

170 FERC ¶ 61,154  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

February 26, 2020

In Reply Refer To:  
Ruby Pipeline, L.L.C.  
Docket No. RP20-463-000

Ruby Pipeline, L.L.C.  
Post Office Box 1087  
Colorado Springs, CO 80944

Attention: M. Catherine Rezendes  
Director, Rates

Dear Ms. Rezendes:

1. On January 30, 2020, Ruby Pipeline, L.L.C. (Ruby) filed revised tariff records<sup>1</sup> to reflect adjustments to its Fuel Retention Percentage (FRP) and its Electric Power Cost (EPC) rate. Ruby also seeks waiver of Section 13 of the General Terms and Conditions (GT&C) of its tariff to permit the return of positive Lost and Unaccounted-for (L&U) quantities to its shippers on an in-kind basis. For good cause shown, we grant the waiver, and accept the proposed tariff records to become effective March 1, 2020, as requested.

2. Ruby states that GT&C Sections 13 and 28 require Ruby to adjust its Fuel and L&U (FL&U) reimbursement percentage and its EPC rate at least once every three months. Ruby states that it most recently adjusted these percentages and rates three months ago in an October filing.<sup>2</sup> Ruby now proposes to adjust its FL&U reimbursement

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<sup>1</sup> Ruby Pipeline, L.L.C., FERC NGA Gas Tariff, Ruby Tariff, [Part II: Stmt. of Rates, Section 1 - Service Rates, 35.0.0](#) and [Part II: Stmt. of Rates, Section 2 - Fuel and L&U Rates, 34.0.0](#).

<sup>2</sup> See *Ruby Pipeline, L.L.C.*, Docket No. RP20-140-000 (Nov. 25, 2019) (delegated order).

percentage and EPC rates for the next quarter. Ruby proposes that the total FRP remain at 0.00%,<sup>3</sup> the total L&U Reimbursement Percentage component also remain at 0.00%,<sup>4</sup> and the EPC rate decrease from \$0.026 per dekatherm (Dth) to \$0.020<sup>5</sup> per Dth. Ruby explains that the decrease in the EPC rate is due to over-collections in prior periods. Ruby included in this filing its Operational Purchases and Sales report for the time period of September 2019 through November 2019, which corresponds with the data collection period used for this FL&U and EPC rate filing.

3. In addition, Ruby requests a waiver of Section 13 of the General Terms and Conditions (GT&C) of its tariff to permit the return of positive L&U quantities to its shippers on an in-kind basis. Ruby explains that its tariff does not provide for the cash-out of over-collected quantities of fuel gas or L&U volumes. Instead, under-collected quantities of fuel gas are offset against quantities of over-collected L&U and vice versa. Ruby states that to the extent any over-collected quantities remain after the offset, its tariff provides that they be deferred to a future FRP period.

4. Ruby states that at the end of the data collection period for the instant filing, after netting under-collected fuel quantities with previously deferred over-collected L&U quantities, it experienced total positive L&U quantities of 428,888 Dth. Ruby explains it had deferred over-collected FL&U quantities since its quarterly FL&U filing effective June 1, 2019.<sup>6</sup> Further, Ruby states that it continues to experience L&U gains, and that although it is able to net 96,440 Dth of over-collected L&U quantities with under-collected fuel quantities in the instant filing, it continues to forecast throughput levels that do not require the use of gas-fired compressors, and therefore, sees little opportunity in the near future to offset the over-collected L&U against under-collected fuel gas.

5. Therefore, Ruby requests a temporary waiver of its GT&C Section 13 tariff provision requiring the deferral of over-collected FL&U quantities to a future period, in order to permit it to return the over-collected quantities in-kind to its shippers. Specifically, Ruby is requesting that the deferred over-collected and current L&U volumes be returned to its shippers as a positive imbalance on its transportation contract, which may be used to reduce receipt point nominations equal to the positive imbalance,

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<sup>3</sup> The Current Period FRP and the Prior Period Fuel Deficiency Percentage will remain constant at 0.00%.

<sup>4</sup> The Current Period L&U Retention Percentage and Prior Period L&U Deficiency Percentage will remain constant at 0.00%.

<sup>5</sup> The Current Period EPC will increase from \$0.034 per Dth to \$0.056 per Dth and the Prior Period EPC will decrease from -\$0.008 per Dth to -\$0.036 per Dth.

<sup>6</sup> See Docket No. RP19-1168-000.

which allows the return of the over-collected L&U quantities sooner than under the applicable tariff provisions while avoiding the anomalous result caused by a negative reimbursement percentage and the possible disputes over the appropriate price to use to value the gas for cash-outs, as have occurred in the past.<sup>7</sup>

6. Public notice of the filing was issued on February 4, 2020. Interventions and protests were due as provided in section 154.210 of the Commission's regulations.<sup>8</sup> Pursuant to Rule 214,<sup>9</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.

7. We accept Ruby's proposed tariff records to reflect adjustments to its FRP and its EPC rate. We find good cause to grant the unopposed waiver to permit Ruby to return the over-collected L&U volumes on an in-kind basis to its shippers. Consequently, we grant the waiver and accept the referenced tariff records effective March 1, 2020, as proposed.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>7</sup> See *Ruby Pipeline, L.L.C.*, 144 FERC ¶ 61,114, at PP 2-6 (2013).

<sup>8</sup> 18 C.F.R. § 154.210 (2019).

<sup>9</sup> 18 C.F.R. § 385.214 (2019).