

131 FERC ¶ 61,117
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

May 6, 2010

In Reply Refer To:
Columbia Gulf Transmission
Company
Docket No. RP10-592-000

Columbia Gulf Transmission Company
5151 San Felipe, Suite 2500
Houston, Texas 77056

Attention: James R. Downs, Vice President
Rates & Regulatory Affairs

Reference: Letter Order Accepting Tariff Sheets

Ladies and Gentlemen:

1. On April 9, 2010, Columbia Gulf Transmission Company (Columbia Gulf) filed revised tariff sheets¹ to (1) remove the *pro forma* Operational Balancing Agreement (OBA) from its tariff; and (2) make certain housekeeping updates to its tariff, including removing a reference to the OBA from the Table of Contents. Columbia Gulf requests a May 9, 2010 effective date for the tendered tariff sheets. The tariff sheets are accepted effective May 9, 2010, as proposed.

2. In the instant filing, Columbia Gulf asserts that removing the *pro forma* OBA from its tariff is consistent with Order No. 587-G.² Columbia Gulf states that, since Order No. 587-G, the Commission has allowed a number of pipelines to remove the *pro forma* OBA from their tariffs.³ Columbia Gulf contends that removal of the *pro forma* OBA

¹ Third Revised Sheet No. 2, Fifth Revised Sheet No. 167, and Second Revised Sheet No. 398 to its FERC Gas Tariff, Second Revised Volume No. 1.

² *Standards for Business Practices of Interstate Natural Gas Pipelines*, Order No. 587-G, FERC Stats. & Regs. ¶ 31,062, at 30,676 (1998), *order on reh'g*, Order No. 587-I, FERC Stats. & Regs. ¶ 31,067 (1998).

³ *See, e.g., Millennium Pipeline Co., L.L.C.*, 129 FERC ¶ 61,089, at P 18 (2009) (*Millennium*); *see also Viking Gas Transmission Co.*, 128 FERC ¶ 61,095, at P 7 (2009).

from its tariff has no impact on the Commission's jurisdiction under the Natural Gas Act (NGA) to ensure that any OBA between Columbia Gulf and another party is just and reasonable. Further, Columbia Gulf affirms that removal of the *pro forma* OBA from its tariff will have no effect on Columbia Gulf's obligations under section 284.12 of the Commission's regulations to enter into OBAs with interconnecting interstate or intrastate pipelines.⁴ Columbia Gulf also affirms that acceptance of this filing will have no impact on any existing OBA between Columbia Gulf and any other party. Finally, Columbia Gulf states that, consistent with Order No. 587-G, it will make available to the Commission and any interested person copies of all executed OBAs, as well as detailed records of volumes and amounts paid under OBAs.

3. Public notice of Columbia Gulf's filing was issued on April 13, 2010. Interventions and protests were due as provided in section 154.210 of the Commission's regulations (18 C.F.R. § 154.210 (2009)). Pursuant to Rule 214 (18 C.F.R. § 385.214 (2009)), all timely filed motions to intervene and any motion to intervene out-of-time filed before the issuance of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. No protests or adverse comments were filed. Tennessee Valley Authority (TVA) filed a timely motion to intervene and comments. Columbia Gulf filed an answer to TVA's comments.

4. While the Commission's Rules of Practice and Procedure generally prohibit answers to protests,⁵ the Commission will accept Columbia Gulf's answer because it has aided us in our decision-making process. TVA's comments and Columbia Gulf's answer are discussed below.

5. TVA states that it supports Columbia Gulf's proposal to remove the *pro forma* OBA from its tariff, and agrees with Columbia Gulf's assertion that its removal will not impact the Commission's regulations or the rights of customers. However, TVA requests that, in the interests of transparency and customer convenience, Columbia Gulf post executed OBAs on its website for customer access. Further, TVA urges the Commission to consider for adoption the practice of OBA postings on pipeline websites as a standard procedure.

6. In its answer, Columbia Gulf requests that the Commission find Columbia Gulf is not required to post copies of executed OBAs on its electronic bulletin board. Rather, Columbia Gulf asserts that the Commission should find that making copies of all

⁴ 18 C.F.R. § 284.12(b)(2)(i) (2009).

⁵ See 18 C.F.R. § 385.213(a)(2) (2009).

executed OBAs available to the Commission and shippers upon request satisfies the Commission's transparency policies and the requirements of Order No. 587-G.

7. Columbia Gulf's proposal to remove the *pro forma* OBA from its tariff is consistent with Commission policy and therefore, just and reasonable. In Order No. 587-G, the Commission explained that although OBAs are jurisdictional, the Commission has not required pipelines to file OBAs with the Commission.⁶

8. Further, Commission policy does not require that pipelines post executed OBAs on their websites. However, any person wanting to review an executed OBA may request a copy, and the pipeline must provide it. Section 4(c) of the NGA provides, in pertinent part, that:

[E]very natural-gas company ... shall keep open in convenient form and place for public inspection, schedules showing all rates and charges for any transportation or sale ... and the classifications ... affecting such rates and charges, together with *all contracts* which in any manner affect or relate to such rates, charges, classifications, and services (emphasis added).⁷

9. In Order No. 587-G, the Commission also required pipelines to make OBAs available, along with all relevant records of volumes and amounts paid under OBAs, to the Commission and any person requesting copies.⁸ Moreover, Columbia Gulf has stated in its filing that it will make copies of its executed OBAs as well as detailed records of volumes and amounts paid under OBAs available to the Commission and any interested person. Therefore, the Commission denies TVA's request for the Commission to require the posting of executed OBAs on the pipeline's website. If TVA wants to review an executed OBA, it may ask the pipeline for a copy of the executed OBA, as well as for detailed records of volumes and amounts paid under the executed OBA.

⁶ See Order No. 587-G, FERC Stats. & Regs. ¶ 31,062 at 30,676 (citing *Transcontinental Gas Pipe Line Corp.*, 65 FERC ¶ 61,315, at 62,437 (1993) (“[t]he Commission has found that it is unnecessary to require that the pipeline's OBA be on file at the Commission and ... [will] require only that the copies of executed agreements and detailed records be on file at the pipeline's offices.”)).

⁷ See 15 U.S.C. § 717c (2008).

⁸ See Order No. 587-G, FERC Stats. & Regs. ¶ 31,062 at 30,676.

10. Accordingly, the Commission accepts Columbia Gulf's revised tariff sheets effective May 9, 2010, as proposed.

By direction of the Commission.

Kimberly D. Bose,
Secretary.