

168 FERC ¶ 61,099
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

August 20, 2019

In Reply Refer To:
MoGas Pipeline LLC
Docket No. RP18-877-001

Paul Korman
Van Ness Feldman, LLP
1050 Thomas Jefferson St NW
Washington, DC 20007

Reference: Uncontested Settlement

Dear Mr. Korman:

1. On May 10, 2019, MoGas Pipeline LLC (MoGas) filed an Uncontested Offer of Settlement (Settlement) pursuant to Rule 602 of the Commission's Rules of Practice and Procedure,¹ to resolve all issues related to MoGas' May 31, 2018 filing of a general rate case under section 4 of the Natural Gas Act (NGA).²
2. On May 30, 2019, Commission Trial Staff filed comments supporting the Settlement. The Missouri Public Service Commission submitted comments on the same date supporting in part and not opposing in part the Settlement. On June 4, 2019, the Settlement Judge certified the Settlement to the Commission as uncontested.³
3. MoGas states that the Settlement is a "black box" settlement which resolves all of the issues set for hearing in the captioned proceeding.
4. Article VII of the Settlement contains a moratorium provision which states that the Settlement Rates shall remain in effect through December 31, 2024. The Settlement further states that no Settling Party shall file prior to December 31, 2024 any complaint

¹ 18 C.F.R. § 385.602 (2018).

² See *MoGas Pipeline LLC*, 163 FERC ¶ 61,223 (2018).

³ *MoGas Pipeline LLC*, 167 FERC ¶ 63,033 (2019).

under section 5 of the NGA to challenge the Settlement Rates and MoGas shall not file to change the Settlement Rates under section 4 of the NGA with a proposed effective date earlier than January 1, 2025.

5. Article IX provides, among other things, that the Settlement shall become effective on the first day of the month immediately following the date that a Commission order is issued. Article XI provides, in part, that,

Once approved by the Commission, the standard of review for any proposed modifications to the provisions of the Settlement by the Commission acting *sua sponte* or third parties will be the just and reasonable standard. The standard for review for any proposed modifications to the provisions of the Settlement at the request of one or more but less than all Settling Parties will be the “public interest” standard for review set forth in *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*⁴ and *Federal Power Commission v. Sierra Pacific Power Co.*⁵ (the “Mobile-Sierra doctrine”).⁶

6. The Commission finds that the Settlement appears to be fair and reasonable and in the public interest, and it is hereby approved. As part of the Settlement MoGas filed actual tariff records.⁷ The referenced tariff records are accepted effective December 1, 2018. The Commission understands that this acceptance fulfills the requirement under the Settlement for MoGas to revise its tariff. The Commission’s approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in these proceedings.

⁴ 350 U.S. 332 (1956).

⁵ 350 U.S. 348 (1956).

⁶ See also *Morgan Stanley Capital Group, Inc. v. Public Utility District No. 1 of Snohomish County*, 128 S. Ct. 2733 (2008); *NRG Power Marketing, LLC v. Maine Public Util. Comm’n*, 130 S. Ct. 693 (2010).

⁷ MoGas Pipeline LLC, FERC NGA Gas Tariff, Baseline Tariff, [Section 4, Schedule of Rates for Transportation, 15.0.0](#), [Section 7.22, Termination of Service, Extension, First Refusal, 1.1.0](#), and [Section 8.3, Form of Service Agreement FT, 2.0.0](#).

7. This order terminates Docket Nos. RP18-877-000 and RP18-877-001.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.