



Elba Express
Company, L.L.C.
a Kinder Morgan company

February 21, 2019

Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D. C. 20426

Re: EEC Negotiated Rate Tariff Filing
Docket No. RP19-_____

Dear Ms. Bose:

Pursuant to Section 4 of the Natural Gas Act (“NGA”) and Part 154 of the regulations of the Federal Energy Regulatory Commission (“Commission” or “FERC”), Elba Express Company, L.L.C. (“EEC”) hereby submits for filing with the Commission to reflect the termination of negotiated rate Transportation Rate Schedule FTS agreements between EEC and Shell Energy North America (“SENA”) and the addition of negotiated rate Transportation Rate Schedule FTS agreements between EEC and SENA, between EEC and Southern Company Services, Inc. (“SCS”), and between EEC and South Carolina Electric & Gas Company (“SCE&G”). Accordingly, EEC hereby submits for filing and acceptance the following tariff record to its FERC Gas Tariff, First Revised Volume No. 1 (“Tariff”) listed below.

Section 2.4 – Rate Section - Negotiated Rates Version 13.0.0

EEC requests that the Commission accepts and approves the attached tariff record to be effective April 1, 2019.

Statement of Nature, Reasons and Basis for the Filing

This filing is submitted pursuant to the Commission’s Negotiated Rate Policy Statement issued January 31, 1996 in Docket No. RM95-6-000 (“Policy Statement”)¹. In the Policy Statement, the Commission announced that it would allow companies to implement negotiated/recourse rate programs.² Section 27 of the General Terms and Conditions of EEC’s currently effective tariff allows EEC to charge negotiated rates.

¹ The Commission’s current policies were originally established in, *Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines, Regulation of Negotiated Transportation Services, Statements of Policy and Comments*, 74 FERC ¶ 61,076 (1996), *order on clarification*, 74 FERC ¶ 61,194 (1996), *order on reh’g*, 75 FERC ¶ 61,024 (1996). See, also, *Natural Gas Pipeline Negotiated Rate Policies and Practices, Modification of Negotiated Rate Policy*, 104 FERC ¶ 61,134 (2003).

² Policy Statement, 74 FERC at 61,241.

As part of the order granting EEC the authority to negotiate rates for its services, the Commission directed EEC to file either the negotiated rate agreements themselves or a summary of the negotiated rate agreements reflecting the essential elements of such agreements as a tariff record. In this filing, EEC has elected to submit a summary reflecting the essential elements of the new negotiated rate agreements in Section 2.4 of its tariff rather than filing the negotiated rate agreements themselves. The negotiated rate summaries proposed herein reflects the essential elements of the negotiated rate agreements which conform in all material respects with EEC's *pro forma* service agreement in its Tariff.

EEC asks the Commission to accept this tariff filing and permit the proposed tariff record to become effective April 1, 2019.

Procedural Matters

EEC respectfully requests waiver of 18 C.F.R. Part 154.207 and any other waivers of the Commission's regulations, to the extent necessary, to permit the proposed tariff record to become effective April 1, 2019.

Materials Enclosed

Pursuant to the applicable provisions of Section 154.7 of the Commission's Regulations, EEC submits the following materials in connection with the filing:

An eTariff XML filing package, filed as a zip (compressed) file, containing:

1. This transmittal letter; and
2. Clean version of the tendered tariff record in PDF format in Appendix A; and
3. Marked version of the tendered tariff record in PDF format in Appendix B.

As required by Section 154.208 of the Commission's Regulations, copies of this filing are being made available at EEC's offices in Birmingham, Alabama, and electronically mailed to EEC's customers and to interested state commissions.

The names, titles, and mailing addresses of the persons to whom communications concerning this filing are to be addressed and to whom service is to be made are:

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Respectfully submitted,

Elba Express Company, L.L.C.

/s/ T. Brooks Henderson
T. Brooks Henderson
Director – Rates and Regulatory
Elba Express Company, L.L.C.
Post Office Box 2563
Birmingham, Alabama 35202-2563
(205) 325-3843
brooks_henderson@kindermorgan.com

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all EEC's customers and interested state commissions.

Dated at Birmingham, Alabama this 21st day of February 2019.

/s/ T. Brooks Henderson
T. Brooks Henderson
Director – Rates and Regulatory
Elba Express Company, L.L.C.
Post Office Box 2563
Birmingham, Alabama 35202-2563
(205) 325-3843
brooks_henderson@kindermorgan.com

APPENDIX A

Elba Express Company, L.L.C. FERC Gas Tariff

Tariff Section Proposed to be Effective April 1, 2019

<u>Section</u>	<u>Description</u>	<u>Version</u>
2.4	Rate Section – Negotiated Rates	13.0.0

RATE SCHEDULE FTS

<u>Shipper</u>	<u>Contract #</u>	<u>Volume (Dth)</u>	<u>Primary Term End Date</u>	<u>Receipt/Delivery</u>	<u>Negotiated Rate/Formula</u>
Shell NA LNG LLC	450034-MFTEEC	964,845	2/29/2040	SLNG-EEC to EEC Transco Zone 5 for 964,845 Dth (Package 450035) EEC Transco Zone 5 to EEC/ELC EEC to ELC Chatham for 435,967 Dth Reverse Flow Quantity	Reservation Charge (Package 450035) shall be \$0.2322 X Transportation Demand X number of days in a month less the sum of the monthly charges associated with any commodity charges and surcharges. In addition, Shipper pays LAUF and Fuel and all applicable Transportation Charges and Surcharges.
Shell Energy North America	461530-MFTEEC	94,620	3/31/2038	EEC –Transco Zone 4 to SLNG/EEC	Reservation Charge (Package 461766) shall be \$8.456 per month per Dth. In-Kind Fuel and all other applicable charges in EEC’s Tariff, as amended by FERC Order from time to time, shall apply.
Effingham County Power, LLC	460941-MFTEEC	86,000	11/30/2031	EEC Transco Zone 5 to EEC/ELC EEC to ELC Chatham	Reservation Charge (Package 460942) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC’s FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm

transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.278/Dth.

Municipal Gas Authority of Georgia	450029-MFTEEC	1,021	11/30/2031	EEC Transco Zone 5 to EEC SNG Port Wentworth	Reservation Charge (Package 460956) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.278/Dth.
Municipal Gas Authority of Georgia	450029-MFTEEC	1,889	11/30/2031	EEC Transco Zone 5 to EEC SNG Port Wentworth	Reservation Charge (Package 460988) \$9.125 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with

one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.300/Dth.

Southern Natural Gas Company, L.L.C.	461066-MFTEEC	37,565	11/30/2026	EEC Transco Zone 4 & Zone 5 to EEC SNG Port Wentworth & EEC SNG Cypress	Reservation Charge (Package 461067, 461068, 461069, 461070, 461076) \$8.482 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.279/Dth.
Southern Natural Gas Company, L.L.C.	461066-MFTEEC	40,384	11/30/2026	EEC Transco Zone 4 & Zone 5 to EEC SNG Port	Reservation Charge (Package 461071, 461072) \$8.482 Dth per month X MDDQ and all

				Wentworth & EEC SNG Cypress	applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.279/Dth.
Southern Natural Gas Company, L.L.C.	461066- MFTEEC	50,480	11/30/2036	EEC Transco Zone 4 & Zone 5 to EEC SNG Cypress	Reservation Charge (Package 461074) \$8.482 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the

Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.279/Dth.

Southern Natural Gas Company, L.L.C.	461066-MFTEEC	55,528	11/30/2031	EEC Transco Zone 5 to EEC SNG Cypress	Reservation Charge (Package 461075) \$8.482 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.279/Dth.
Southern Natural Gas Company, L.L.C.	461066-MFTEEC	33,158	11/30/2026	EEC Transco Zone 4 & Zone 5 to EEC SNG Port Wentworth	Reservation Charge (Package 461077, 461078, 461079) \$9.151 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of

the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.301/Dth.

Southern Natural Gas Company, L.L.C.	461066-MFTEEC	25,240	03/31/2031	EEC Transco Zone 4 to EEC SNG Port Wentworth	Reservation Charge (Package 461080) \$9.151 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.301/Dth.
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Southern Company Services, Inc.	460943- MFTEEC	130,000	3/31/2031	EEC Transco Zone 4 to EEC Plant McIntosh	Reservation Charge (Package 460944) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service.
Southern Company Services, Inc.	460943- MFTEEC	25,000	3/31/2031	EEC Transco Zone 4 to EEC Plant McIntosh	Reservation Charge (Package 462663) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service.
South Carolina Electric & Gas Company	460989- MFTEEC	61,500	3/31/2031	EEC Transco Zone 4 & Zone 5 to DCGT/EEC Port Wentworth	Reservation Charge (Package 460990) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service.

APPENDIX B

Marked Redlined Version of Tendered Tariff Records

RATE SCHEDULE FTS

<u>Shipper</u>	<u>Contract #</u>	<u>Volume (Dth)</u>	<u>Primary Term End Date</u>	<u>Receipt/Delivery</u>	<u>Negotiated Rate/Formula</u>
Shell NA LNG LLC	450034-MFTEEC	964,845	2/29/2040	SLNG-EEC to EEC Transco Zone 5 for 964,845 Dth (Package 450035) EEC Transco Zone 5 to EEC/ELC EEC to ELC Chatham for 435,967 Dth Reverse Flow Quantity	Reservation Charge (Package 450035) shall be \$0.2322 X Transportation Demand X number of days in a month less the sum of the monthly charges associated with any commodity charges and surcharges. In addition, Shipper pays LAUF and Fuel and all applicable Transportation Charges and Surcharges.
Shell Energy North America	461530-MFTEEC	224,620 94,620	3/31/2038	EEC –Transco Zone 4 to EEC/EEC – EEC to SLNG (Disp)SLNG/EEC	Reservation Charge (Package 461743 461766) shall be \$8.456 per month per Dth. In-Kind Fuel and all other applicable charges in EEC's Tariff, as amended by FERC Order from time to time, shall apply.
Shell Energy North America	462662-MFTEEC	86,500	3/31/2019	EEC Transco Zone 4 to EEC SLNG Chatham	Reservation Charge (Package 461765) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service.
Effingham County Power, LLC	460941-MFTEEC	86,000	11/30/2031	EEC Transco Zone 5 to EEC/ELC EEC to ELC Chatham	Reservation Charge (Package 460942) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with

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Municipal Gas Authority of Georgia	450029-MFTEEC	1,021	11/30/2031	EEC Transco Zone 5 to EEC SNG Port Wentworth	Reservation Charge (Package 460956) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.278/Dth.
Municipal Gas Authority of Georgia	450029-MFTEEC	1,889	11/30/2031	EEC Transco Zone 5 to EEC SNG Port Wentworth	Reservation Charge (Package 460988) \$9.125 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set

forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.300/Dth.

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Southern Natural Gas Company, L.L.C.	461066-MFTEEC	40,384	11/30/2026	EEC Transco Zone 4 & Zone 5 to EEC SNG Port Wentworth & EEC SNG Cypress	Reservation Charge (Package 461071, 461072) \$8.482 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.279/Dth.
Southern Natural Gas Company, L.L.C.	461066-MFTEEC	50,480	11/30/2036	EEC Transco Zone 4 & Zone 5 to EEC SNG Cypress	Reservation Charge (Package 461074) \$8.482 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by

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Southern Natural Gas Company, L.L.C.	461066-MFTEEC	55,528	11/30/2031	EEC Transco Zone 5 to EEC SNG Cypress	Reservation Charge (Package 461075) \$8.482 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the Transportation Charge, a 100% load factor rate of \$0.279/Dth.
Southern Natural Gas Company, L.L.C.	461066-MFTEEC	33,158	11/30/2026	EEC Transco Zone 4 & Zone 5 to EEC SNG Port Wentworth	Reservation Charge (Package 461077, 461078, 461079) \$9.151 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's

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Southern Natural Gas Company, L.L.C.	461066-MFTEEC	25,240	03/31/2031	EEC Transco Zone 4 to EEC SNG Port Wentworth	Reservation Charge (Package 461080) \$9.151 Dth per month X MDDQ and all applicable charges, surcharges and fuel except the ACA surcharge as set forth in EEC's FERC Gas Tariff for firm transportation service. To the extent Shipper releases its capacity at a reservation rate higher than the Negotiated Reservation Charge, EEC shall only be required to credit Shipper with one-half of the reservation charge revenues that are in excess of the Negotiated Reservation Charge paid by Shipper to EEC at the time of the release. In the event that a Transportation Charge becomes applicable to the firm transportation service hereunder, EEC may charge Shipper such Transportation Charge, but EEC shall adjust the Negotiated Reservation Rate as necessary to produce, when combined with the
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Transportation Charge, a 100% load factor rate of \$0.301/Dth.

<u>Southern Company Services, Inc.</u>	<u>460943- MFTEEC</u>	<u>130,000</u>	<u>3/31/2031</u>	<u>EEC Transco Zone 4 to EEC Plant McIntosh</u>	<u>Reservation Charge (Package 460944) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service.</u>
<u>Southern Company Services, Inc.</u>	<u>460943- MFTEEC</u>	<u>25,000</u>	<u>3/31/2031</u>	<u>EEC Transco Zone 4 to EEC Plant McIntosh</u>	<u>Reservation Charge (Package 462663) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service.</u>
<u>South Carolina Electric & Gas Company</u>	<u>460989- MFTEEC</u>	<u>61,500</u>	<u>3/31/2031</u>	<u>EEC Transco Zone 4 & Zone 5 to DCGT/EEC Port Wentworth</u>	<u>Reservation Charge (Package 460990) \$8.456 Dth per month X MDDQ and all other applicable charges, surcharges and fuel as set forth in EEC's FERC Gas Tariff for firm transportation service.</u>