

Decision No. C20-0779

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20AL-0419P

IN THE MATTER OF ADVICE LETTER NO. 28 FILED BY MAGELLAN PIPELINE COMPANY, L.P. LOCAL PIPELINE TARIFF PUC NO. 12.12.0 TO REVISE ITEM NO. 15-TESTING SPECIFICATIONS FOR ULTRA-LOW SULFUR DEISEL FUEL PRODUCT TO BECOME EFFECTIVE NOVEMBER 9, 2020.

**DECISION SUSPENDING EFFECTIVE DATE OF
TARIFFS, REFERRING MATTER TO AN
ADMINISTRATIVE LAW JUDGE, AND SETTING
NOTICE AND INTERVENTION PERIOD**

Mailed Date: November 6, 2020
Adopted Date: November 4, 2020

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE, CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. This Decision sets for hearing the tariffs filed by Magellan Midstream Partners L.P. (Magellan) with Advice Letter No. 28 and suspends their effective date for 120 days pursuant to § 40-6-111(1), C.R.S.

2. We refer the matter to an Administrative Law Judge (ALJ).

3. A pleading to intervene in this matter may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding no later than 30 days after the mailing date of this Decision.

B. Discussion

4. On October 9, 2020, Magellan filed Advice Letter No. 28 with Tariff No. 12.12.0. The proposed effective date of the tariff filed with Advice Letter No. 28 is November 9, 2020

5. Magellan explains that its filing is being made to revise Item No. 15- “testing for the ultra-low sulfur diesel fuel category” to add Grades X and XOH and remove Grade XU. Grade X is a diesel fuel, Grade XOH an ethanol/diesel blend. Item No. 125, which contains the pricing terms of the tariff, is unchanged.

6. On October 30, 2020, Suncor Energy (USA) Inc. (Suncor) filed a protest. Suncor requests a formal evidentiary hearing and notes numerous issues with Grade X diesel fuel as compared to Grade XU. Suncor states that its customers prefer Grade XU and details several characteristics of Grade XU which Suncor states give it superior performance to Grade X particularly in cold weather.

7. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariff pages for hearing which will suspend the effective date for 120 days from the proposed effective date. If no new tariffs are established by the Commission before the end of the 120-day suspension period, in this instance March 9, 2021, and if the Commission does not further suspend the effective date of the tariffs pursuant to § 40-6-111(1), C.R.S., the tariff pages filed by Magellan may become effective.

8. Section 40-6-111(1), C.R.S., also provides that the Commission may, in its discretion, by a separate decision, suspend the effective date of the tariff page(s) for an additional

130 days. Thus, the Commission has the power and authority to suspend the effective date of the tariff pages for a maximum of 250 days. If the Commission further suspends the effective date of the tariff pages for an additional 130 days, and if no new tariffs are established by the Commission before the end of the suspension period, the tariff pages filed by Magellan may become effective.

C. Conclusions and Findings

9. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariff pages filed with Advice Letter No. 28 for hearing, which will suspend the effective date of the tariff pages for 120 days from the proposed effective date. If the Commission does not establish new tariffs before the expiration of the suspension period of 120 days, or does not issue a separate decision further suspending the effective date of the tariff pages pursuant to § 40-6-111(1), C.R.S., the tariff pages filed by Magellan may become effective.

10. The Commission finds good cause to set for hearing the tariff sheets submitted with Advice Letter No. 28 filed by Magellan on October 9, 2020. Pursuant to § 40-6-111(1), C.R.S., the initial 120-day suspension period for the tariff pages submitted with Advice Letter No. 28 shall extend through March 9, 2021.

11. We refer this matter to an ALJ for a recommended decision.

12. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariff pages shall not allow participation as an intervenor in this matter. Intervention filings shall be submitted no later than 30 days after the mailing date of this Decision.

II. ORDER

A. The Commission Orders That:

1. The proposed effective date of the tariff pages filed by Magellan Midstream Partners L.P. with Advice Letter No. 28 on October 9, 2020 is suspended for 120 days until March 9, 2021, or until further order of the Commission.

2. This matter is referred to an Administrative Law Judge for a recommended decision. The Administrative Law Judge shall set a hearing date, rule on interventions, and establish other procedures by separate decision(s).

3. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariff pages, who desire to intervene and participate as a party in this proceeding shall file a motion to intervene with the Commission no later than 30 days after the Mailed Date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 4, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners