

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Enogex LLC

)

Docket No. PR11-83-000

MOTION OF ENOGEX LLC SEEKING DEFERRAL OF DEADLINE FOR PROTESTS

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”), 18 C.F.R. § 385.212 (2010), Enogex LLC (“Enogex”) respectfully requests that the Commission issue an order deferring or delaying the date that protests are due in this proceeding until April 4, 2011, to allow for settlement discussions among Enogex and the parties that are expected to intervene in this docket. Enogex does not seek to defer or delay the date for interventions.

In support of this Motion, Enogex respectfully states as follows:

I. Background

On January 28, 2011, Enogex filed a “Petition of Enogex LLC for Section 311 Rate Approval under Section 284.123(b)(2) of the Commission’s Regulations” (“Petition”) in this docket. In the Petition, Enogex seeks Commission approval of the proposed maximum rate for Enogex’s new Section 311 firm service to be performed on the intrastate transmission facilities located in the West Zone of the Enogex Transmission System. In addition, as supported by the cost of service study submitted with the Petition, Enogex requests approval to lower the zonal maximum rate applicable to Section 311 interruptible transportation for the West Zone from the rate currently in effect, subject to refund, pursuant to Enogex’s pending rate case filing in Docket No. PR09-22-000, and also requests approval to maintain the rates currently in effect, subject to

refund for Section 311 firm and interruptible transportation services in the East Zone of the Enogex Transmission System.

As explained more fully in the Petition, the filed cost of service supports higher East Zone firm and interruptible rates but Enogex is not proposing to implement such higher East Zone rates immediately in anticipation that such a delay may expedite the settlement process that Enogex hopes the parties will undertake in this new proceeding. Instead, Enogex is proposing to retain the lower East Zone Section 311 rates which currently are in effect, subject to refund, pursuant to Enogex's pending rate case in Docket No. PR09-22-000.¹ In summary, as a result of this filing, the rates for all of Enogex's existing Section 311 transportation services, effective March 1, 2011, will either decrease or stay the same.

Under the regulations, 18 C.F.R. § 154.210, unless the Commission orders otherwise, interested persons have only a limited time to file motions to intervene and protests. In accordance with Rules 211 and 214 and the provisions of Section 154.210 of the Commission regulations, persons must submit such interventions and protests, "not later than 12 days after the subject tariff filing" or, as applicable in this docket, February 9, 2011. The standard notice of filing issued by the Commission clarifies that a protest does not make the protestor a party to the proceeding. A person filing a protest must also file to intervene to become a party to a proceeding.

¹ Enogex reserved the right to implement the higher cost-supported East Zone rates prospectively, after notice to its East Zone customers, should settlement talks falter.

II. Motion

Of the three most recent Enogex rate cases, Docket Nos. PR04-16-000, PR08-1-000 and PR09-22-000, respectively, Enogex has reached unanimous settlement agreements with the intervening parties in the first two.² Settlement discussions in Docket No. PR09-22-000 are ongoing, but the parties have made significant progress and Enogex anticipates that a unanimous agreement can also be reached in that docket. Enogex believes that a settlement in the pending Docket No. PR09-22-000 may provide the foundation for a settlement in this new docket or, at the least, may prove a solid starting point for settlement discussion in this proceeding. Accordingly, Enogex respectfully asks that the Commission allow additional time before protests are due to allow Enogex to discuss settlement with interested customers and shippers on its system before they expend financial and other resources to prepare and file comments and/or protests.

No customer will be harmed by a delay in the protest deadline. As already noted, current rates are either being lowered by the filing or maintained at the current level. Should negotiations not produce a settlement agreement and the parties return to a Section 311 litigation process, Enogex agrees that it will not assert that any protest filed by the deferred deadline is out of time. Moreover, if the Commission were to grant this Motion, the Commission itself would already have determined that any protests filed by the deferred deadline would be timely.

As noted in the introductory paragraph of this Motion, Enogex does not seek a waiver of the deadline for interventions. Enogex has hundreds of shippers and most do not routinely intervene in Enogex Section 311 rate cases. Consequently, those customers that do intervene in

² The Commission approved the settlement in PR04-16-000 by order of September 15, 2005, 112 FERC ¶ 61,312. A settlement, filed August 5, 2010, in PR08-1-000 is pending Commission approval.

this docket will thereby indicate an interest in the docket and identify themselves as parties that Enogex should contact to discuss the possibility of settlement. Indeed, before filing the Petition and this associated Motion, Enogex contacted active intervenors in the currently pending Docket PR09-22-000 rate case to broach the idea of a delay in the protest date to allow pre-protest settlement discussions. Intervenors in the current case were generally open to the idea of such discussions in this docket, though Enogex does not purport to speak for them.

In order to determine if there is any opposition to the concept of a delay in the protest deadline, Enogex asks that the Commission (1) act immediately, without awaiting answers, to briefly extend the deadline for protests until February 21, 2011 to allow interested parties time to respond to the Motion if they elect to do so and to allow the Commission time to act, (2) shorten the time period for responses to this Motion to five (5) business days, that is, to February 4, 2011, and (3) act promptly thereafter on the Motion.

III. Conclusion

For the reasons stated, Enogex respectfully asks that the Commission act immediately to delay the deadline for protests until February 21, 2011, require answers to the Motion by February 4, 2011, and act as promptly as possible thereafter on the Motion.

Respectfully submitted,

Enogex LLC

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Dated: January 28, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have this day served electronically or by U.S. Mail, first-class postage prepaid, the foregoing document on all parties to these consolidated proceedings, as listed on the official service list compiled by the Commission Secretary.

Dated at Washington, D.C. this 28th day of January, 2011.

/s/Carolyn Y. Thompson
Carolyn Y. Thompson