UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

El Paso Natural Gas Company Docket No. CP06-57-000

ORDER ISSUING CERTIFICATE

(Issued April 20, 2006)

1. On February 1, 2006, El Paso Natural Gas Company (El Paso) filed an application under section 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity authorizing the acquisition, ownership, and operation of pipeline facilities in Arizona. As discussed below, the Commission finds that El Paso's proposed acquisition is required by the public convenience and necessity. Accordingly, this order grants the requested authorization, subject to conditions.

I. Background and Proposal

A. Facilities and Proposal

2. In 2004, the Salt River Project Agricultural Improvement and Power District (Salt River), an Arizona municipality, constructed the 36.72-mile long, 24-inch diameter Salt River East Valley Lateral (lateral). The lateral has a capacity of 342,500 Dekatherms per day (Dth/d). Currently, the lateral interconnects with El Paso's South System Line No. 2000, and extends northward terminating at Salt River's Santan power plant. El Paso currently transports natural gas for ultimate delivery to Salt River's Santan power plant.

3. El Paso asserts that its existing Phoenix area pipeline system is operating at or near capacity and needs significant upgrading in order to continue to operate at current pressure levels. Accordingly, El Paso proposes to acquire Salt River's East Valley

Lateral and appurtenant facilities. El Paso's acquisition is subject to two repurchase options that will be discussed below.[1]

4. Upon El Paso's acquisition of the lateral, the northern terminus of the line will be interconnected with El Paso's Line No. 2222, and the direction of flow of gas on Line No. 2222 will be reversed toward Phoenix at increased pipeline pressures. El Paso would be able to reduce the volumes of gas it currently transports to Phoenix through its existing older, lower pressure Phoenix area system by moving those volumes to the newly-acquired lateral.

5. El Paso will pay Salt River's original cost of approximately $32 million, as increased to reflect Salt River's unresolved landowner condemnation costs associated with the lateral's construction. If Salt River exercises its repurchase options (one for 203,500 Dth/d of capacity and the other for 39,000 Dth/d), Salt River will pay El Paso $14 million. El Paso states that in the future it will file for Commission review and approval two non-conforming transportation agreements with Salt River.

6. El Paso asserts that the lateral is easily expandable with compression and would enhance El Paso's operational flexibility, reliability, and ability to provide new hourly and daily delivery services for customers such as Southwest Gas Corp. (Southwest), Arizona Public Service (APS), and the City of Mesa, Arizona, as well as delivery point consolidations.[2] In addition, El Paso states that acquisition of Salt River's lateral would avoid the cost of constructing more expensive alternative lateral facilities and the cost of upgrading and maintaining older pipeline facilities in the Phoenix area at higher pressures.

7. El Paso contends that during construction of the lateral in 2004, Salt River re-evaluated its decision to own or operate the lateral and opted, instead, to sell it. On July 23, 2004, Salt River issued a request for proposals seeking interest from parties who

[1] Salt River has negotiated an agreement to transfer these repurchase options, which can be exercised no earlier than April 1, 2008, by sale to Transwestern Pipeline Co., LLC (Transwestern).

[2] Tariff sheets providing for new hourly and daily delivery services were filed and accepted in El Paso's pending rate proceeding in Docket No. RP05-422-000. *See El Paso Natural Gas Co.*, 112 FERC ¶ 61,150 (2005). Pursuant to an uncontested offer of partial settlement, implementation of these new services was deferred initially until April 1, 2006, *El Paso Natural Gas Co.*, 113 FERC ¶ 61,313 at n. 3 (2005), and deferred again until June 1, 2006, *El Paso Natural Gas Co.*, 114 FERC ¶ 61,338 (2006). *See also, El Paso Natural Gas Co.*, order on technical conference, 114 FERC ¶ 61,305 (2006) (new services are just and reasonable).

would want to acquire the lateral. Salt River subsequently negotiated with a number of prospective buyers of its lateral, including Transwestern and El Paso.

8. El Paso's application includes an executed purchase and sales agreement, filed on March 2, 2006, among Salt River, El Paso, and Transwestern. As noted, El Paso's purchase is subject to two fully transferable repurchase options for undivided interests in the lateral.[3] The first option would permit Salt River (or its assignee, *e.g*., Transwestern) to repurchase from El Paso an undivided interest in the lateral equal to 203,500 Dth/d of capacity. The second option would permit Salt River to repurchase from El Paso an additional undivided ownership interest equal to 39,000 Dth/d of capacity. The agreement provides that Salt River can exercise these options upon 90 days' written notice to El Paso, El Paso's receipt of abandonment authorization, and payment of consideration. The options cannot be exercised earlier than April 1, 2008 (when the primary term of a new transportation agreement between El Paso and Salt River expires). If the options are exercised on or after April 30, 2010, Salt River must give El Paso 12 months' written notice. If, as contemplated, Transwestern acquires one or both interests, Transwestern, not El Paso, would be the provider of transportation service to the Santan power plant. If both options are exercised, El Paso would retain 100,000 Dth/d (or 30 percent) of the lateral's capacity to provide transportation service to Salt River and other customers. If neither option is exercised, El Paso would retain ownership of all the lateral's capacity and facilities.

B. <u>Possible Future Abandonment Application</u>

9. Pursuant to section 10.7 of the purchase and sales agreement, El Paso asserts that it will file an abandonment application to implement a sale of capacity and interest in facilities within 30 days after Transwestern files a certificate application for its Phoenix Expansion Project.[4] Salt River's agreement with Transwestern provides that the latter

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[3] Under agreement preamble paragraph D, "[Salt River] agrees to sell to [Transwestern] and [Transwestern] agrees to purchase from [Salt River] the Purchase Option(s), in accordance with the terms and subject to the conditions of this Agreement." Agreement section 4.2 permits Salt River to transfer the options to Transwestern "or any other Person whom [Salt River] has assigned a Purchase Option in accordance with the terms of this Agreement."

[4] Transwestern is presently engaged in a prefiling proceeding with respect to its planned Phoenix Expansion Project (Docket No. PF06-4-000). The project would consist of approximately 285 miles of 36, 24 and 16-inch diameter pipeline and compression and would be designed to deliver gas from Transwestern's pipeline system to the Phoenix area.

may not acquire the repurchase option from Salt River before Transwestern accepts a certificate for the construction of its Phoenix Expansion Project, which is premised upon Transwestern's acquisition of an interest in the capacity and facilities of the Salt River East Valley lateral. El Paso asserts that to offset its loss of capacity due to Salt River's or Transwestern's exercise of these options, El Paso would evaluate the need to install additional compression to maintain service levels and its capacity entitlement in the lateral.

10. To the extent that El Paso shares ownership and utilization of the lateral, El Paso asserts that the lateral will be treated as two separate lines owned by separate pipeline companies, with each company providing transportation services through respective ownership interests pursuant to the terms and conditions of their respective FERC Gas Tariffs. No shipper utilizing the lateral would pay reservation charges to both El Paso and Transwestern or any other owner for identical capacity. If Transwestern exercises the repurchase rights, El Paso, pursuant to an Operating and Maintenance Agreement with Transwestern, would operate and maintain the jointly-owned lateral.

C. El Paso's Lateral Transportation Service

11. El Paso provides transportation service for Salt River to several generating plants, one of which is located on the lateral. The capacity of the lateral is 342,000 Dth/d. After issuance of this order, El Paso proposes to reform its existing agreements with Salt River and to provide continued firm transportation service to Salt River at several generating plants, including the Santan plant, under two non-conforming agreements. One agreement (with quantities of 200,000 Dth/d and 80,000 Dth/d in summer and winter, respectively) would expire on March 1, 2008 [5] and the other (for "all other quantities allocated to Salt River") would expire on December 31, 2013. These new agreements will provide 525 psig delivery pressure at the Kyrene and Santan generation plant delivery points and will consolidate Salt River's delivery codes (called D-codes)[6] with daily maximum delivery obligation (MDO) entitlements and pressure commitments. If Transwestern exercises the repurchase options, Transwestern will provide 242,500 Dth/d for Salt River and El Paso will retain 100,000 Dth/d for service in the first instance to Salt River through December 31, 2013.

12. Since the repurchase options carry a short notification period, El Paso acknowledges that it is possible that a new shipper holding a transportation contract using

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[5] One month before April, 1, 2008, the earliest potential exercise date of the repurchase options.

[6] D-codes are clusters of delivery points and represent an aggregation of individual meters into a delivery zone to facilitate gas scheduling.

capacity on the lateral could be affected by El Paso's abandonment of a portion of its capacity and ownership interest. Thus, El Paso proposes in Exhibit P pro forma tariff language to provide short-term transportation agreements of up to six months as a way to limit the potential effects of an exercise of the repurchase options on shippers entering into new transportation contracts with El Paso using the lateral's capacity.

D. Rates

13. El Paso states that shippers utilizing the lateral's capacity will pay its existing Part 284 transportation rates and that it is not proposing to charge Salt River, the City of Mesa (Arizona), or Southwest an incremental rate for capacity on the lateral. El Paso's Appendix N includes a 10-year cost of service estimate based on gas plant of $32 million, but no revenue projection, given the uncertainty surrounding exercise of the repurchase options. Thus, El Paso states that it is not asking for a pre-determination of rolled-in rate treatment in this order and, instead, seeks to defer that determination to the next rate case.

II. Notice, Interventions, and Protests

14. Public notice of El Paso's application was published in the *Federal Register* on February 10, 2006 (71 Fed. Reg. 7,022), with comments due February 17, 2006. Eight parties filed timely, unopposed motions to intervene.[7] Some of the intervenors filed comments and/or protests to El Paso's application, which are addressed below.[8] On March 8, 2006, El Paso filed an answer.[9]

15. Motions to intervene-out-of-time were filed on February 21, 2006, by Southwest and on March 1, 2006, by BP America Production Co. and BP Energy Co., jointly, and the Arizona Corporation Commission (Arizona Commission). Granting these late motions at this stage of the proceeding will not cause undue delay or unfairly prejudice any party. Therefore, we will grant the late motions to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedure.[10]

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[7] Timely, unopposed motions to intervene are automatically granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. *See* 18 CFR § 385.214(a)(3) (2005).

[8] Intervenors are listed in the Appendix.

[9] We will waive Rule 213 of the Commission's Rules of Practice and Procedure to permit consideration of the answer. *See* 18 CFR § 385.213 (2005).

[10] 18 CFR § 385.214(d) (2005).

III. Discussion

16. Since the proposed facilities will be used to transport natural gas in interstate commerce, subject to the jurisdiction of the Commission, the acquisition and operation of the facilities are subject to the requirements of subsections (c) and (e) of section 7 of the NGA.

A. Application of the Certificate Policy Statement

17. The Commission's September 15, 1999 Certificate Policy Statement provides guidance as to how it will evaluate proposals for certificating new construction.[11] The Commission also applies the Certificate Policy Statement in evaluating proposals for the acquisition of existing pipeline facilities.[12] The Certificate Policy Statement established criteria for determining whether there is a need for facilities and whether the facilities will serve the public interest. The Certificate Policy Statement explains that in deciding whether to authorize major new pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. Our goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, and the avoidance of the unnecessary exercise of eminent domain or other disruptions of the environment.

18. Under this policy, the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, or landowners and communities affected by the route of the new pipeline. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, we will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will we proceed to complete the environmental analysis where other interests are considered.

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[11] *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227 (1999), *order clarifying statement of policy*, 90 FERC ¶ 61,128, *order further clarifying statement of policy*, 92 FERC ¶ 61,094 (2000) (*Certificate Policy Statement*).

[12] *See, e.g., Chandeleur Pipe Line Co.,* 108 FERC ¶ 61,181 at P 8 (2004).

19. As noted above, the threshold requirement is that the pipeline must be prepared to financially support the project without relying on subsidization from its existing customers. Addition of these facilities will provide greater operational flexibility and reliability benefits to El Paso's customers utilizing its transmission system and new services, while avoiding major operation and maintenance costs as well as excess costs associated with constructing a new lateral. The Commission has previously held that the recovery from existing shippers of the cost of improvements in service to those shippers is not a subsidy.[13] El Paso is not seeking to recover its acquisition costs in its pending rate proceeding or asking us to make a rolled-in determination here. Thus, El Paso's existing customers will not subsidize acquisition of the lateral.

20. The California Public Utility Commission protests the application unless the certificate order states that there is no presumption of rolled-in treatment of acquisition costs because the lateral benefits East of California, but not California customers. Further, Southern California Gas Co. and San Diego Gas and Electric Co. request confirmation: (a) that the rate treatment of the subject facilities will be determined in the next general rate case; (b) that the burden of proof as to the proposed rate treatment lies on El Paso; and (c) that approval of the certificate application is without prejudice to any party's right to contest the proposed rate treatment.

21. El Paso presumably will seek in a future rate proceeding to recover its acquisition costs. While El Paso's acquisition of the lateral should provide greater operational flexibility and reliability, we clarify that if El Paso seeks in the future to roll in its acquisition costs, it will retain the burden of demonstrating that such benefits have materialized sufficiently to warrant rolled-in rate treatment for the acquisition costs.[14] Thus, El Paso's acquisition can be approved without creating a risk of inappropriate subsidization.

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[13] As the Commission stated in its *Certificate Policy Statement*

Projects designed to improve existing service for existing customers, by replacing existing capacity, improving reliability or providing flexibility, are for the benefit of existing customers. Increasing the rates of existing customers to pay for these improvements is not a subsidy. 88 FERC ¶ 61,227 at 61,746, n. 12. *See also Paiute Pipeline Company*, 91 FERC ¶ 61,352 (2000) (replacement pipeline) and *Algonquin Gas Transmission Company*, 108 FERC ¶ 61,195 at P 24 (2004) (regulator valves to increase pressure).

[14] *See, e.g., Tennessee Pipeline Co*., 113 FERC ¶ 61,270 at P 17 (2005).

22. Further, acquisition of the lateral will not result in any degradation of service to El Paso's existing customers. Rather, the acquisition will create additional operational flexibility by freeing up significant capacity on El Paso's existing system in the Phoenix area. In addition, no service on any other pipeline will be displaced; rather the proposed acquisition will enhance service to existing customers. Thus, there will be no adverse effects on existing pipelines or their customers.

23. As to landowner impacts, the proposed project involves the acquisition of existing natural gas facilities and proposes no construction. Salt River will resolve pending landowner condemnation claims arising from Salt River's construction of the lateral. Thus, El Paso's proposed acquisition of the lateral will have little or no effect on landowners and communities.

24. We note, as El Paso states in its application, that the exercise of the repurchase options will require El Paso to file a future abandonment application. We are neither providing pre-granted abandonment authority in this order nor prejudging the outcome of any future abandonment proceeding.

25. Section 4.3 of the purchase and sales agreement provides that Salt River may keep or sell the 39,000 Dth/d purchase option to another person, if Transwestern does not purchase it from Salt River by April 30, 2010. It is unclear from the application whether Salt River, which operates as a municipality, might seek to repurchase and own capacity in the subject lateral in the event neither Transwestern nor some other NGA jurisdictional company is assigned the repurchase rights. In view of this lack of clarity, we note that section 7 of the NGA provides for the issuance of a certificate only to a "natural gas company" and the definitions in section 2 of the NGA operate to prevent a municipality from being a natural gas company for purposes of the NGA.

26. Thus, while the Commission has issued limited jurisdiction certificates to Hinshaw pipelines, local distribution companies and gatherers, the Commission has not issued limited jurisdiction certificates to municipalities. In any event, the Commission has a long-standing policy of avoiding the creation of dual-jurisdiction facilities unless such arrangements can be structured to avoid regulatory conflict and preserve the regulatory delineations established by the NGA. While the Commission has allowed a single entity, such as an intrastate pipeline, to use the same facilities for jurisdictional interstate services under section 311 of the Natural Gas Policy Act and non-jurisdictional intrastate services, the Commission has recognized that there is greater potential for regulatory conflict when two separate entities, one jurisdictional and the other non-jurisdictional, seek to share ownership and use of the same facilities. *See TriState Pipeline, L.L.C.*, 88 FERC ¶ 61,328 at 62,001-03 (1999).

B. Rates and Transportation Service

27. El Paso proposes to charge shippers using capacity on the lateral its currently effective, generally applicable Part 284 rates as initial rates. These rates are approved for the project service.

28. As noted, Exhibit B of El Paso's purchase and sales agreement states certain transportation terms and conditions it will provide Salt River pursuant to non-conforming service agreements. El Paso asserts that these terms and conditions are operationally specific to Salt River, that they are available only because Salt River is selling the lateral to El Paso, and that other shippers are not similarly situated to Salt River.[15] Specifically, these provisions provide Salt River: (1) a single consolidated Phoenix D-Code, (2) minimum pressure guarantees, and (3) flexibility in MDO entitlements for individual physical delivery meters. El Paso's systemwide D-Code and MDO practices are addressed in Docket No. RP05-422-000.[16]

29. The Arizona Commission asks the Commission to require El Paso to extend to all Phoenix-area shippers, on a non-discriminatory basis, the same terms and conditions of service that El Paso will provide to Salt River. The Arizona Commission asserts that if the repurchase options are fully exercised, the Commission should require El Paso to make the remaining 100,000 Dth/d of lateral capacity that El Paso retains available first to existing firm shippers for existing and new services at issue in Docket No. RP05-422-000. In reply, El Paso asserts that it is still negotiating with Salt River and that "all shippers will be treated in a similar fashion and that any determination of [Salt River]'s MDO will be the result of [Salt River]'s participation in an allocation process along with all other shippers."[17] While El Paso also contends that since Salt River's sale of the lateral makes the capacity available, the lateral's capacity is properly available for first use in meeting Salt River's needs for existing plant loads,[18] at the same time it states that

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[15] Answer at 12 (March 8, 2006).

[16] In Docket No. RP05-422-000, El Paso proposed to disaggregate a number of D-codes and to require meter specific MDOs. On March 23, 2006, the Commission issued an order on technical conference which accepted El Paso's systemwide D-code and MDO proposals. *El Paso Natural Gas Co*., 114 FERC ¶ 61,305 at P 152-164 (2006). In that order, the Commission acknowledged El Paso's willingness to allow a single consolidated D-code for Salt River's new Santan #2 and Desert Basin power plants. 114 FERC ¶ 61,305 at P 166 (2006).

[17] Answer at 9-10 (filed March 8, 2006).

[18] *Id*. at 13, n. 16.

"no waiver [of general terms and conditions] or alternative conditions are being requested except as specifically delineated in Exhibit B concerning the capacity subject to [Salt River]'s option to repurchase."[19] El Paso is required to allocate the lateral capacity in a manner that is not unduly discriminatory. The Commission believes El Paso's March 8, 2006 Response acknowledges this requirement.

30. Before actual exercise of the repurchase options, El Paso proposes in a pro forma tariff sheet to offer short-term service (no longer than six months) to shippers other than Salt River using the 242,500 Dth/d of capacity on the lateral that is subject to the repurchase options. If the repurchase options are exercised, any short-term transportation agreements would terminate no later than the effective date for our authority for El Paso to abandon the underlying capacity. El Paso also includes pro forma tariff language that states that no right-of-first-refusal exists for short-term transportation capacity subject to the repurchase options. The pro forma tariff language is accepted.

31. Texas Gas Service Company, a division of ONEOK, Inc. (Texas Gas), requests the Commission to clarify that this certificate application does not provide supplemental support for El Paso's disputed new services or its systemwide proposals to change D-Codes and require scheduling of MDOs at individual meters in Docket No. RP05-422-000. This order addresses whether acquisition of the lateral is required by the public convenience and necessity. This order is not addressing the merits of El Paso's new services or its systemwide MDO and delivery point proposals which the Commission accepted in an order issued on March 23, 2006. [20] The facilities which this order certificates will provide additional flexibility to implement the new services. The clarification is granted.

C. Accounting

32. El Paso states in its application that the purchase price of the lateral is approximately $32 million, the undepreciated dollar amount actually incurred by Salt River to build the line. El Paso proposes to account for the acquisition of the lateral using its purchase price of $32 million, rather than Salt River's depreciated original cost of the facilities.[21]

33. El Paso's proposed accounting treatment for the acquisition appears inconsistent with the requirements of the Uniform System of Accounts (USofA) based upon the information provided. Under the requirements of the USofA, gas plant acquired which

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[19] *Id*. At 12.

[20] *El Paso Natural Gas Co*., 114 FERC ¶ 61,305 at P 10 (2006).

[21] *See* Exhibit S of the application.

constitutes an operating unit or system must be accounted for consistent with the Commission's original cost concept. Under that concept, when an operating unit or system is acquired, Salt River's original cost of the facilities must be recorded in the appropriate utility plant account and the accumulated provision for depreciation associated with the original cost must be recorded in Account 108, Accumulated Provision for Depreciation of Gas Utility Plant.[22] Any difference between the acquisition cost and the depreciated original cost of the operating unit or system must be recorded as a gas plant acquisition adjustment in Account 114, Gas Plant Acquisition Adjustments.[23]

34. Since El Paso's proposed accounting for the acquisition does not take into account any depreciation accumulated by Salt River during the time it operated the lateral, El Paso must revise its proposed accounting by crediting Account 108 for the depreciation previously accumulated by Salt River. Additionally, El Paso shall also record an acquisition adjustment in Account 114 for the difference between the purchase price of the facilities and their depreciated book value. Further, El Paso must file its proposed journal entries to clear Account 102**,** Gas Plant Purchased or Sold, [24] as required by the instructions to such account, within six months of the date the transfer is consummated.

D. <u>Environmental Analysis</u>

35. El Paso will acquire, own and operate the pipeline facilities as set forth in the order; it does not propose any new facilities or construction. Therefore, the action is categorically excluded under 18 CFR §380.4(a)(27), and no environmental assessment is required.

E. <u>Conclusion</u>

36. For the reasons stated, subject to the conditions discussed in the body of this order and listed below, we find that the public convenience and necessity requires issuance of a certificate under NGA section 7(c) for El Paso's proposed acquisition of pipeline facilities. Thus, we grant the requested authorization to El Paso.

37. The Commission on its own motion, received and made a part of the record all evidence, including the application and exhibits thereto, submitted in this proceeding, and upon consideration of the record,

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[22] *See* Gas Plant Instruction No. 5B(1) and (2), 18 CFR Part 201 (2005).

[23] *See* Gas Plant Instruction No. 5B(4), 18 CFR Part 201 (2005).

[24] 18 CFR Part 201 (2005).

<u>The Commission orders</u>:

(A) A certificate of public convenience and necessity is issued to El Paso in Docket No. CP06-57-000 authorizing it to acquire and operate the lateral pipeline facilities, as described and conditioned herein, and as more fully described in the application.

(B) The authorization in Ordering Paragraph (A) is conditioned on El Paso’s compliance with Part 154 and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations.

(C) El Paso shall complete acquisition of the lateral within one year of the final order in this proceeding.

(D) El Paso must file non-conforming service agreements with Salt River not less than 30 days prior to commencement of service on the lateral. El Paso must offer the same terms and conditions of service to all its Phoenix area shippers where operationally feasible on a non-discriminatory basis.

(E) El Paso must file actual tariff sheets 60 days prior to placing the lateral in service.

(F) El Paso shall account for the transfer of the facilities in accordance with the discussion herein.

(G) Motions to intervene-out-of time filed by the Arizona Corporation Commission, Southwest Gas Corporation, and BP America Production Co., and BP Energy Co., jointly, are granted.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

Appendix

Interventions:

Arizona Corporation Commission */
Arizona Public Service Company
BP America Production Co. and BP Energy Co., jointly *
Electric Generation Coalition
El Paso Municipal Customer Group
Pacific Gas and Electric Company
Pimalco, Inc.
Public Service Company of New Mexico
Public Utilities Commission of the State of California +
Salt River Project Agricultural Improvement and Power District /
Southwest Gas Corporation *
Southern California Edison Company and San Diego Gas & Electric Company, jointly /
Texas Gas Service Company, a division of Oneok, Inc. /
Transwestern Pipeline Company, LLC /
UNS Gas, Inc.

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* Late intervention
+ Protest
/ Comments or clarification requests