

**THE UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

Cheyenne Plains Gas Pipeline	)	
Company, L.L.C.	)	
	)	Docket No. CP24-523-000
Natural Gas Pipeline Company	)	
of America, LLC	)	

**MOTION FOR LEAVE TO ANSWER AND  
ANSWER OF CHEYENNE PLAINS GAS PIPELINE COMPANY, L.L.C.**

Pursuant to Rules 212 and 213 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure,<sup>1</sup> Cheyenne Plains Gas Pipeline Company, L.L.C. (“Cheyenne Plains”) hereby moves for leave to answer<sup>2</sup> and answers (“Answer”) the “Comments of Bison Oil & Gas IV, LLC” (“Bison Comments”) filed in the above-captioned proceeding on October 23, 2024. As explained below, contrary to Bison Oil & Gas IV, LLC’s (“Bison”) claims, the proposed Rate Schedule SEDS service

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<sup>1</sup> 18 C.F.R. §§ 385.212, .213 (2024).

<sup>2</sup> Rule 213(a)(2) provides that answers to protests are not generally allowed, “unless otherwise ordered by the decisional authority.” 18 C.F.R. § 385.213(a)(2) (2024). However, the Commission does permit the filing of answers to protests where such an answer responds to a new issue raised, will lead to a more accurate and complete record, or will help the Commission in the decision-making process. *See, e.g., El Paso Natural Gas Co.*, 104 FERC ¶ 61,303 at P 11 (2003); *Kern River Gas Transmission Co.*, 103 FERC ¶ 61,341 at P 9 (2003); *Calpine Corp. v. PJM Interconnection, LLC*, 173 FERC ¶ 61,061, at P 9 (2020) (An answer was permitted because it provided information that assisted the Commission’s decision-making process). Cheyenne Plains’ pleading provides relevant information and will assist the Commission in reaching a decision in this proceeding. Accordingly, to the extent necessary, the Commission should grant this motion to permit this answer.

does not restrict or deny the use of any receipt points on a secondary basis<sup>3</sup> on Cheyenne Plains' system, including the Jackson Lake or Makena receipt points.<sup>4</sup>

## I. BACKGROUND

On September 20, 2024, Cheyenne Plains and Natural Gas Pipeline Company of America, LLC (“Natural”) jointly filed an application (“Application”) in Docket No. CP24-523-000 for the regulatory authorizations necessary from the Commission to allow Cheyenne Plains to provide a new service. As relevant here, this proposed new service under Rate Schedule SEDS (“SEDS”) is comprised of two component services, storage and transportation. When combined, the components would provide the shipper with a no-notice delivery service to Natural’s SPS Brickplant Road Delivery Point. The storage service component would be provided by converting a portion of Cheyenne Plains’ transportation capacity to storage. Additionally, the components may be used by a SEDS shipper on a stand-alone basis.

In its comments, Bison did not oppose the proposed SEDS service. Bison, however, claimed that the proposed new service arbitrarily excluded two receipt points at which Bison could deliver gas, Jackson Lake and Makena, from being used on a secondary basis.<sup>5</sup> Bison, therefore, claimed it is precluded from selling its gas to a SEDS shipper at the

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<sup>3</sup> Consistent with their use in the Bison Comments, the terms “secondary basis” and “secondary receipt points” are used to include any type of secondary use or secondary receipt points, including Flow Path Secondary Points. See sections 1.14, 1.38, 1.39, and 1.41 of the General Terms and Conditions (“GT&C”) of the First Revised Volume No. 1 of Cheyenne Plains’ FERC Gas Tariff.

<sup>4</sup> Cheyenne Plains encourages all of its shippers to contact it to discuss concerns they may have including those related to filings. To hopefully clarify this matter, Cheyenne Plains contacted a Bison representative to explain that the Jackson Lake and Makena receipt points may be used under the proposed Rate Schedule SEDS service on a secondary basis as stated in this Answer.

<sup>5</sup> Bison Comments at 2-3.

Jackson Lake and Makena points. Based on this alleged restriction, Bison argued that its two receipt points “should be listed as secondary receipt points.”<sup>6</sup>

## II. ARGUMENT

To be clear, the Jackson Lake and Makena receipt points may be used by a SEDS shipper on a secondary basis, similar to any non-primary receipt point on Cheyenne Plains’ system. The alleged restriction simply does not exist. As support for its conclusion that the two points may not be used by a SEDS shipper on a secondary basis, Bison cites the Open Season posted by Cheyenne Plains for the SEDS service that is included in the Application in Exhibit I.<sup>7</sup> On page 4 of the Open Season, Cheyenne Plains specified a list of receipt points that would also be subject to the same reservation rate as the Primary Receipt Point to a winning bidder. In other words, if a winning bid had a discounted reservation rate, that discount would apply to the specified receipt points used on a secondary basis.<sup>8</sup> The Open Season did not restrict any secondary receipt points for SEDS service.

Significantly, section 3.5 of the proposed Rate Schedule SEDS tariff records in the Pro Forma Marked Tariff Sections included in the Application specifically states, in relevant part, that the shipper may nominate transportation on a secondary basis; no

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<sup>6</sup> *Id.*

<sup>7</sup> Bison Comments at 2 & n. 6 (citing Exhibit No. 1 [sic] at 4). The Application does not include an Exhibit No. 1. Cheyenne Plains believes this reference should be to Exhibit I at 4.

<sup>8</sup> The winning bidder, Southwestern Public Service Company (“SPS”), does have a discounted reservation rate for the primary points for the transportation component service. Similar to all discounts, the secondary receipt points eligible for a discount at the awarded reservation rate for the Primary Receipt Point were the product of negotiations with SPS as a potential shipper. As noted in the Application at pages 3 and 9, Cheyenne Plains and SPS discussed transportation service options and Cheyenne Plains designed a service based on those discussions. Cheyenne Plains then conducted an Open Season for that service. Notably, the points specified are points routinely discounted based on negotiations with other transportation shippers and are at interconnects with interstate pipelines.

restrictions are stated in that section or any other section on the use of any specific receipt point. Section 2.2(b)(ii) of the proposed Rate Schedule SEDS also states that the shipper may nominate gas transportation in accordance with the nominating and scheduling provisions of Cheyenne Plains' Terms and Conditions which includes nomination and scheduling on a secondary basis. These provisions do not include any restrictions on the use of specific points on a secondary basis.<sup>9</sup>

Thus, contrary to Bison, there are no restrictions on the use of the Jackson Lake or Makena receipt points on a secondary basis by a SEDS shipper. In that regard, those points are treated the same as any other receipt point on Cheyenne Plains' system. Bison may sell its gas to a SEDS shipper at the Jackson Lake and Makena receipt points in the same way as other suppliers of gas at any other secondary receipt point.

### **III. CONCLUSION**

**Wherefore**, Cheyenne Plains respectfully asks the Commission to grant its motion to file this answer, if necessary. Cheyenne Plains' response corrects key misstatements by the Bison Comments. The answer, therefore, will lead to a more accurate and complete record, and will help the Commission in the decision-making process. Cheyenne Plains

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<sup>9</sup> See sections 1.14, 1.38-1.41, and 6 of the GT&C.

also requests that the Commission find that Bison's claims are misplaced and approve the Application as filed.

Respectfully submitted,

Cheyenne Plains Gas Pipeline Company, L.L.C.

By: \_\_\_\_\_ /s/ \_\_\_\_\_

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Dated: November 8, 2024

## **Certificate of Service**

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2024), I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Colorado Springs, CO, this 8th day of November, 2024.

/s/

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