave Energy Corporation	Yates

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