

141 FERC ¶ 61,257
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
Cheryl A. LaFleur, and Tony T. Clark.

Enbridge Pipelines (Southern Lights) LLC

Docket No. IS13-63-000

ORDER ACCEPTING AND SUSPENDING TARIFF SUBJECT TO REFUND
AND HOLDING PROCEEDING IN ABEYANCE

(Issued December 28, 2012)

1. This order addresses Enbridge Pipelines (Southern Lights) LLC's (Southern Lights) filing reflecting decreased committed and uncommitted rates on its diluent pipeline for the 2013 calendar year. For the reasons discussed below, the Commission accepts and suspends Southern Lights' FERC Tariff 4.7.0, to be effective January 1, 2013, subject to refund. This order also holds any further proceedings in this docket in abeyance pending the outcome of the ongoing proceeding in Docket No. IS10-399-000, *et al.*, and subject to a future Commission order.¹

Background

2. Southern Lights operates the U.S. segment of a diluent pipeline, which provides transportation service from Manhattan, Illinois to the International Boundary near Neche, North Dakota. Southern Lights states that the pipeline commenced service on July 1, 2010, and the tariff rate structure was approved by the Commission in a declaratory order in Docket No. OR07-15-000.² Southern Lights states the Commission approved the calculation of the rate for committed shipments in accordance with the agreed upon Transportation Services Agreement (TSA) entered into between Southern Lights and its committed shippers and further approved the setting of the initial uncommitted rate at two times the committed rate, subject to review of the uncommitted rate at the time it is

¹ The initial decision in Docket Nos. IS10-399-003 and IS11-146-000 is currently pending before the Commission on exceptions. *Enbridge Pipelines (Southern Lights) LLC*, 139 FERC ¶ 63,015 (2012).

² *Enbridge Pipelines (Southern Lights) LLC*, 121 FERC ¶ 61,310 (2007), *order on clarification and reh'g*, 122 FERC ¶ 61,170 (2008).

filed. Pursuant to the TSA, Southern Lights is required to recalculate and file tariff rates each year to be effective on January 1 of the following year.

Instant Filing

3. Southern Lights proposes FERC Tariff No. 4.7.0, to be effective January 1, 2013, containing reduced committed and uncommitted rates for the 2013 calendar year as provided for in the TSA. The committed and uncommitted rates are approximately ten percent lower than in the 2012 calendar year. Southern Lights also proposes the tariff cancellation of outdated language related to the timing of the annual true-up for the 2010 and 2011 calendar years. In addition, Southern Lights proposes tariff modifications reflecting an increase of 20,000 bpd of committed volumes for the purpose of the annual true-up.

Interventions and Protests

4. Imperial Oil and ExxonMobil Oil Corporation (Indicated Shippers) filed a motion to intervene and protest. Indicated Shippers have not yet shipped volumes on the Southern Lights pipeline, but claim they have a substantial economic interest in the tariff filings submitted by Southern Lights since they are potential uncommitted shippers.

5. Indicated Shippers request that the Commission suspend the proposed rates, subject to refund and investigation, and subject to the outcome of the rate case proceedings, just as the Commission did during the previous rate filing in Docket No. IS12-63-000.

Southern Lights' Answer

6. Southern Lights filed an answer to the Indicated Shippers' protest on December 19, 2012. Southern Lights does not object to the suspension of the 2013 tariff subject to refund, which is consistent with the Commission's general practice of suspending a newly filed rate when the prior rate is already subject to a pending investigation.

Discussion

7. The Commission accepts and suspends Southern Lights' proposed 2013 rates to be effective January 1, 2013, subject to refund. The Commission will hold any further proceedings on the subject filing in abeyance pending the outcome of the initial decision in Docket No. IS10-399-000, *et al.*, and subject to a future Commission order.

Suspension

8. Based upon a review of the filing, the Commission finds that Southern Lights' tariff filing has not been shown to be just and reasonable and may be unjust,

unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, pursuant to section 15(7) of the Interstate Commerce Act (ICA), the Commission will accept FERC Tariff 4.7.0 for filing and suspend it, to be effective January 1, 2013, subject to refund and subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

The Commission orders:

(A) Pursuant to the authority contained in the ICA, particularly section 15(7) thereof, Southern Lights' FERC Tariff 4.7.0 is accepted for filing and suspended, to be effective January 1, 2013, subject to refund.

(B) Any further proceedings in this docket are held in abeyance pending the outcome of the initial decision in Docket Nos. IS10-399-003 and IS11-146-000, and are subject to a future Commission order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.