

168 FERC ¶ 61,191  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;  
Richard Glick and Bernard L. McNamee.

Tricon Energy Ltd. and Rockbriar Partners Inc.

Docket No. OR16-17-000

v.

Colonial Pipeline Company

ORDER REQUESTING INFORMATION

(Issued September 23, 2019)

1. On September 13, 2016, in Docket No. OR16-17-000, the Commission issued an order on the complaint filed by Tricon Energy Ltd. (Tricon) and Rockbriar Partners Inc. (Rockbriar) against Colonial Pipeline Company (Colonial) wherein complainants asserted that it is unjust and unreasonable and unduly discriminatory for Colonial to classify shippers who have transferred their full shipping history as ineligible for a 14-month period to participate in a lottery allocating capacity to New Shippers.<sup>1</sup> The Commission determined that Tricon's and Rockbriar's complaint raised issues that warranted further investigation by the Commission. The Commission initiated an investigation and requested additional information concerning the allocation of capacity on Colonial's system from Colonial and other interested parties.<sup>2</sup> The Commission stated that it was investigating the allocation of capacity on Colonial's system, including but not limited to history transfers, to determine whether that program and any related policy or program is consistent with the Interstate Commerce Act (ICA).<sup>3</sup>

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<sup>1</sup> *Tricon Energy Ltd. v. Colonial Pipeline Co.*, 156 FERC ¶ 61,176 (2016) (September 2016 Order).

<sup>2</sup> *Id.* P 24 & Appendix.

<sup>3</sup> 49 U.S.C. app. § 1 *et seq.* (1988).

2. In addition to Colonial, four other parties submitted filings responding to the Commission's September 2016 Order.<sup>4</sup> Colonial provided detailed responses to the Commission's questions and included its shipper manual and other documents concerning capacity allocation and history transfer on its system. In their responses, no other parties provided information directly responding to the Commission's request for information. The September 2016 Order also permitted reply comments. Only Costco Wholesale Corporation filed reply comments following Colonial's submission of information.

3. Given the changes Colonial made to its tariff in 2017 related to its rounding increment and batch size requirements<sup>5</sup> and that the last pleadings in this proceeding were filed in early 2017, the Commission finds that it is appropriate to update the record before rendering a decision on the complaint and investigation in this docket. Accordingly, the Commission directs Colonial to respond to the information requests in the Appendix of this order within 30 days of the date of this order. Other parties who have information relevant to the data request may, but are not required to, respond within 30 days of the date of this order. Parties may file comments or answers to the responses of Colonial or other parties within 21 days after the information requested is filed with the Commission.

The Commission orders:

(A) Colonial is directed to respond to the information requests in the Appendix of this order within 30 days of the date of this order. Other parties who have information relevant to the data requests may, but are not required to, respond within 30 days of the date of this order.

(B) Parties may file comments or answers to the responses of Colonial or other parties within 21 days after the information requested is filed with the Commission.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>4</sup> Tricon; Rockbriar; Flint Hills Resources, LP; and Concept Petroleum Marketing, LLC.

<sup>5</sup> See *Colonial Pipeline Co.*, 160 FERC ¶ 61,063 (2017).



**APPENDIX****SECOND SET OF DATA REQUESTS TO COLONIAL PIPELINE COMPANY**

Respond to each of the following for the period January 1, 2017 through July 31, 2019:

1. Did the changes Colonial made to its tariff in 2017 related to its rounding increment and batch size requirements have an impact on the number of New Shippers and the number of full-history transfers? If so, how did the number of New Shippers and the number of full-history transfers change?
2. List each full-history transfer that occurred and provide the following detail:
  - a. Date of commencement cycle
  - b. Date of completion cycle
  - c. Status (New vs. Regular) of each participating shipper pre- and post-transfer
  - d. Base period history of each participating shipper in the cycle just prior to commencement of the transfer
  - e. Base period history of each participating shipper in the cycle upon commencement of the transfer
3. State how many New Shippers became Regular Shippers: (1) solely through their own lottery wins (as opposed to through History Transfer Purchases), (2) solely through History Transfer Purchases, and (3) through a combination of lottery wins and History Transfer Purchases.
4. List the dates of every New Shipper Lottery, the number of New Shippers that participated in each lottery, and the number of New Shippers that won in each lottery.
5. For each class of shipper (Regular and New), please provide the total number of shippers that nominated volumes in the first cycle of January and the first cycle of July in each of the years 2017 through 2019.