



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

October 1, 2024

Debbie-Anne Reese, 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. RP25-_____

Dear Ms. Reese:

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 and acceptance the tariff record listed below to its FERC Gas Tariff, First Revised Volume No. 1 (“Tariff”) to add a new negotiated rate agreement between EEC and Southern Natural Gas Company, L.L.C (“Southern”).

Section 2.4 – Rate Section – Negotiated – Negotiated Rates Version 18.0.0

EEC requests that the Commission accepts and approves the attached tariff record and corresponding negotiated rate arrangements to be effective October 1, 2024.

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. 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.

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.

In this filing, EEC submits a summary of a new negotiated rate agreement effective October 1, 2024 with Southern (contract 461066-FTEEC, package ID 492511) in Section 2.4 of its tariff which reflects the essential elements of this negotiated rate agreement. This negotiated rate agreement conforms in all material respects with EEC's *pro forma* service agreement in its Tariff.

Southern asks the Commission to accept this tariff filing and permit the proposed tariff record to become effective October 1, 2024.

Procedural Matters

In accordance with the applicable provisions of Part 154 of the Commission's regulations,³ EEC is submitting an eTariff XML filing package, which includes the following:

1. This transmittal letter; and
2. Clean and Marked versions of the tendered tariff record in PDF format.

EEC respectfully requests the Commission accept the tendered tariff record for filing and permit it to become effective on October 1, 2024. As such, EEC requests the Commission grant a waiver of the notice requirements found in 18 C.F.R. § 154.207 of the Commission's regulations.⁴ With respect to any tariff record the Commission allows to go into effect without change, EEC hereby moves to place the tendered tariff record into effect at the end any minimal suspension period specified by the Commission.

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.

³ 18 C.F.R. §§ 154.1 – 154.603 (2024).

⁴ See, e.g., *Gulfstream Natural Gas System, L.L.C.*, 105 FERC ¶ 61,164, at P 11 (2003).

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:

Ryan C. Leahy
Director, Regulatory
Elba Express Company, L.L.C.
Post Office Box 2563
Birmingham, Alabama 35202-2563
(205) 325-7105
ryan_leahy@kindermorgan.com

Patricia S. Francis
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Post Office Box 2563
Birmingham, Alabama 35202-2563
(205) 325-7696
patricia_francis@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 (2024)).

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,

ELBA EXPRESS COMPANY, L.L.C.

/s/ Ryan Leahy
Ryan Leahy
Director, Regulatory
Elba Express Company, L.L.C.
Post Office Box 2563
Birmingham, Alabama 35202-2563
(205) 325-7105
ryan_leahy@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 1st day of October 2024.

/s/ Ryan Leahy
Ryan Leahy
Director, Regulatory
Elba Express Company, L.L.C.
Post Office Box 2563
Birmingham, Alabama 35202-2563
(205) 325-7105
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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>
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.
<u>Southern Natural Gas Company, L.L.C.</u>	<u>461066-MFTEEC</u>	<u>6.162</u>	<u>10/31/2049</u>	<u>EEC Transco Zone 4 & Zone 5 to EEC SNG Port Wentworth</u>	<u>Reservation Charge (Package 492511) \$8.99 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</u>

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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>
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.
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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.
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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

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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.
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Southern Natural Gas Company, L.L.C.	461066-MFTEEC	6,162	10/31/2049	EEC Transco Zone 4 & Zone 5 to EEC SNG Port Wentworth	Reservation Charge (Package 492511) \$8.99 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

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