

109 FERC ¶ 61,193  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

November 22, 2004

In Reply Refer To:  
Florida Gas Transmission Company  
Docket No. RP05-29-000

Florida Gas Transmission Company  
P.O. Box 4657  
Houston, TX 77010-1331

Attention: Dorothy L. McCoppin  
Vice President & General Counsel

Reference: Petition for Limited Waiver of Alert Day Tariff Provisions

Dear Ms. McCoppin:

1. On October 18, 2004, Florida Gas Transmission Company (FGT) filed a request for limited waiver of the Alert Day provisions of its tariff, in particular section 13(D) of its General Terms and Conditions, which imposes penalties on delivery point operators that have incurred imbalances on Alert Days, as defined by the tariff.<sup>1</sup> The waiver would apply to all customers in FGT's Market Area (the entire State of Florida) during the month of September, 2004. FGT states that it had a number of Alert Days in September as a result of high or low line pressures, as well as other disruptions.<sup>2</sup> At the same time, approximately 80% of its Market Area delivery points had measurement and/or communications equipment failures due to the effects of four hurricanes and a tropical storm that hit Florida in August and September. FGT believes these circumstances justify the waiver. The Commission agrees, and therefore grants the requested waiver.

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<sup>1</sup>Under GT&C section 13(D)2, FGT may issue an Alert Day notice when it "determines that [it] is experiencing, or may experience in the next gas day high or low line pack operating conditions which threaten the ability to render services."

<sup>2</sup> FGT states that no alert day penalties were assessed to customers outside of Florida during September.

This order benefits the public interest by ensuring that FGT's customers are not unfairly penalized for unique circumstances that were beyond their control.

2. For the same reasons, FGT also requests waiver of GT&C section 13(C) of its tariff, to the extent deemed necessary. That section exempts delivery point operators from Alert Day charges under section 13(D) where there is a difference between operational data provided by FGT and actual delivery data. FGT states it is not certain whether this section is applicable because at certain times during September, no data was available to delivery point operators in the Market Area. The Commission finds that since waiver of section 13(D) will provide the relief requested by FGT, it is not necessary to waive section 13(C).

### **Notice, Interventions, and Protests**

3. Notice of the referenced filing was issued on October 22, 2004, with comments, protests, or interventions due on or before November 3, 2004, as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (2004)). Pursuant to Rule 214 (18 C.F.R. § 385.214 (2004)), all timely motions to intervene are granted and any motions to intervene out-of-time are granted as of the date of this order. Florida Power Corporation and Florida Power & Light intervened. Florida Cities, Peoples Gas System, Tampa Electric Company, Florida Municipal Natural Gas Association, and Seminole Electric Cooperative, Inc. intervened in support of FGT's request.

By direction of the Commission.

Linda Mitry,  
Deputy Secretary.

cc: Robert B. Kilmer  
Vice President, Rates & Certificates  
Florida Gas Transmission Company  
P.O. Box 4657  
Houston, TX 77010-1331