



FAYETTEVILLE EXPRESS PIPELINE LLC

November 4, 2021

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: Fayetteville Express Pipeline LLC
Docket No. RP22-116-000
Corrected Fuel/L&U Reimbursement Percentage Adjustment Filing

Dear Ms. Bose:

Pursuant to Parts 154.403 and 154.205 of the regulations of the Federal Energy Regulatory Commission ("FERC" or "Commission"), Fayetteville Express Pipeline LLC ("FEP") hereby electronically submits for filing with the Commission as part of its FERC NGA Gas Tariff, First Revised Volume No. 1 ("Tariff"), the following corrected tariff records, to be effective on December 1, 2021:

<u>Version</u>	<u>Description</u>	<u>Title</u>
13.0.1	Currently Effective Rates	1. Rate Schedules FTS and ITS
21.0.1	Currently Effective Rates	1. Rate Schedules HAT

STATEMENT OF CORRECTIONS

It has come to FEP's attention that the tariff records originally filed on October 29, 2021 in this docket reflected the incorrect Reimbursement Percentages. This filing replaces the tariff records filed in the October 29, 2021 filing to reflect the correct proposed Reimbursement Percentages of 0.0% for any transactions under Rate Schedules FTS and ITS.

WAIVERS REQUESTED

As set out in its October 29, 2021 filing, FEP requested that the Commission grant FEP a waiver of the provisions of GT&C Section 36 to permit FEP to charge a Reimbursement Percentage of 0.00% for any transactions under Rate Schedules FTS and ITS. FEP has combined the separate components of its fuel percentages together for Rate Schedules FTS and ITS due to the positive Fuel Gas percentage of 0.06% offsetting the negative Lost and Unaccounted For Gas percentage of (0.55%) which would be (0.49%). GT&C Section 36 of FEP's Tariff is not structured to address a situation in which FEP would be required to charge any of its shippers a negative Reimbursement Percentage.

Similarly, FEP requested that the Commission grant FEP a waiver of the provisions of GT&C Section 36 to permit FEP to charge a Reimbursement Percentage for Lost and Unaccounted For Gas of 0.00% for any transactions under Rate Schedule HAT. FEP is proposing a Lost and Unaccounted For Gas percentage for this Rate Schedule to be 0.00%, as it is only comprised of this single component, which for this period is a negative percentage of (0.55%). GT&C Section 36 of FEP's Tariff is not structured to address a situation in which FEP would be required to charge any of its shippers a negative Reimbursement Percentage for Lost and Unaccounted For Gas.

Finally, FEP respectfully requests the Commission grant waiver of section 154.207 of the Commission's regulations and any other waivers of its regulations that it deems necessary to allow the revised proposed tariff records in this filing to become effective as of December 1, 2021.

The Commission recently has begun to evaluate requests for waivers using the "four-factor test." The Commission grants waivers of tariff provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.¹ FEP respectfully contends that the circumstances here satisfy the foregoing criteria.

First, FEP has acted in good faith by submitting its original filing on October 29, 2021, as corrected herein, in advance of the requested date for Commission action. Second, FEP's waiver request above is limited in scope because FEP is only seeking a one-time waiver of section 36 of the GT&C of its tariff to allow it to charge a Reimbursement Percentage of 0.00% for any transactions under Rate Schedules FTS, ITS and HAT. Third, FEP's requested waiver addresses a concrete problem because, absent the waiver, GT&C Section 36 of FEP's Tariff is not structured to address a situation in which FEP would be required to charge any of its shippers a negative Reimbursement Percentage. Finally, FEP's requested waiver does not result in undesirable consequences, such as harm to any third parties because any under or over collected amounts will be reflected in FEP's next Reimbursement Percentage Adjustment filing. FEP's waiver is consistent with prior Commission decisions to grant waiver under similar circumstances.²

ADDITIONAL REQUESTS

FEP respectfully requests that the Commission issue a notice of a shortened comment period in accordance with Section 154.210 of the Commission's regulations for the instant filing.

IMPLEMENTATION

Pursuant to Section 154.7(a)(9) of the Commission's regulations, FEP moves to place the corrected tariff record into effect on December 1, 2021, or at the end of any minimal suspension period that may be ordered by the Commission. FEP reserves the right to file a motion to place the tariff records into effect at a later date in the event that the Commission does not approve the tariff records as filed and without condition.

CONTENTS OF THE FILING

This filing is made in electronic format in compliance with Section 154.4 of the Commission's Regulations. The corrected proposed tariff records in RTF format with metadata attached are being submitted as part of an XML filing package containing the following:

- This transmittal letter, including a Statement of Corrections in PDF format
- A clean version of the corrected proposed tariff records in PDF format for publishing in eLibrary
- A marked version of the corrected proposed tariff changes in PDF format
- A copy of the complete filing in PDF format for publishing in eLibrary.

In accordance with Section 154.208 of the Commission's regulations, copies of this filing are being served electronically on jurisdictional customers and interested state regulatory commissions. FEP has posted a copy of this filing on its Internet website accessible via <http://feptransfer.energytransfer.com> under Informational Postings, Regulatory.

¹ See, e.g., *Citizens Sunrise Transmission LLC*, 171 FERC ¶ 61,106, at P 10 (2020).

² See, e.g., *Rover Pipeline LLC*, 177 FERC ¶ 61,063 (2021); *Panhandle Eastern Pipe Line Co., LP*, 173 FERC ¶ 61,103 (2020).

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Pursuant to Section 385.2005(a) of the Commission's regulations, the undersigned has read this filing and knows its contents, and the contents are true as stated, to the best of his knowledge and belief. The undersigned possesses full power and authority to sign this filing.

Respectfully submitted,

Fayetteville Express Pipeline LLC

By /s/ Lawrence J. Biediger
Lawrence J. Biediger
Sr. Director, Rates and Regulatory Affairs

CURRENTLY EFFECTIVE RATES
FOR RATE SCHEDULES FTS AND ITS
(RATES PER DTH)

	Maximum	Minimum	Fuel Reimbursement Percentage (2)
	-----	-----	-----
Rate Schedule FTS			

Reservation	\$10.43	\$0.00	
Commodity (1)	\$ 0.0011	\$0.0011	0.00%
Overrun (1)	\$ 0.3441	\$0.0011	0.00%
Rate Schedule ITS			

Commodity (1)	\$ 0.3441	\$0.0011	0.00%
Overrun (1)	\$ 0.3441	\$0.0011	0.00%

- (1) Excludes the ACA unit rate applicable to Shippers pursuant to Section 35 of the General Terms and Conditions. For transactions under Rate Schedules FTS and ITS, ACA shall not be charged on quantities delivered to the Hub Point.

- (2)
- | | |
|-------------------------------|-------|
| Fuel Gas | 0.00% |
| Lost and Unaccounted For Gas | 0.00% |
| | ----- |
| Fuel Reimbursement Percentage | 0.00% |

For transactions under Rate Schedules FTS and ITS, Lost and Unaccounted For Gas shall not be charged on quantities delivered to the Hub Point.

CURRENTLY EFFECTIVE RATES
FOR RATE SCHEDULE HAT
(RATES PER DTH)

	Maximum -----	Minimum -----	Fuel Reimbursement Percentage (2) -----
Hub Point To or From Other Hub Area Points:			
Commodity (1)	\$ 0.1721	\$0.0006	0.00%
Overrun (1)	\$ 0.1721	\$0.0006	0.00%
Hub Area Receipts to Hub Area Deliveries (excluding Hub Point):			
Commodity (1)	\$ 0.3441	\$0.0011	0.00%
Overrun (1)	\$ 0.3441	\$0.0011	0.00%

(1) Excludes the ACA unit rate applicable to Shippers pursuant to Section 35 of the General Terms and Conditions. ACA shall not be charged on quantities delivered to the Hub Point.

(2) Fuel Gas	----
Lost and Unaccounted For Gas	0.00%

Fuel Reimbursement Percentage	0.00%

Fuel Gas shall not apply to transactions under Rate Schedule HAT. Lost and Unaccounted For Gas shall not be charged on quantities delivered to the Hub Point.

MARKED VERSION

CURRENTLY EFFECTIVE RATES
FOR RATE SCHEDULES FTS AND ITS
(RATES PER DTH)

	Maximum	Minimum	Fuel Reimbursement Percentage (2)
Rate Schedule FTS			
Reservation	\$10.43	\$0.00	
Commodity (1)	\$ 0.0011	\$0.0011	0. 4 <u>00</u> %
Overrun (1)	\$ 0.3441	\$0.0011	0. 4 <u>00</u> %
Rate Schedule ITS			
Commodity (1)	\$ 0.3441	\$0.0011	0. 4 <u>00</u> %
Overrun (1)	\$ 0.3441	\$0.0011	0. 4 <u>00</u> %

- (1) Excludes the ACA unit rate applicable to Shippers pursuant to Section 35 of the General Terms and Conditions. For transactions under Rate Schedules FTS and ITS, ACA shall not be charged on quantities delivered to the Hub Point.

- | | | |
|-----|-------------------------------|-----------------------------|
| (2) | Fuel Gas | 0.00% |
| | Lost and Unaccounted For Gas | 0. 4 <u>00</u> % |
| | | ---- |
| | Fuel Reimbursement Percentage | 0. 4 <u>00</u> % |

For transactions under Rate Schedules FTS and ITS, Lost and Unaccounted For Gas shall not be charged on quantities delivered to the Hub Point.

CURRENTLY EFFECTIVE RATES
FOR RATE SCHEDULE HAT
(RATES PER DTH)

	Maximum -----	Minimum -----	Fuel Reimbursement Percentage (2) -----
Hub Point To or From Other Hub Area Points:			
Commodity (1)	\$ 0.1721	\$0.0006	0. 44 <u>00</u> %
Overrun (1)	\$ 0.1721	\$0.0006	0. 44 <u>00</u> %
Hub Area Receipts to Hub Area Deliveries (excluding Hub Point):			
Commodity (1)	\$ 0.3441	\$0.0011	0. 44 <u>00</u> %
Overrun (1)	\$ 0.3441	\$0.0011	0. 44 <u>00</u> %

(1) Excludes the ACA unit rate applicable to Shippers pursuant to Section 35 of the General Terms and Conditions. ACA shall not be charged on quantities delivered to the Hub Point.

(2) Fuel Gas
Lost and Unaccounted For Gas

0.~~44~~00%

Fuel Reimbursement Percentage

0.~~44~~00%

Fuel Gas shall not apply to transactions under Rate Schedule HAT. Lost and Unaccounted For Gas shall not be charged on quantities delivered to the Hub Point.