



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

September 20, 2022

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

Re: Elba Express Company, L.L.C.  
Negotiated Rate Tariff Filing  
Docket No. RP22-\_\_\_\_\_

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. (“Elba Express”) 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 – Statement of Rates – Negotiated Rates Version 17.0.0

Elba Express requests that the Commission accepts and approves the attached tariff record and corresponding negotiated rate arrangement to be effective November 1, 2022.

#### **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”)<sup>1</sup>. In the Policy Statement, the Commission announced that it would allow companies to implement negotiated/recourse rate programs.<sup>2</sup> Section 27 of the General Terms and Conditions of Elba Express’ currently effective tariff allows Elba Express to charge negotiated rates.

As part of the order granting Elba Express the authority to negotiate rates for its services, the Commission directed Elba Express 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, Elba Express has elected to submit a summary reflecting the essential elements of its negotiated rate agreement with Atlanta Gas Light Company (“Atlanta”) in Section 2.4 of its tariff, rather than the negotiated rate agreement itself. The summary proposed

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<sup>1</sup> 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).

<sup>2</sup> Policy Statement, 74 FERC at 61,241.

herein reflects the essential elements of the negotiated rate agreement with Atlanta which does not deviate from Elba Express' *pro forma* service agreement in its Tariff.

### **Procedural Matters**

Elba Express respectfully requests waiver of any of the Commission's regulations, to the extent necessary, to permit the proposed tariff record to become effective November 1, 2022.

Pursuant to the applicable provisions of Section 154.7 of the Commission's Regulations, Elba Express 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; and
3. Marked version of the tendered tariff record in PDF format.

As required by Section 154.208 of the Commission's Regulations, copies of this filing are being made available at Elba Express' offices in Birmingham, Alabama, and electronically mailed to Elba Express' 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:

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](mailto:brooks_henderson@kindermorgan.com)

Patricia S. Francis  
Vice President and Managing Counsel  
Elba Express Company, L.L.C.  
Post Office Box 2563  
Birmingham, Alabama 35202-2563  
(205) 325-7696  
[patricia\\_francis@kindermorgan.com](mailto:patricia_francis@kindermorgan.com)

Respectfully submitted,

ELBA EXPRESS COMPANY, L.L.C.

/s/ T. Brooks Henderson  
T. Brooks Henderson  
Director – Rates and Regulatory  
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Enclosures

CERTIFICATE OF SERVICE

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

Dated at Birmingham, Alabama this 20<sup>th</sup> day of September, 2022.

/s/ T. Brooks Henderson

T. Brooks Henderson

Director – Rates and Regulatory

Elba Express Company, L.L.C.

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(205) 325-3843

[brooks\\_henderson@kindermorgan.com](mailto:brooks_henderson@kindermorgan.com)

## **CLEAN VERSION OF TARIFF RECORD**

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.
Oglethorpe Power Corporation	481250-MFTEEC	86,000	11/30/2031	EEC Transco Zone 5 to EEC/ELC EEC to ELC Chatham	Reservation Charge (Package 481510) \$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

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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.
Dominion Energy South Carolina, Inc.	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.
Atlanta Gas Light Company	485108- MFTEEC	84,227 (Nov.-March)	10/31/2027	EEC Transco Zone 4 to EEC SNG Cypress	Reservation Charge (Package 485109) \$8.0776 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.

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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>
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<a href="#">Atlanta Gas Light Company</a>	<a href="#">485108- MFTEEC</a>	<a href="#">84,227 (Nov.-March)</a>	<a href="#">10/31/2027</a>	<a href="#">EEC Transco Zone 4 to EEC SNG Cypress</a>	<a href="#">Reservation Charge (Package 485109) \$8.0776 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.</a>