



October 30, 2020

Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Attention: Ms. Kimberly D. Bose, Secretary

Re: Negotiated Rate Agreement Update;
El Paso Natural Gas Company, L.L.C.;
Docket No. RP21-

Commissioners:

El Paso Natural Gas Company, L.L.C. ("EPNG") hereby tenders for filing and acceptance by the Federal Energy Regulatory Commission ("Commission") the following tariff record for inclusion in EPNG's Third Revised Volume No. 1A FERC Gas Tariff ("Tariff"):

Part II Section 5.14 Tesoro Refining & Mktg #610724-FT1EPNG Version 2.0.0

Proposed with an effective date of December 5, 2020, this tariff record updates EPNG's Statement of Negotiated Rates in its Tariff to reflect the amendment of an existing negotiated rate transportation service agreement ("TSA") executed between EPNG and Tesoro Refining & Marketing Company LLC ("Tesoro").

Reason for Filing

Section 4.18 of the General Terms and Conditions ("GT&C") of the Tariff allows EPNG and a shipper to agree to a service rate that varies from the minimum-to-maximum range provided on the Statement of Rates. Recently, EPNG and Tesoro entered into negotiations to extend an existing TSA at a negotiated rate for Rate Schedule FT-1 service (referred to herein as the "Amendment").¹ The parties finalized the Amendment with a begin date of December 5, 2020 and a termination date of December 4, 2025. The Amendment reflects the same transportation contract demand as the original

¹ In November 2018, EPNG submitted a filing to reflect Tesoro's Agreement No. 610724-FT1EPNG in the Tariff, given that the TSA was subject to a negotiated rate. Subsequent to the submission of that filing, EPNG filed an update to the tariff record to show two separate point redesignations. These two filings were accepted by the Commission in separate letter orders. See *El Paso Natural Gas Co.*, Docket No. RP19-342-000 (Dec. 18, 2018) (unpublished letter order) and Docket No. RP19-398-000 (Jan. 2, 2019) (unpublished letter order).

TSA, at 20,000 Dth per day, and a negotiated reservation rate of \$11.0077 per Dth per month. This negotiated rate also applies to the same alternate receipt and delivery point combinations previously reflected in the original TSA.

In accordance with the Commission's policy on the filing of negotiated rate agreements,² EPNG is submitting a tariff record to reflect the applicable negotiated rate and certain contractual terms for the Amendment. This policy requires pipelines, when implementing a negotiated rate TSA to file either the TSA or a Statement of Rates tariff record identifying the transaction.³

Description of Filing

EPNG is submitting the following tariff record pursuant to 18 C.F.R. § 154.112(b) (2020) and Subpart C of Part 154 of the Commission's regulations.⁴

Part II, Section 5.14 reflects the updated negotiated rate and terms applicable to the Amendment. Specifically, the proposed tariff record includes the legal name of the shipper, the negotiated rate, the receipt and delivery points, the transportation contract demand, the applicable Rate Schedule for the service, and the contract term. Additionally, consistent with the Commission's policy, EPNG has included a statement on the proposed tariff record to note that the underlying agreement conforms in all material respects with EPNG's Rate Schedule FT-1 pro forma service agreement.

Procedural Matters

In accordance with the applicable provisions of Part 154 of the Commission's regulations,⁵ EPNG is submitting an eTariff XML filing package, which includes the following:

- a) a transmittal letter; and
- b) clean and marked versions of the tariff record in PDF format.

EPNG respectfully requests the Commission accept the tendered tariff record for filing and permit it to become effective on December 5, 2020, which is not less than thirty days nor more than sixty days following the date of this filing. With respect to any tariff record the Commission allows to go into effect without change, EPNG hereby moves to place the tendered tariff record in to effect at the end of a minimal suspension period.

² See *Natural Gas Pipeline Negotiated Rate Policies and Practices; Modification of Negotiated Rate Policy*, 104 FERC ¶ 61,134, at PP 25-33 (2003), *order on reh'g and clarification*, 114 FERC ¶ 61,042 (2006), *reh'g dismissed and clarification denied*, 114 FERC ¶ 61,304 (2006).

³ See *Id.*

⁴ 18 C.F.R. §§ 154.201 – 154.210 (2020) (Subpart C).

⁵ 18 C.F.R. §§ 154.101 – 154.603 (2020).

Correspondence and communications concerning this filing should be directed to:

Mr. David R. Cain
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Colorado Springs, CO 80944-1087
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David_Cain@kindermorgan.com

These persons have been designated for service in accordance with Rule 203 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.203 (2020)).

The undersigned hereby certifies that he has read this filing and knows (i) the contents of such filing and the attachments; (ii) that the contents as stated in the filing and in the attachments are true to the best of his knowledge and belief; and (iii) that he possesses full power and authority to sign this filing.

Respectfully submitted,

EL PASO NATURAL GAS COMPANY, L.L.C.

By Francisco Tarin /s/
Director, Regulatory

Enclosures

Certificate of Service

I hereby certify that I have this day caused a copy of the foregoing document to be served upon all shippers on EPNG's pipeline system and interested state regulatory commissions, in accordance with the requirements of Sections 154.208 and 385.2010 of the Commission's Rules of Practice and Procedures.

Dated at Colorado Springs, Colorado as of this 30th day of October 2020.

/s/

Francisco Tarin

Post Office Box 1087
Colorado Springs, CO 80944
(719) 667-7517

Statement of Negotiated Rates
 (Rates per Dth/day)

| Rate Schedule FT-1 Shipper Identification | Term of Service | TCD (Dth/d) | Reservation Rate 1/ | Usage Rate | Primary Receipt Point(s) | Primary Delivery Point(s) |
|--|-----------------------|----------------|------------------------|---------------|-------------------------------|--------------------------------|
| Tesoro Refining & Marketing Co LLC #610724-FT1EPNG | 12/5/2020 – 12/4/2025 | 20,000 | 1a/ | 1/ | KEYSTONE (302132) | DPG&ETOP (314604) |
| | | | 1a/ | 1/ | Alternate Receipt Point(s) | Alternate Delivery Point(s) |
| | | | | | STML ANA (302344) | DSCALTOP (332503) |
| | | | | | STML PER (302346) | DPG&ETOP (314604) |
| | | | | | STML SJN (302347) | DSCALEHR (301016) |
| | | | | | | SOCWR (332531) |
| | | | | | | KRAMER (332554) |

- 1/ Unless otherwise agreed by the Parties in writing, the rates for service shall be Transporter's maximum rates, as may be changed from time to time, for service under Rate Schedule FT-1 or other superseding Rate Schedules. The reservation rate shall be payable regardless of quantities transported.
- 1a/ As provided in Section 4.18 of the GT&C of Transporter's Tariff, the parties agree to the following negotiated rate(s) of \$11.0077 per Dekatherm per month which shall not be subject to the applicable maximum or minimum Rate Schedule FT-1 reservation rate for the corresponding rate zone as set forth in Transporter's Tariff which shall be payable regardless of quantities transported.
- 2/ Fuel and L&U shall be as stated on Transporter's Statement of Rates in the Tariff, as they may be changed from time to time, unless otherwise agreed between the Parties.
- 3/ Surcharges, if applicable: Unless otherwise specified, all applicable surcharges shall be the maximum surcharge rate as stated on the Statement of Rates, as they may be changed from time to time.
 ACA:
 The ACA Surcharge shall be assessed pursuant to Section 17 of the GT&C of the Tariff.
- 4/ This contract does not deviate in any material aspect from the form of service agreement.

Statement of Negotiated Rates
(Rates per Dth/day)

| Rate Schedule FT-1 | Term of | -TCD | Reservation | -Usage | |
|---|-----------------------|------------------|-------------------|---------------------|----------------------------|
| Shipper Identification | Primary Receipt | Primary Delivery | Rate 1/ | | Rate |
| Point(s) | Service | Point(s) | | | |
| Tesoro Refining & Marketing Co LLC | 12/5/2020 – 12/4/2025 | 20,000 | 1a/ | 1/ | KEYSTONE (302132) DPG&ETOP |
| (314604) 12/5/2018 – 12/6/2018 | 20,000 | 1a/ | 1/ | IRAMSEYN | DSCALTOP |
| #610724-FT1EPNG | 12/7/2018 – 12/4/2020 | 20,000 | 1a/ | 1/ | KEYSTONE DPG&ETOP |
| | | | | | |
| | | | Alternate Receipt | Alternate Delivery | |
| | | -1a/ | 1/ | | Point(s) |
| | | | | | |
| | | | STML ANA (302344) | -DSCALTOP | |
| | | | | STML PER (302346) | |
| | | | | | |
| | | | STML SJN (302347) | -DSCALEHR (301016) | |
| | | | | SOCWR (332531) | |
| | | | | KRAMER (332554) | |

- 1/ Unless otherwise agreed by the Parties in writing, the rates for service shall be Transporter's maximum rates, as may be changed from time to time, for service under Rate Schedule FT-1 or other superseding Rate Schedules. The reservation rate shall be payable regardless of quantities transported.
- 1a/ As provided in Section 4.18 of the GT&C of Transporter's Tariff, the parties agree to the following negotiated rate(s) of \$1~~.00772-3654~~ per Dekatherm per month which shall not be subject to the applicable maximum or minimum Rate Schedule FT-1 reservation rate for the corresponding rate zone as set forth in Transporter's Tariff ~~and~~ which shall be payable regardless of quantities transported.
- 2/ Fuel and L&U shall be as stated on Transporter's Statement of Rates in the Tariff, as they may be changed from time to time, unless otherwise agreed between the Parties.

- 3/ Surcharges, if applicable: Unless otherwise specified, all applicable surcharges shall be the maximum surcharge rate as stated on the Statement of Rates, as they may be changed from time to time.

ACA:

| ~~—~~The ACA Surcharge shall be assessed pursuant to Section 17 of the GT&C of the Tariff.

- 4/ This contract does not deviate in any material aspect from the form of service agreement.