

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

January 18, 2007

In Reply Refer To:  
Enbridge Pipelines (Midla) L.L.C.  
Docket No. RP07-113-000

Enbridge Pipelines (Midla) L.L.C.  
1100 Louisiana Street, Suite 3300  
Houston, TX 77002-5217

Attention: Cynthia A. Corcoran  
FERC Chief Compliance Officer and Senior Counsel Specialist

Reference: Tariff Sheets Listing Non-conforming Agreements

Ladies and Gentlemen:

1. On December 19, 2006, Enbridge Pipelines (Midla) L.L.C. (Midla) submitted for filing revised tariff sheets<sup>1</sup> to reference 40 currently effective non-conforming service agreements, along with copies of the service agreements. Midla requests that the Commission accept and make these tariff sheets effective January 18, 2007. Midla has also filed the non-conforming agreements for Commission review. Midla requests that the Commission, to the extent it finds any of the agreements non-conforming, accept and grant any waivers necessary to make them effective as of their respective effective dates, and permit them to remain in effect in accordance with their respective terms. The Commission will accept the tariff sheets, to become effective January 18, 2007, as proposed, subject to further review and order of the Commission. The Commission will also accept all of the accompanying agreements, effective on their respective effective dates, subject to further review and order of the Commission.

2. Midla states that it was acquired by Enbridge Energy Partners, L.P. Inc. (Enbridge) on October 17, 2002, and that all but one of the non-conforming service agreements

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<sup>1</sup> First Revised Sheet No. 190, Original Sheet Nos. 191 and 192 to FERC Gas Tariff, Fifth Revised Volume No. 1

subject to this filing was executed prior to the time Midla was owned and operated by Enbridge. According to Midla, all but four of the agreements were executed prior to issuance of the Commission's order in *Columbia Gas Transmission Corp.*, in which the Commission clearly delineated the scope of the requirements under section 154.1(d) of the Commission's regulations.<sup>2</sup> Midla states that most of the Firm Transportation Service (FTS) agreements were entered into in 1993, when Midla was restructuring to comply with Order No. 636 and many of the changes appearing in red-line are merely the result of changes to the Rate Schedule FTS *pro forma* agreement over time. Similarly, like the FTS agreements, most of the No-Notice Transportation Service (NNS) agreements were entered into in 1993. Midla states that it has now instituted procedures designed to prevent implementation on non-conforming agreements without obtaining prior Commission approval.

3. Midla's filing contains 21 non-conforming FTS service agreements and 19 non-conforming NNS service agreements. Appendix B of the filing details 40 potential non-conforming FTS provisions. Similarly, Appendix C details 22 potential non-conforming NNS provisions. The filing includes explanations of the service agreement deviations, a chart listing the deviating terms in each agreement, their effects on the parties' rights and why such deviation does not present a risk of undue discrimination.
4. Public notice of the filing was issued on December 21, 2006, with interventions and protests due as provided in section 154.210 of the Commission's Regulations (18 C.F.R. § 154.210 (2006)). Pursuant to Rule 214 (18 C.F.R. § 385.214 (2006)), all timely filed motions to intervene and any motions to intervene out-of-time filed before the issuance date of this order are Granted. Granting late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. No adverse comments or protests were filed.
5. Midla has presented the Commission with original and revised tariff sheets, and non-conforming service agreements. These agreements contain various deviations from Midla's tariff. The Commission has not completed its review of these tariff sheets and service agreements. The Commission will accept the tariff sheets, to become effective January 18, 2007, as proposed, subject to further review and order of the Commission. Since the Commission has yet to complete its review of the service agreements, and because they have been in effect for a significant period already, the Commission will also accept all of the service agreements accompanying the instant filing, effective on their respective effective dates, subject to further review and order of the Commission.
6. Further, Midla notes in its transmittal letter references to FTS Contract No. 70235 and NNS Contract No. 70136 as being non-conforming service agreements. However, these

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<sup>2</sup> *Columbia Gas Transmission Corp.*, 97 FERC ¶ 61,221 (2001).

contracts were not included in Midla's filing. Midla is directed to file, within 20 days of this order, either the contracts as noted above or an explanation as to why these contracts were referenced but not included in the filing.

By direction of the Commission.

Magalie R. Salas,  
Secretary.