

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Northern Natural Gas Company

Docket No. RP22-1033-004

ORDER OF CHIEF JUDGE GRANTING AUTHORIZATION TO IMPLEMENT
SETTLEMENT RATES ON AN INTERIM BASIS

(Issued May 24, 2023)

1. On May 18, 2023, Northern Natural Gas Company (Northern) filed an *Unopposed Motion to Place Settlement Rates into Effect on an Interim Basis and for Waiver of Answer Period* (Motion). Northern submits this Motion “in advance of and pending the final approval of a comprehensive settlement agreement (‘Settlement’) resolving all issues in the [] proceedings.”¹ The answer period was shortened to conclude on May 23, 2023.² No participants filed timely answers. Accordingly, the Motion is unopposed. This Order now decides Northern’s request to implement the Settlement’s negotiated rates (Settlement Rates) on an interim basis.

2. The Motion seeks approval of “Interim Settlement Rates [to] take effect on May 1, 2023, [and] to be billed June 1, 2023.”³ Northern explains that the Settlement Rates “will provide shippers with immediate rate relief, and will allow Northern to avoid the administrative burden of billing at the higher currently-effective rates and then issuing additional refunds on such rates after approval of the Settlement.”⁴ Before granting this request, section 307(a)(7)(v) of the Commission’s Revised General Rules requires a

¹ Motion at 1 (anticipating that the Settlement will be filed before June 30, 2023).

² *Order of Chief Judge Shortening Answer Period* (May 22, 2023).

³ Motion at 3.

⁴ *Id.*

determination that implementation of the interim rates results in lower rates during the pendency of Commission action on the Settlement.⁵

3. Pursuant to section 307(a)(7)(v), the Settlement Rates set forth in this uncontested⁶ Motion constitute a reduction. Northern's proposed interim Settlement Rates result in a reduction from Northern's currently filed rates, as documented by the redlined tariff sheets⁷ and consistent with Northern's statements that "the settlement reservation rates are lower than Northern's currently-effective rates" and "no Interim Settlement Rates are an increase from the currently-effective rates."⁸ Additionally, implementing the Settlement Rates on an interim basis is in the public interest. Doing so will permit the reduced rates to be placed into effect pending the Commission's consideration of the Settlement that Northern intends to file.

4. Accordingly, the Motion is GRANTED. The requested interim Settlement Rates are hereby accepted.⁹ Northern is authorized to implement the Settlement Rates effective May 1, 2023. The interim Settlement Rates shall remain in effect pending the Commission's consideration of the to-be-filed Settlement and will be subject to refund or surcharge, with interest, computed in accordance with 18 C.F.R. § 154.501(d), pending the outcome of the proceeding.

⁵ 18 C.F.R. § 375.307(a)(7)(v) (2022) (requiring also that motions requesting interim rates be "uncontested"); *see also Chief Administrative Law Judge's Notices to the Public, Motions to Place Interim Settlement Rates into Effect*, Docket No. AD20-12-000 (June 15, 2022), also available at <https://cms.ferc.gov/administrative-litigation-0> (providing guidance for motions to place interim settlement rates into effect).

⁶ *See supra* P 1.

⁷ Motion at App. A.

⁸ *Id.* at 3.

⁹ Northern Natural Gas Co., Gas Tariffs, [Sheet No. 50, Currently Effective Rates TF \(21.0.0\)](#), [Sheet No. 51, Currently Effective Rates TFX and LFT \(24.0.0\)](#), [Sheet No. 52, Currently Effective Rates TI \(22.0.0\)](#), [Sheet No. 53, Currently Effective Rates GS-T and CS-1 \(24.0.0\)](#), [Sheet No. 55, Effective Rates FDD PDD IDD and SMS \(7.0.0\)](#), [Sheet No. 59, MIDS \(10.0.0\)](#), [Sheet No. 59A, MIDS \(10.0.0\)](#), [Sheet No. 60, MIDS \(22.0.0\)](#), [Sheet No. 60A, MIDS \(22.0.0\)](#).

5. The 30-day prior notice and filing requirement of NGA section 4(d) is hereby waived so that the interim Settlement Rates can be implemented effective as of May 1, 2023.¹⁰

6. This Order terminates Docket No. RP22-1033-004.

SO ORDERED.

Andrew Satten
Acting Chief Administrative Law Judge

¹⁰ 15 U.S.C. § 717c(d); 18 C.F.R. § 154.207.