

170 FERC ¶ 61,272  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

March 27, 2020

In Reply Refer To:  
Enable Mississippi River  
Transmission, LLC  
Docket No. RP20-638-000

Enable Mississippi River Transmission, LLC  
910 Louisiana Street  
48<sup>th</sup> Floor  
Houston, TX 77002

Attention: Lisa D. Yoho,  
Sr. Director, Regulatory & FERC Compliance

Dear Ms. Yoho:

1. On March 2, 2020, Enable Mississippi River Transmission, LLC (MRT) filed a tariff record<sup>1</sup> containing a negotiated rate agreement between MRT and WRB Refining, LP (WRB). MRT requests waiver of the Commission's 30-day notice requirement in 18 C.F.R. § 154.207 so that the tariff record may become effective March 1, 2020. MRT filed the negotiated rate agreement to implement settlements submitted in Docket Nos. RP18-923-007 (2018 Rate Case Settlement) and RP20-212-000 (2019 Rate Case Settlement). Waiver of the Commission's 30-day notice requirement is granted, and we accept and suspend the referenced tariff record to be effective March 1, 2020, subject to the outcome of the 2018 Rate Case Settlement and the 2019 Rate Case Settlement, as discussed below.

2. On June 29, 2018, in Docket No. RP18-923-000, MRT filed a general rate case pursuant to section 4 of the Natural Gas Act (NGA), as it was obliged to do under an earlier settlement in Docket No. RP12-955-000.<sup>2</sup> As part of this general NGA section 4 rate case, MRT proposed rate increases, modifications to certain rate schedules, and

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<sup>1</sup> Enable Mississippi River Transmission, LLC, FERC NGA Gas Tariff, Tariff Database, [Section 2.1, WRB Refining, LP TSA No. 3808 \(RS ITS\), 3.0.0.](#)

<sup>2</sup> *Enable Miss. River Transmission, LLC*, 144 FERC ¶ 61,230 (2013) (order on 2013 settlement).

various other changes to the General Terms and Conditions of its tariff. On July 31, 2018, the Commission accepted and suspended the NGA section 4 rate case tariff records to be effective January 1, 2019, subject to refund, conditions, and the outcome of a hearing on rate-related issues and a technical conference on non-rate related issues.<sup>3</sup>

3. On December 31, 2018, the Commission accepted in part MRT's tariff proposals that were examined at the September 19, 2018 technical conference, rejected other tariff proposals as unjust and unreasonable, and set certain tariff proposals for hearing and settlement judge procedures in the ongoing hearing in Docket No. RP18-923-000.<sup>4</sup>

4. MRT notified the presiding Administrative Law Judge and the Chief Judge on September 26, 2019 that it had agreed to principles of settlement endorsed, or not opposed, by at least 94 percent of its subscribed firm service shippers and that it expected to file a settlement no later than November 1, 2019. MRT stated that it subsequently negotiated additional support for the settlement. On November 1, 2019, in anticipation of the 2018 Rate Case Settlement, MRT filed negotiated rate agreements to be effective January 1, 2019 with two of its customers, Union Electric Company (Ameren Missouri) in Docket No. RP20-196-000 and CenterPoint Energy Resources Corporation in Docket No. RP20-197-000.

5. On October 30, 2019, MRT filed another general NGA section 4 rate case in Docket No. RP20-131-000 (2019 Rate Case). On November 5, 2019, MRT filed with the presiding Administrative Law Judge the 2018 Rate Case Settlement addressing issues raised in the ongoing 2018 Rate Case proceeding. On November 6, 2019, MRT filed an additional negotiated rate agreement with Spire Missouri Inc. in Docket No. RP20-201-000 and also filed with the Commission the 2019 Rate Case Settlement in Docket No. RP20-212-000 to resolve the 2019 Rate Case.

6. On November 26, 2019, the Commission issued an order that accepted and suspended the tariff records in the 2019 Rate Case in Docket No. RP20-131-000, subject to refund, the outcome of hearing procedures established therein, and the outcome of the 2018 Rate Case Settlement and the 2019 Rate Case Settlement in Docket No. RP20-212-000.<sup>5</sup> Also on November 26, 2019, the Commission accepted and suspended the

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<sup>3</sup> *Enable Miss. River Transmission, LLC*, 164 FERC ¶ 61,075 (2018).

<sup>4</sup> *Enable Miss. River Transmission, LLC*, 165 FERC ¶ 61,285 (2018).

<sup>5</sup> *Enable Miss. River Transmission, LLC*, 169 FERC ¶ 61,163 (2019).

negotiated rate agreements filed in Docket Nos. RP20-196-000, RP20-197-000, and RP20-201-000, subject to the outcome of the 2018 and 2019 Rate Case Settlements.<sup>6</sup>

7. On December 12, 2019, MRT filed a Supplement to the 2019 Rate Case Settlement, and on December 13, 2019, MRT filed a Supplement to the 2018 Rate Case Settlement. MRT stated that these supplements include agreements among participants to the settlements that reflect 100 percent of the subscribed firm transmission service entitlements of parties to the two settlements.

8. Subsequently, the Commission issued an order approving the 2018 Rate Case Settlement and Supplement and 2019 Rate Case Settlement and Supplement.<sup>7</sup>

9. Public notice of MRT's filing was issued on March 3, 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 filed out-of-time 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 protests or adverse comments were filed.

10. In the November 26, 2019 Order, the Commission accepted and suspended negotiated rate agreements, effective January 1, 2019, that were filed to implement the 2018 and 2019 Rate Case Settlements, subject to the outcome of the Commission's review of the settlements.<sup>10</sup> Thereafter, MRT filed additional negotiated rate agreements to implement the 2018 and 2019 Rate Case Settlements (as supplemented), to be effective January 1, 2019, before the Commission had acted on the Settlements. In those proceedings, the Commission adopted the analysis set forth in the November 26, 2019

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<sup>6</sup> *Enable Miss. River Transmission, LLC*, 169 FERC ¶ 61,164 (2019) (November 26, 2019 Order).

<sup>7</sup> *Enable Miss. River Transmission, LLC*, 170 FERC ¶ 61,254 (order approving the Settlements).

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

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

<sup>10</sup> November 26, 2019 Order, 169 FERC ¶ 61,164 at P 6.

Order and accepted and suspended the proposed filings subject to the outcome of the Settlements.<sup>11</sup>

11. As with the earlier negotiated rate agreement filings, MRT's current filing implements the rates provided for in the Settlements. As noted above, the Commission has issued an order approving the Settlements. However, the Settlements themselves define "Approval Date" as the first day of the month after a Commission order approving the Settlement without modification or condition becomes final and non-appealable.<sup>12</sup> Because the order approving the Settlements is not yet final and non-appealable as required under the conditions stated in the Settlements, we similarly accept and suspend the proposed tariff record identified in footnote 1 to be effective March 1, 2020, subject to the outcome of the 2018 Rate Case Settlement and 2019 Rate Case Settlement.. Because the negotiated rate agreement implements the terms of the 2018 and 2019 Rate Case Settlements, we also grant the unopposed waiver of the 30-day notice requirement to permit the uncontested negotiated rate agreement to take effect as requested.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>11</sup> See, e.g., *Enable Miss. River Transmission, LLC*, 170 FERC ¶ 61,178 (2020) (accepting negotiated rate agreements subject to the outcome of the Settlements; citing the November 26, 2019 Order, 169 FERC ¶ 61,164 at PP 7-8).

<sup>12</sup> E.g., 2018 Rate Case Settlement, Art. IX(A)(1).