

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

Natural Gas Pipeline Company of America LLC) Docket Nos. RP17-303 and
RP17-913-___

**Petition of Natural Gas Pipeline Company of America LLC
To Amend Stipulation and Agreement of Settlement
And Shorten the Comment Period**

Pursuant to Rule 207(a)(5) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”),¹ Natural Gas Pipeline Company of America LLC (“NGPL” or “Natural”) hereby petitions the Commission to amend the “Stipulation and Agreement of Settlement” approved in Docket Nos. RP17-303-000 and RP17-913-000 on January 5, 2018, (“Settlement”).² This amendment will extend the existing rate moratorium in the Settlement by ninety (90) days. As explained below, the amendment will allow the parties to finalize, draft and file a new, pre-filing settlement for the Commission’s review and approval, resolving all issues related to NGPL’s transportation and storage rates. As such, the amendment is just and reasonable and in the public interest. Additionally, NGPL requests to shorten the comment period for this Petition to five (5) business days.

I. Background

On January 19, 2017, the Commission established a hearing in Docket No. RP17-303-000 to investigate, pursuant to section 5 of the NGA,³ whether NGPL’s rates in effect at that time were

¹ 18 C.F.R. § 385.207(a)(5) (2021).

² *Natural Gas Pipeline Company of America LLC*, 162 FERC ¶ 61,009 (2018).

³ 15 U.S.C. § 717d.

just and reasonable.⁴ On July 25, 2017, NGPL filed a Settlement regarding its transportation and storage rates. On January 5, 2018, the Commission approved, as uncontested, that Settlement⁵ resolving, among other things, the issues related to NGPL’s transportation and storage rates (“Settlement Rates”), and providing for a rate moratorium on section 4 and section 5 proceedings prior to a date certain. Specifically, Section 7.1 of the Settlement provides, in pertinent part, that except for certain limited enumerated filings, “[n]either Natural, pursuant to a section 4, nor any other Settling Party, pursuant to NGA section 5 will file to propose changes to the Settlement Rates prior to July 1, 2022 (“Rate Moratorium”).”

NGPL and its shippers have been engaged in ongoing discussions since the spring of 2021 to enter into a new settlement that would succeed the existing Settlement and believe we are nearing such an agreement. At the commencement of the discussions, NGPL posted a notice of the initial conference on its interactive website. All of the meetings have been open to any interested party.

In anticipation of reaching a new settlement, NGPL and the customers who have actively participated in its current settlement discussions seek to extend the expiration of the Rate Moratorium for an additional ninety (90) days from July 1, 2022 to September 29, 2022. This limited extension will allow the parties time to complete, reduce to writing and submit a settlement to the Commission. NGPL has posted a draft of this Petition to its internet website and circulated it to the entities who have participated in its current settlement discussions and to the Settling Parties in Docket Nos. RP17-303 and RP17-913. During a day-long settlement conference held on May 25, 2022 in Houston, Texas, the parties in attendance expressed their support of this

⁴ *Natural Gas Pipeline Company of America LLC*, 158 FERC ¶ 61,044 (2017).

⁵ *Id.*

extension. Moreover, no entity has indicated opposition to this Petition. Thus, NGPL anticipates that this Petition will be unopposed.

II. Proposed Amendment

The Commission's long-standing policy favoring settlements provides parties with certainty, reduces litigation costs and permits parties to obtain reasonable compromise for resolving difficult issues.⁶ The proposed amendment extending the Rate Moratorium by ninety (90) days will provide NGPL and the shippers sufficient time to complete the settlement process without the threat of litigation. The additional time will permit the parties to resolve the complex issues related to NGPL's transportation and storage rates and services, which will ultimately provide near-term rate benefits to all shippers on the NGPL system. This will enable NGPL, its shippers and the Commission to save substantial time, effort and financial resources. These benefits warrant amending the Settlement. Accordingly, the requested amendment is fair, reasonable, and in the public interest.⁷

Specifically, NGPL requests that Section 7.1 of the Settlement be changed to the following:

Except with respect to the filings for Eligible Costs as set forth in Section 5.2, implementation of a FERC-mandated, industry-wide requirement with respect to any change in corporate income tax rates as set forth in Section 5.4, Annual Charges Adjustment filings as set forth in Section 5.4, and filings to implement adjustments to Natural's Fuel Retention Factors under the Fuel Transparency Adjustment as set

⁶ See, e.g., *Florida Power & Light Co.*, 175 FERC ¶ 61,024, at P 6 (2021); *Montana Power Co.*, 77 FERC ¶ 61,110, at 61,434 (1996) ("Commission strongly favors settlements, which provide the opportunity to eliminate the need for more lengthy proceedings"); *Pac. Gas Transmission Co.*, 76 FERC ¶ 61,246, at 62,263 & n.18 (1996) (Commission encourages parties to seek the benefits of the settlement process for the expeditious resolution of contested issues noting its long-standing policy favoring settlements to facilitate an outcome to address the needs of the parties while avoiding the cost of litigation).

⁷ See *El Paso Natural Gas Co.*, 40 FERC ¶ 61,362, at 62,081 (1987) (proposed amendment to settlement approved as in the "public interest"); *Colorado Interstate Gas Co.*, 114 FERC ¶ 61,173 (2006); *Colorado Interstate Gas Co.*, 115 FERC ¶ 61,039 (2006); *Colorado Interstate Gas Co.*, 115 FERC ¶ 61,304 (2006); *Colorado Interstate Gas Co.*, 116 FERC ¶ 61,126 (2006); *Mojave Pipeline Co.*, 132 FERC ¶ 61,106 (2010).

forth in Section 3.4, neither Natural, pursuant to NGA section 4, nor any other Settling Party, pursuant to NGA section 5, will file to propose changes to the Settlement Rates contained in this Settlement prior to September 29, 2022 (“Rate Moratorium”).

No other changes to the language of the Settlement are intended or implied.

III. Request for Shortened Comment Period

While this Petition is pending, NGPL intends to continue to work with the interested shippers to finalize a new, pre-filing settlement. Consequently, NGPL respectfully requests a ruling on the subject Petition as early as possible, but no later than June 30, 2022, to provide the certainty necessary to enable NGPL and its customers to continue efforts to finalize a new, pre-filing settlement. To expedite consideration of this Petition, NGPL also requests a shortened response period of no more than five (5) business days. Such a shortened response time is warranted in light of the broad circulation of this Petition prior to its filing. The parties have had sufficient notice of the filing and time to prepare any response to this limited request. As such, good cause exists to shorten the comment period to no more than five (5) business days.⁸

IV. Conclusion

Wherefore, NGPL respectfully requests that the Commission approve this Petition to amend the Settlement as described above, no later than June 30, 2022, and to shorten the comment period to no more than five (5) business days, to allow the parties to finalize, draft and file a new,

⁸ See *Colorado Interstate Gas Co.*, 134 FERC ¶ 61,125, at P 7 (2011).

pre-filing settlement of Natural's rates and services and provide the Commission with sufficient time to review and approve this Petition.

Respectfully submitted,

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Dated: May 31, 2022

Certificate of Service

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2022), 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 Downers Grove, IL, this 31st day of May 2022.

/s/ Maria K. Pavlou