

**RAILROAD COMMISSION OF TEXAS
GAS SERVICES DIVISION**

**GAS UTILITIES
INFORMATION BULLETIN**

No. 973



**RAILROAD COMMISSION
OF TEXAS**

**Barry Smitherman, Chairman
David Porter, Commissioner
Christi Craddick, Commissioner**

**William O. Geise
Director
Gas Services Division**

September 27, 2013

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SECTION 1

NEW APPEALS AND APPLICATIONS FILED

None at this time.

September 27, 2013

SECTION 2

APPEALS AND APPLICATIONS SET FOR HEARING OR PREHEARING CONFERENCE

Office of General Counsel Weekly Hearing Schedules for 2013

BEFORE THE
RAILROAD COMMISSION OF TEXAS

REQUEST FOR RENEWAL OF ATMOS §
 PIPELINE – TEXAS’ RIDER REV § GAS UTILITIES DOCKET NO. 10295
 SEVERED FROM GUD NO. 10293 §

NOTICE OF HEARING

Summary of the Proceeding – On August 9, 2013, Atmos Pipeline – Texas (“APT”) filed its 2013 Rider Rev Adjustment and Request for Renewal. The filing was docketed as *Atmos Pipeline – Texas Rider Rev Filing*, GUD No. 10293. The filing included APT’s (1) 2013 Rider REV Annual Adjustment and (2) Request for Rider REV Renewal. On August 27, 2013, the Request for Rider REV Renewal was severed and issues related to the Request for Rider REV Renewal were docketed as *Renewal of Atmos Pipeline – Texas Rider REV*, GUD No. 10295.

NOTICE IS HEREBY GIVEN THAT a public hearing will be held, at the time and place set out below, to consider all issues of fact and law raised in or relevant to the *Request for Renewal of Atmos Pipeline – Texas Rider REV* filed by Atmos Pipeline – Texas. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. The legality and effect of the request filed by Atmos Pipeline – Texas;
2. The reasonableness, justness, and efficacy of the Rider REV mechanism;
3. Whether it is reasonable to extend the effective period of the Rider REV tariff through October 31, 2017;
4. Any and all other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

Legal Authority and Jurisdiction – The Commission has jurisdiction over Atmos Pipeline – Texas, and the matters at issue in these proceedings pursuant to TEX. UTIL. CODE ANN. §§ 102.001, 103.051, 104.001, 121.051, 121.052, and 121.151 (Vernon 2010). The Hearing Examiners and the Technical Examiner shall conduct the hearing pursuant to the requirements of TEX. GOV’T CODE, Chapter 2001, and TEX. REV. CIV. STAT. ANN. Art. 6447e (Vernon 2010).

Particular Statutes and Rules Involved – The statutes and rules applicable to this proceeding include but are not limited to the following:

1. All sections of the TEXAS UTILITIES CODE, Chapters 101, 102, 103, 104, and 121;
2. All Commission rules in 16 TEX. ADMIN. CODE, Chapters 1, 7, and 8.

IT IS DIRECTED that all parties desiring to present sworn testimony, documentary and demonstrative evidence, and argument regarding any issue of law or fact at the final hearing on the merits **SHALL** appear in person or by an attorney.

Time, Place, and Nature of Hearing – **IT IS FURTHER DIRECTED** that the hearing shall commence at **9:00 a.m., Tuesday, October 29, 2013**, at the Commission's offices in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, in a room to be posted on the bulletin board in the first floor lobby of the Travis Building on the morning of the hearing. If the hearing is not concluded on the day it commences, the hearing will be continued from day to day, as the examiners announce until concluded.

Written Transcript of the Hearing – The record of the hearing will be made by stenographic transcription by the court reporter. Any party that desires a copy of the written transcript of the hearing should contact the court reporter at (512) 282-0313. The Commission may assess the cost of the transcript or expedited transcript to one or more parties pursuant to TEX. GOV'T CODE § 2001.059 (Vernon 2012).

Auxiliary Aids or Services for Persons with a Disability – Any individual with a disability who needs auxiliary aids and services in order to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services by October 14, 2013, by notifying the Personnel Office of the Commission by mail at P.O. Box 12967, Austin, Texas 78711 – 2967 or by telephone at (512) 463-6981 or TDD No. (512) 463-7284.

Contact for Additional Information – *In accordance with Tex. Gov't Code Ann. §2001.061 and 16 Tex. Admin. Code § 1.6, ex parte communications with the Hearings Examiners and Commissioners are prohibited. Any persons or entities desiring additional information may contact the Commission by writing to Colin Lineberry at the Railroad Commission of Texas, 1701 North Congress Avenue, P. O. Box 12967, Capitol Station, Austin, Texas 78711-2967, or by calling Mr. Lineberry at (512) 463-7033. Any persons or entities having clerical questions, such as questions regarding the number of copies of filings, the service list or reviewing the record, may contact, Loretta Howard, at (512) 463-7033.*

Gene Montes
Hearing Examiner
Hearings Division

**BEFORE THE
RAILROAD COMMISSION OF TEXAS**

**COMPLAINT FILED BY EASTMAN §
CHEMICAL COMPANY AGAINST §
WESTLAKE ETHYLENE PIPELINE § GAS UTILITIES DOCKET NO. 10296
CORPORATION (WESTLAKE §
PIPELINE) REGARDING WESTLAKE §
PIPELINE'S SYSTEM'S T-4 PERMIT §
NO. 05253**

**NOTICE OF HEARING
ON JURISDICTIONAL ISSUES**

Summary of the Proceeding – On July 29, 2013, Eastman Chemical Company (Eastman) filed a complaint against Westlake Ethylene Pipeline Corporation (Westlake Pipeline). The complaint relates to Westlake Pipeline's pipeline system T-4 Permit No. 05253 in Chambers, Liberty, Polk, Angelina, Nacogdoches, Rusk and Gregg County. The pipeline is currently operated by Buckeye Dev. & Logistics I LLC on behalf of Westlake Pipeline. The complaint was docketed as GUD No. 10296 *Complaint Filed by Eastman Chemical Company against Westlake Ethylene Pipeline Corporation (Westlake Pipeline) Regarding Westlake Pipeline's System T-4 Permit No. 05253.*

NOTICE IS HEREBY GIVEN THAT a public hearing will be held, at the time and place set out below, to consider all arguments and facts related to the jurisdiction of the Railroad Commission to consider this complaint. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. Whether Eastman's complaint fails to contain a "concise statement of supporting facts" as required by RRC Rule 1.25(a),
2. Whether Eastman has cited legal authority for its claim that Westlake Pipeline must offer bidirectional service,
3. Whether Eastman has cited legal authority to support its claim that Westlake Pipeline offer exchange service as part of its common carrier pipeline tariff,
4. Whether Eastman offers sufficient grounds for a stay of the Westlake Tariff or for bifurcation of any proceeding, and
5. All facts supporting the specific relief requested by the Complainant pursuant to the Common Carrier Act.

Legal Authority and Jurisdiction – The Commission has jurisdiction over Eastman pursuant to TEX. NAT. RES. CODE § 81.051. The Hearing Examiners and the Technical Examiner shall conduct the hearing pursuant to the requirements of TEX. GOV'T CODE, Chapter 2001, and TEX. REV. CIV. STAT. ANN. Art. 6447e (Vernon 2010).

September 27, 2013

Particular Statutes and Rules Involved – The statutes and rules applicable to this proceeding include but are not limited to the following:

3. All sections of the TEXAS NAT. RES. CODE, Chapters 81 and 111.
4. All Commission rules in 16 TEX. ADMIN. CODE, Chapters 1, 7, and 8.

IT IS DIRECTED that all parties desiring to present sworn testimony, documentary and demonstrative evidence, and argument regarding any issue of law or fact at the final hearing on the merits **SHALL** appear in person or by an attorney.

Time, Place, and Nature of Hearing – **IT IS FURTHER DIRECTED** that the hearing shall commence at **9:00 a.m., Friday, September 27, 2013**, at the Commission's offices in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, in a room to be posted on the bulletin board in the first floor lobby of the Travis Building on the morning of the hearing. If the hearing is not concluded on the day it commences, the hearing will be continued from day to day, as the examiners announce until concluded.

Written Transcript of the Hearing – The record of the hearing will be made by stenographic transcription by the court reporter. Any party that desires a copy of the written transcript of the hearing should contact the court reporter at (512) 282-0313. The Commission may assess the cost of the transcript or expedited transcript to one or more parties pursuant to TEX. GOV'T CODE § 2001.059 (Vernon 2008).

Auxiliary Aids or Services for Persons with a Disability – Any individual with a disability who needs auxiliary aids and services in order to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services by September 18, 2014, by notifying the Personnel Office of the Commission by mail at P.O. Box 12967, Austin, Texas 78711 – 2967 or by telephone at (512) 463-6981 or TDD No. (512) 463-7284.

Contact for Additional Information – *In accordance with Tex. Gov't Code Ann. §2001.061 and 16 Tex. Admin. Code § 1.6, ex parte communications with the Hearings Examiners and Commissioners are prohibited. Any persons or entities desiring additional information may contact the Commission by writing to Colin Lineberry at the Railroad Commission of Texas, 1701 North Congress Avenue, P. O. Box 12967, Capitol Station, Austin, Texas 78711-2967, or by calling Mr. Lineberry at (512) 463-7033. Any persons or entities having clerical questions, such as questions regarding the number of copies of filings, the service list or reviewing the record, may contact, Loretta Howard, at (512) 463-7033.*

Gene Montes
Hearing Examiner
Office of General Counsel

SECTION 3

STATUS OF PENDING CASES

None at this time.

SECTION 4

NOTICES OF DISMISSAL

None at this time.

SECTION 5

ORDERS OF THE COMMISSION

GUD No. 10293

Application filed by Atmos Pipeline – Texas 2013 for a revenue adjustment pursuant to its rider rev tariff and request for renewal of the rider rev tariff.

SECTION 6
MISCELLANEOUS

WILLIAM O. GEISE, GAS SERVICES DIVISION DIRECTOR

1. OFFICE OF THE DIRECTOR

A. Publications

1. Texas Utilities Code Titles 3 and 4. Now available at the State of Texas' website at:

<http://www.statutes.legis.state.tx.us>

Special Rules of Practice and Procedure and Substantive Rules. Now available thru the Commission's Website at:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=16&pt=1&ch=7](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=16&pt=1&ch=7)

2. Annual Report for Fiscal Year – Now available via the Commission's website at:

<http://www.rrc.state.tx.us/data/gasservices/annualrpt/index.php>

3. Six MCF Monthly Residential Gas Bill Analysis for Twenty-five Texas Cities - Now available via the Commission's website at:

<http://www.rrc.state.tx.us/data/gasservices/sixmcf/index.php>

B. Interest Rate on Customer Deposits

We have been advised by the Public Utility Commission that the interest rate to be applied to customer deposits in calendar year 2013 is 0.12%. All gas utilities should use 0.12% for the calendar year 2012 and .19% for calendar year 2011.

2. UTILITY AUDIT SECTION

A. Maintains headquarters and three district offices as follows:

Headquarters - William B. Travis Building

1701 North Congress, P. O. Box 12967, Austin, Texas 78701

Ed Abrahamson, Director, Utility Audit Section

Pearl Rodriguez, Program Specialist

Irma Brower, Accounting Technician II

Telephone (512) 463-7022

Fax (512) 475-3180

Fort Worth - City Hall 13th Street Annex, 401 W. 13th St Suite B

Josh Settle, Auditor

Yolandra Davis, Senior Auditor

Telephone (817) 882-8966

Fax (817) 882-8951

Austin District - P. O. Box 12967, Austin, Texas 78711-2967

Stephen Cooper, Advising Auditor

Telephone (512) 463-7119

Houston District - 1706 Seamist Drive, Suite 501
Houston, TX 77008-3135

Telephone (713) 869-8425
Fax (713) 869-3219

Margie Stoney, Project Auditor
Larry Alcorn, Auditor
Dale Francis, Senior Auditor
Konata Uzoma, Senior Auditor
Vonetta Jackson, Auditor

B. Gas Utility Tax, Annual Reports and Audit Reports

1. Questions relating to gas utility tax, call Irma Brower or Pearl Rodriguez at (512) 463-7022.
2. Questions relating to annual reports, call Pearl Rodriguez at (512) 463-7022.
3. Inquiries relating to audit reports, call Pearl Rodriguez at (512) 463-7022.

C. Available Information

Gas Utility Annual Reports - Now available via Commission's website at:

<https://rrcsearch3.neubus.com/esd3-rrc/index.php? module =esd& action =keysearch&profile=13>

Information relating to any of the above, are available for review at the William B. Travis Building, Gas Services Division, 9th Floor, 1701 North Congress. All requests for copies must be made in writing and should be addressed to the Audit Section. Copies will be provided for a fee, depending on the volume of copy work desired, allow a minimum of seven to ten business days for completion of requests. Inquiries regarding copies should be directed to the Audit Section at (512) 463-7022, or Fax your request to (512) 475-3180.

3. MARKET OVERSIGHT

A. Maintains the following office to assist you:

Headquarters - William B. Travis Building
1701 North Congress, P.O. Box 12967, Austin, Texas 78711
Mark Evarts, Director

Telephone (512) 463-7164

B. Gas Utilities Information Bulletin

Published on the Commission's web site at:

<http://www.rrc.state.tx.us/forms/newsletters/gasutilitybulletins/index.php>

C. Proposals For Decision

Published on the Commission's web site at: <http://www.rrc.state.tx.us/meetings/dockets/index.php>

D. Tariff Filings

Questions pertaining to the filing of tariffs and/or quality of service rules should be directed to Kathy Arroyo, Claudia Godoy, Yolanda Lovelace, or Ranissa Stewart at (512) 463-7167.

E. Curtailments

Curtailment questions should be referred to (512) 463-7167. Curtailment reports made Monday through Friday, 8:00 a.m. to 5:00 p.m., should be made to (512) 463-7167. Curtailment reports made during hours other than those specified above and holidays, should be made to (512) 463-6788.

- F. Compliance Filings**
Questions regarding gas utilities docket compliance filing requirements should be referred to Mark Brock at (512) 463-7167.
- G. Complaints and Inquiries**
All complaints and inquiries relating to the gas utility industry should be directed to the Market Oversight Section at (512) 463-7164.
- H. Pending RRC Rules and Regulations:**

4. HEARINGS AND LEGAL ANALYSIS

- A. Miscellaneous**
Anyone wishing to obtain copies of appendices to Orders appearing in Section 5 of this Bulletin should contact the Legal Division at (512) 463-7017.
- B. Status of Pending Cases**
The status of all pending cases listed in Section 3 of this Bulletin is for informational purposes only and is complete up to the time of printing of this Bulletin. For a more accurate status of pending cases, please call the Legal Division at (512) 463-7017.