

Capacity Release Tying and Bidding Exemption Qualification Certification: Asset Management Arrangement or State-Approved Retail Open Access Program

Releasing Shipper hereby certifies and represents that it qualifies for exemption from the capacity release bidding requirements and prohibition on tying as allowed by 18 C.F.R. § 284.8 and Order No. 712 because Releasing Shipper’s capacity release is made pursuant to either an Asset Management Arrangement (“AMA”) or pursuant to a state-approved retail open access programs as defined below.

As defined by 18 C.F.R. §284.8 and Order No. 712, an Asset Management Arrangement that qualifies for the tying and bidding exemption is any pre-arranged release that contains a condition that the releasing shipper may, on any day, call upon the replacement shipper to deliver to the releasing shipper a volume of gas equal to the daily contract demand of the released transportation capacity. If the capacity release is a release of storage capacity, the asset manager’s delivery obligation need only equal the daily contract demand under the release for storage withdrawals.

As defined by 18 C.F.R. § 284.8 and Order No. 712, a transaction made part of a state-approved retail open access program, that qualifies for the tying and bidding exemption is a capacity release transaction by an LDC to a replacement shipper to provide the gas supply requirement of retail consumers pursuant to a retail access program approved by the state agency with jurisdiction over the LDC that provides delivery service to such retail consumers. This exemption does not apply to re-releases made by marketers participating in the retail access program.

Transporter (✓ as applicable)	EPNG <input type="checkbox"/> Mojave <input type="checkbox"/>		
Releasing Shipper Name and DUNS #			
Releasing Shipper’s Release is made pursuant to an/ a	Asset Management Agreement (AMA) _____ OR State-Approved Retail Open Access Program (RCP) _____ (Specify State Approved Retail Access Program) _____		
Replacement Shipper Name and DUNS #			
Start Date:		End Date:	

Upon completion and execution, by a duly authorized individual please e-mail the form in PDF format to Contract Administration at the following e-mail address (CSWPG@kindermorgan.com) at least 1 business day prior to the posting date of the release:

Certified by:

Name: _____

Title: _____

Date: _____