

108 FERC ¶ 61,320
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

September 29, 2004

In Reply Refer To:
Dauphin Island Gathering Partners
Docket No. RP03-36-008

Dauphin Island Gathering Partners
370 17th Street, Suite 2500
Denver, CO 80202

Attention: Ron Mizeur
General Manager, Regulatory Affairs

Reference: Amendments to Negotiated Rate Transactions and Non-Conforming
Service Agreements

Dear Mr. Mizeur:

1. On August 30, 2004, Dauphin Island Gathering Partners (Dauphin Island) tendered for filing revised tariff sheets¹ to reflect changes to negotiated rate transactions, and non-conforming service agreements. For the reasons discussed below, the Commission accepts these tariff sheets, to be effective September 29, 2004, subject to Dauphin Island filing additional information within 10 days of the date of this order. This order is in the public interest as it will ensure that Dauphin Island's contract filing practices are in compliance with the Commission's policies.

2. Notice of the filing was published in the *Federal Register*, 69 Fed. Reg. 54,657 (2004), with comments, protests or interventions due on or before September 13, 2004, as provided in section 154.210 of the Commission's regulations. No protests or adverse comments were filed. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

¹ Eighteenth Revised Sheet No. 9, Fifteenth Revised Sheet No. 10, Third Revised Sheet No. 359 and Second Revised Sheet No. 427 to FERC Gas Tariff, First Revised Volume No. 1.

3. Dauphin Island states that it filed to revise its negotiated rate tariff sheets to reflect changes to shipper names and volumes, the addition of four negotiated rate transactions, and the termination of two transportation and reserve commitment agreements. Additionally, Dauphin Island states that it filed to reflect changes to shipper names, and to remove two shippers from the list of non-conforming service agreements.

4. The Commission finds that Dauphin Island's filing does not provide sufficient information to determine whether the revisions reflected on these tariff sheets meet the Commission's contract filing requirements. First, although Dauphin Island states that its revisions reflect name changes, it is not clear whether the name adjustments in its lists of negotiated rates and non-conforming agreements are due merely to name changes, or whether they reflect reassignments of the agreements. Dauphin Island must file additional information clearly explaining which specific changes have been made to each contract.

5. In addition, Dauphin Island is reminded that any new non-conforming contracts must comply with the Commission's filing requirements as established in its Modified Negotiated Rate Policy.² The Modified Negotiated Rate Policy requires that the filing must include the new non-conforming contract and must clearly delineate the differences between its non-conforming contractual terms and that of its form of service agreement in redline and strikeout. In addition, the pipeline must provide a detailed narrative outlining the terms of its negotiated contract, the manner in which such terms differ from its form of service agreement, the effect of such terms on the right of the parties, and why such deviation does not present a risk of undue discrimination. Finally, Dauphin Island's filing did not contain a statement that the negotiated rate agreements conform in all material respects with its *pro forma* service agreement, as required by the Modified Negotiated Rate Policy. Dauphin Island must file such a statement.

6. Therefore, the Commission accepts these tariff sheets, to be effective September 29, 2004, subject to Dauphin Island filing additional information, and a statement that the negotiated rates do not materially deviate from the *pro forma* service agreement, as discussed above, within 10 days of the date of this order.

By direction of the Commission.

Linda Mitry,
Acting Secretary.

² See *Natural Gas Pipeline Negotiated Rate Policies and Practices*, 104 FERC ¶61,134 (2003) (Modified Negotiated Rate Policy).