

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

Bear Creek Storage Company, L.L.C.

)

Docket No. RP19-51-000

**MOTION OF TENNESSEE GAS PIPELINE COMPANY, L.L.C. FOR
LEAVE TO INTERVENE OUT-OF-TIME**

**To: The Honorable Jennifer M. Long
Presiding Administrative Law Judge**

This Motion for Leave to Intervene Out-of-Time is filed by Tennessee Gas Pipeline Company, L.L.C. (“TGP”) pursuant to Rule 214 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2018). TGP respectfully requests that this Motion be granted for the reasons set forth below.

I. COMMUNICATIONS

All communications and correspondence regarding this Motion should be addressed to the following:

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II. DESCRIPTION OF MOVANT

TGP is a natural gas transmission company engaged in the business of transporting and storing natural gas. TGP operates facilities in the states of Texas, Louisiana, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, West Virginia, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, New Hampshire, Rhode Island and Connecticut. TGP is a subsidiary of Kinder Morgan, Inc.

III. BACKGROUND

On October 11, 2018, Bear Creek Storage Company, L.L.C. (“Bear Creek”) filed its FERC Form No. 501-G in this docket in compliance with Order No. 849.¹ Bear Creek provides individually certificated storage service under Part 157 of the Commission’s regulations, 18 C.F.R. Part 157 (2018). Bear Creek is owned 50% by TGP and 50% by Southern Natural Gas Company, L.L.C. (“SNG”). Bear Creek is operated by SNG and provides storage service in Louisiana to SNG and TGP. SNG and TGP each utilize the storage service to provide contract storage service to their own customers. Bear Creek stated in its filing that the costs of operating the facility are included in the derivation of SNG’s and TGP’s rates.

In an order issued in this docket on January 16, 2019, based on a review of Bear Creek’s FERC Form No. 501-G filing, comments filed by the public, and publicly available information on file with the Commission, the Commission initiated an investigation pursuant to Section 5 of the Natural Gas Act (“NGA”) to determine whether the rates currently charged by Bear Creek are just and reasonable and set the matter for hearing.² The Commission directed Bear Creek to file a full cost and revenue study within 75 days of the issuance of the order.³

IV. MOTION TO INTERVENE OUT-OF-TIME

TGP submits that good cause exists to grant its motion for leave to intervene out-of-time. Under Rule 214(d) of the Commission’s regulations, 18 C.F.R. § 385.214(d) (2018), the Commission may grant a motion to intervene filed after the date that the Commission has established. In doing so, the Commission may consider whether (i) the movant had good cause for failing to file the motion within the time prescribed, (ii) disruption of the proceeding that may

¹ *Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate*, 164 FERC ¶ 61,031 (2018) (“Order No. 849”).

² *Bear Creek Storage Co., L.L.C.*, 166 FERC ¶ 61,034 at P 1 (2019).

³ *Id.*

result from permitting intervention, (iii) the movant's interest not adequately represented by other parties in the proceeding, and (iv) whether permitting the intervention might result in any prejudice to or additional burdens upon existing parties.

TGP did not timely intervene when Bear Creek initially made its FERC Form No. 501-G filing because it interpreted Order No. 849 to provide that the Commission would establish a new proceeding if it decided to initiate a NGA Section 5 investigation into Bear Creek's rates.⁴ As noted above, Bear Creek provides storage service to TGP, who in turn utilizes the storage service to provide contract storage service to support to its own customers. TGP's interests will be directly and significantly affected by the outcome of this proceeding, and its interests cannot be adequately represented by any other party hereto. Given the early stages of this proceeding, shortly after the Commission initiated the Section 5 investigation and prior to the Prehearing Conference, no disruption to the proceeding will result from granting TGP's late intervention. TGP agrees to accept the record in this proceeding as it exists at this time.

⁴ The same grounds were deemed sufficient to grant the North Carolina Utilities Commission's late intervention in the Section 5 investigation of East Tennessee Natural Gas, LLC's rates in Docket Nos. RP19-63-000 and RP19-64-000 under similar circumstances.

V. CONCLUSION

WHEREFORE, for the reasons set forth above, TGP respectfully requests that it be permitted to intervene in the above-captioned docket and be made a party to this proceeding for all purposes.

Respectfully submitted,

/s/ Michelle Grant
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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all customers and interested state commissions this 31st day of January, 2019.

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