

169 FERC ¶ 61,156  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

November 26, 2019

In Reply Refer To:  
Rockies Express Pipeline, LLC  
Docket No. RP20-61-001

Rockies Express Pipeline, LLC  
370 Van Gordon Street  
Lakewood, CO 80228

Attention: L. Drew Cutright  
Vice President, Regulatory Affairs

Dear Mr. Cutright:

1. On October 11, 2019, as amended on October 16, 2019, Rockies Express Pipeline, LLC (Rockies Express) filed a revised tariff record<sup>1</sup> reflecting its acknowledgment of collateral assignment agreements between certain shippers on its system and these shippers' lenders. We reject the referenced tariff record because these acknowledgments of collateral assignment agreements are not provisions of pipeline service and therefore are not required to be filed.
2. Rockies Express states that it is submitting the filings to inform the Commission that, consistent with a shipper's right to assign its interest in an agreement as security, it is acknowledging two such agreements between certain shippers and their lenders. Rockies Express contends that the collateral assignment agreements contemplated in the instant filings are fully consistent with section 26 of the General Terms and Conditions (GT&C) of its tariff. However, Rockies Express states that it is proposing to include its acknowledgments of these agreements in the list of non-conforming agreements portion of its tariff out of an abundance of caution.<sup>2</sup>

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<sup>1</sup> Rockies Express Pipeline LLC, FERC NGA Gas Tariff, Tariffs, [NON-CONFORM. AGREEMENTS, Non-Conforming Agreements, 128.1.0.](#)

<sup>2</sup> Rockies Express Oct. 11, 2019 Transmittal Letter at 1-2.

3. Public notice of the original filing was issued on October 16, 2019 and on October 17, 2019 for the amended filing in Docket No. RP20-61-001. Interventions and protests were due as provided in section 154.210 of the Commission's regulations.<sup>3</sup> Pursuant to Rule 214,<sup>4</sup> all timely filed motions to intervene and any unopposed motions to intervene out-of-time filed before the issuance date 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 adverse comments or protests were filed.

4. While we agree that the collateral assignment agreements contemplated in the instant filing are fully consistent with GT&C section 26 of Rockies Express' tariff, Rockies Express need not identify acknowledgment of such collateral assignment agreements in the list of non-conforming agreements in its tariff. The assignment of jurisdictional agreements as collateral between shippers and lenders does not affect or relate to the jurisdictional pipeline's rates, charges, classifications, practices, rules, regulations, or services for jurisdictional transportation, and the Commission's policies do not require Rockies Express to include acknowledgment of such assignments between shippers and their lenders as if it were a non-conforming provision in the pipeline's service agreement(s).<sup>5</sup> Accordingly, we reject the referenced tariff record because these acknowledgements of collateral assignment agreements are not provisions of pipeline service and therefore are not required to be filed.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>3</sup> 18 C.F.R. § 154.210 (2019).

<sup>4</sup> 18 C.F.R. § 385.214 (2019).

<sup>5</sup> See *Columbia Gas Transmission Corp.*, 97 FERC ¶ 61,221, at 62,002-03 (2001); *ANR Pipeline Co.*, 97 FERC ¶ 61,224, at 62,022 (2001). See also 18 C.F.R. § 154.1(b) (2019).