

169 FERC ¶ 61,164
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Enable Mississippi River Transmission, LLC

Docket Nos. RP20-196-000
RP20-197-000
RP20-201-000

ORDER ACCEPTING AND SUSPENDING TARIFF RECORDS
SUBJECT TO CONDITIONS

(Issued November 26, 2019)

1. On November 1, 2019, in Docket Nos. RP20-196-000 and RP20-197-000, and on November 4, 2019, in Docket No. RP20-201-000, Enable Mississippi River Transmission, LLC (MRT) filed tariff records¹ reflecting negotiated rate agreements with Union Electric Company (Ameren Missouri); CenterPoint Energy Resources Corporation; and Spire Missouri, Inc., respectively (Negotiated Rate Agreements). MRT requests waiver of the Commission's 30-day notice requirements to permit the tariff records to become effective January 1, 2019, consistent with the offers of settlement resolving issues in MRT's general rate cases filed under section 4 of the Natural Gas Act (NGA) in Docket No. RP18-923-007 (2018 Rate Case)² and in Docket No. RP20-131-000 (2019 Rate Case).³ As discussed below, we accept and suspend the

¹ See Appendix.

² See MRT, Filing of a Stipulation and Agreement, Docket No. RP18-923-007 (Nov. 5, 2019) (2018 Rate Case Settlement).

³ See MRT, 2019 Rate Case Filing, Docket No. RP20-131-000 (Oct. 30, 2019). *See also* MRT, Stipulation and Agreement, Docket No. RP20-212-000 (Nov. 6, 2019) (proposing to resolve issues raised in 2019 Rate Case) (2019 Rate Case Settlement).

referenced tariff records to be effective January 1, 2019, subject to the outcome of the 2018 Rate Case Settlement and 2019 Rate Case Settlement proceedings.

Background

2. On June 29, 2018, in Docket No. RP18-923-000, MRT filed its 2018 Rate Case, a general NGA section 4 rate proceeding. On July 31, 2018, the Commission issued an order accepting and suspending the tariff records set forth in the 2018 Rate Case, effective January 1, 2019, subject to refund, the outcome of hearing and settlement procedures, and a technical conference.⁴ Subsequently, on November 5, 2019, MRT filed the 2018 Rate Case Settlement. The 2018 Rate Case Settlement remains pending before the presiding Administrative Law Judge for certification to the Commission.

3. On October 30, 2019, in Docket No. RP20-131-000, MRT filed its 2019 Rate Case, a general NGA section 4 rate proceeding. Before the Commission had acted on the 2019 Rate Case filing, MRT filed the 2019 Rate Case Settlement on November 6, 2019, in Docket No. RP20-212-000, to resolve the issues in the 2019 Rate Case. Both the 2019 Rate Case and the related 2019 Rate Case Settlement remain pending before the Commission.

4. MRT states that the 2018 Rate Case Settlement and the 2019 Rate Case Settlement (collectively, Settlements), along with the Negotiated Rate Agreements, result from extensive negotiations among MRT and its shippers. MRT states that these filings represent agreement with participants representing approximately 97 percent of the subscribed firm transmission service entitlements on MRT. MRT states that the Negotiated Rate Agreements represent one element of the compromises resolving MRT's pending rate proceedings. MRT contends that the proposed effective date of January 1, 2019 for the Negotiated Rate Agreements constitutes an essential factor agreed upon by MRT and each of the settling parties and corresponds to the effective date of the rates motioned into effect by MRT in the 2018 Rate Case. MRT submits that in these circumstances, good cause exists to grant waiver of section 154.207 of the Commission's regulations to allow the Negotiated Rate Agreements to become effective January 1, 2019.

Notice

5. Public notice of the filings was issued on November 4, 2019, for Docket Nos. RP20-196-000 and RP20-197-000 and on November 5, 2019, for Docket No RP20-201-000. Interventions and protests were due as provided in section 154.210

⁴ *Enable Miss. River Transmission, LLC*, 164 FERC ¶ 61,075 (2018).

of the Commission's regulations.⁵ Pursuant to Rule 214,⁶ all timely filed unopposed 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 this proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.

Discussion

6. We accept and suspend the proposed tariff records constituting the Negotiated Rate Agreements to be effective January 1, 2019, subject to the outcome of the 2018 Rate Case Settlement and 2019 Rate Case Settlement proceedings. MRT has represented that the Negotiated Rate Agreements "effectuate rates and contract extensions that served as the foundations for filing the Settlements" and that the Negotiated Rate Agreements implement the rates defined in the Settlements.⁷ However, the Commission has yet to act on the Settlements, and, thus, we accept and suspend the proposed tariff records as described herein. Because the Negotiated Rate Agreements implement terms of the Settlements, we also grant the unopposed waiver of the 30-day notice requirement to permit the uncontested negotiated rate agreements to take effect on January 1, 2019.

Suspension

7. Based upon a review of the filing, we find that the proposed tariff records have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept such tariff records for filing and suspend their effectiveness for the period set forth below, subject to the conditions set forth in this order.

8. The Commission's policy regarding suspension is that tariff filings generally should be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust, unreasonable, or inconsistent with other statutory standards.⁸ It is recognized, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum

⁵ 18 C.F.R. § 154.210 (2019).

⁶ 18 C.F.R. § 385.214 (2019).

⁷ *E.g.*, MRT, Filing of Negotiated Rate Agreement with Ameren Missouri, Docket No. RP20-196-000 (Nov. 1, 2019).

⁸ *See Great Lakes Gas Transmission Co.*, 12 FERC ¶ 61,293 (1980) (five-month suspension).

period may lead to harsh and inequitable results.⁹ Such circumstances exist here where the filing is an uncontested reduction in customer rates. Therefore, we exercise

our discretion to suspend the tariff records referenced above to take effect on January 1, 2019, subject to the conditions set forth in the body of this order and in the ordering paragraphs below.

The Commission orders:

The tariff records in the Appendix to this order are accepted and suspended to be effective January 1, 2019, subject to the outcome of the 2018 and 2019 Rate Case Settlement proceedings.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁹ See *Valley Gas Transmission, Inc.*, 12 FERC ¶ 61,197 (1980) (one-day suspension).

Appendix

Enable Mississippi River Transmission, LLC
FERC NGA Gas Tariff
Tariff Database

Tariff records accepted and Suspended effective January 1, 2019, Subject to Conditions

Docket No. RP20-196-000

[Section 1.0, Table of Contents, 13.0.0](#)

[Section 2.14, Union Electric Company, dba Ameren MO TSA No. 3668 \(RS FTS\), 0.0.0](#)

Docket No. RP20-197-000

[Section 1.0, Table of Contents, 12.0.0](#)

[Section 2.12, CenterPoint Energy Resources Corp. TSA No. 448 \(RS FTS\), 0.0.0](#)

[Section 2.13, CenterPoint Energy Resources Corp. TSA No. 500 \(RS FSS\), 0.0.0](#)

Docket No. RP20-201-000

[Section 1.0, Table of Contents, 11.0.0](#)

[Section 2.5, Spire Missouri, Inc. TSA No. 3147 \(RS FSS\), 0.0.0](#)

[Section 2.6, Spire Missouri, Inc. TSA No. 3310 \(RS FTS\), 0.0.0](#)

[Section 2.7, Spire Missouri, Inc. TSA No. 6081 \(RS FTS\), 0.0.0](#)

[Section 2.28, Spire Missouri, Inc. TSA No. 6082 \(RS FTS\), 0.0.0](#)