

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

Tennessee Gas Pipeline Company, L.L.C.)

Docket No. RP19-___-000

**PETITION OF TENNESSEE GAS PIPELINE COMPANY, L.L.C. FOR AN
EXTENSION OF TIME TO FILE FERC FORM 501-G**

Pursuant to Rule 207 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure,¹ Tennessee Gas Pipeline Company, L.L.C. (“Tennessee”) hereby submits this unopposed petition requesting an extension of time to file the FERC Form No. 501-G (“Form 501-G”) and to elect one of the four options set forth in Order No. 849² until February 4, 2019 (“Petition”).³ Per the Commission’s Final Rule, Tennessee is scheduled to file Form 501- G by December 6, 2018.⁴ Tennessee has commenced pre-filing settlement negotiations of its rates, including an in-person meeting with its customers in Newark, New Jersey on November 28, 2018. As explained by the Commission in its Final Rule, pipelines engaged in settlement negotiations at the time of the Form 501-G filing date may individually request a waiver or extension of the filing requirements.⁵ In evaluating such a request, “the Commission will consider whether other interested parties support or do not oppose

¹ 18 C.F.R. § 385.207 (2018).

² *Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate*, Order No. 849, III FERC Stats. & Regs., Regs. Preambles ¶ 31,404 (2018) (“Final Rule”).

³ Section 260.402 of the Commission’s regulations provides an automatic exemption of the Form 501-G filing requirement to natural gas companies “whose rates are being examined in a general rate case under section 4 of the Natural Gas Act or in an investigation under section 5 of the Natural Gas Act.” 18 C.F.R. § 260.402(b)(1)(ii). Further, the regulations provide the same exemption to natural gas companies that file an uncontested settlement of its rates “before the deadline for it [to] file the FERC Form No. 501-G.” *Id.*

⁴ *See Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate*, Notice Establishing Reporting Dates, Docket No. RM18-11-000 (Aug. 1, 2018); *see also* FERC, *Implementation Guide for One-time Report on Rate Effect of the Tax Cuts and Jobs Act* § V.C (issued Aug. 1, 2018), <https://www.ferc.gov/docs-filing/forms/form-501g/implementation-guide.pdf>.

⁵ Final Rule at P 163.

the request.”⁶ All customers at the above-referenced meeting in Newark have expressed support for or did not object to a 60-day extension for filing of the Form 501-G to facilitate settlement. In addition, this Petition has been circulated to all entities that expressed interest in the pre-filing settlement process. Accordingly, Tennessee expects that this Petition will be unopposed and respectfully requests that the Commission waive any applicable comment period.

Tennessee is committed to resolving rate issues associated with the Tax Cuts and Job Act (“TCJA”)⁷ through a direct and amicable approach with its shippers. Accordingly, the extension of time requested by Tennessee is reasonable and good cause exists for the Commission to grant the Petition. Because Tennessee is scheduled to file its Form 501-G on December 6, 2018, Tennessee requests that the Commission act on this Petition by December 5, 2018 in order to allow Tennessee to file its FERC Form 501-G by December 6, 2018 if the requested extension of time is not granted.

I. COMMUNICATIONS

Tennessee respectfully requests that all communications and correspondence concerning this Petition be addressed to each of the following persons:⁸

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⁶ *Id.*

⁷ An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, Pub. L. No. 115-97, 131 Stat. 2054 (2017).

⁸ To the extent necessary, Tennessee also respectfully requests that the Commission grant a waiver of Rule 203(b)(3) to permit all of the indicated persons to be added to the service list for this Petition.

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II. REQUEST FOR EXTENSION OF TIME

In its Final Rule, the Commission adopted procedures requiring each interstate natural gas pipeline to file Form 501-G and choose one of four options to address any changes resulting from the TCJA by a specified date.⁹ As explained by the Commission in its Final Rule, the Form 501-G filing procedures “are intended to encourage natural gas pipelines to voluntarily reduce their rates to the extent the tax changes result in their over-recovering their cost of service while also providing the Commission and stakeholders information necessary” to ensure just and reasonable rates.¹⁰ The Commission also recognized that pipelines engaged in settlement negotiations at the time the Form 501-G is due may request a waiver of the Form’s filing requirements, which will be evaluated by the Commission on a case-by-case basis.¹¹ In evaluating

⁹ See Final Rule at P 31.

¹⁰ *Id.*

¹¹ *Id.* at P 163; *see id.* at P 165.

such requests, the Commission will consider “whether other interested parties support or do not oppose the request.”¹²

In this Petition, Tennessee requests an extension of time, from its currently scheduled date of December 6, 2018 to February 4, 2019, to file its Form 501-G and select one of the Commission’s four options.

As stated above, Tennessee has been engaged with its customers and has commenced voluntary pre-filing settlement negotiations. As part of these discussions, customers have been, and will continue to be, provided with information necessary to reach an uncontested prepackaged settlement agreement.¹³ Tennessee is requesting an extension of the Form 501-G filing requirement, as opposed to a waiver, until February 4, 2019 to facilitate ongoing settlement discussions.¹⁴ Any settlement reached will consider the TCJA. Moreover, Tennessee does not expect any opposition to this request for an extension of time. If there is no opposition to this Petition, then Tennessee’s requested extension of time to file the Form 501-G until February 4, 2019 will be consistent with the intent of the Commission’s Final Rule. It is also consistent with the Commission’s policy of encouraging settlements between a pipeline and its customers.¹⁵ Accordingly, consistent with its Final Rule, the Commission should grant the requested extension as discussed herein.

¹² *Id.* at P 163.

¹³ In the Final Rule, the Commission acknowledges that information provided in the settlement context is likely greater than the information provided only through the Form 501-G. *See id.* Thus, Tennessee’s customers are not disadvantaged by the requested extension of time to file the Form.

¹⁴ Tennessee is filing this Petition as promptly as possible after its in-person settlement conference. Tennessee did not want to submit this request for an extension of time before obtaining consensus from its customer base on a path forward. Accordingly, Tennessee requests a waiver from any applicable 30-day filing requirements in connection with the filing of this Petition.

¹⁵ *See, e.g., Tenn. Gas Pipeline Co.*, 20 FERC ¶ 61,096, at pp. 61,206-07, *reh’g denied*, 20 FERC ¶ 61,237 (1982).

Finally, Tennessee notes that the Commission has approved similar unopposed requests under comparable timing conditions.¹⁶ Therefore, Tennessee respectfully requests that the Commission act on this Petition by December 5, 2018. This will ensure that Tennessee can file its FERC Form 501-G by December 6, 2018, if necessary.

III. CONCLUSION

Tennessee respectfully requests that the Commission grant it an extension of time to file its Form 501-G until February 4, 2019.

Respectfully submitted,

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Dated: November 29, 2018

¹⁶ See, e.g., *Equitrans, L.P.*, Letter Order, Docket No. RP18-1167-000 (issued Oct. 1, 2018) (granting extension of time to submit Form 501-G).

CERTIFICATE OF SERVICE

Consistent with Section 154.208 of the Commission's regulations, a copy of the instant filing is being served to all of Tennessee's jurisdictional customers and to interested state commissions. A copy of this filing is also available for public inspection during regular business hours at the office of Tennessee in Houston, Texas.

Dated at Washington DC this 29th day of November, 2018.

/s/ Claire M. Brennan
Claire M. Brennan
Senior Paralegal Specialist
Van Ness Feldman