

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.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
ACCEPTING WITHDRAWAL OF ADVICE
LETTER AND CLOSING PROCEEDING**

Mailed Date: December 8, 2020

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On October 9, 2010, Magellan Pipeline Company, L.P. (Magellan) filed with the Colorado Public Utilities Commission (Commission), Advice Letter No. 28 and accompanying tariff sheets.

2. The Commission has jurisdiction over public utilities providing intrastate transportation service provided by pipeline.

3. Magellan is public utility providing regulated petroleum products transportation service in Colorado. As applicable here, Magellan operates an intrastate pipeline as common carrier for the transportation of petroleum products.

4. Magellan's Colorado P.U.C. No. 12.12.0 contains rules, regulations and rates for the movement of petroleum products in Magellan's Colorado rocky mountain system. The advice letter describes a proposed revision to Item No. 15-Testing for the ultra-low sulfur diesel fuel product category that adds product grades X and XOH and removes product grade XU. All transportation rates contained in Item No. 125 remain unchanged.

5. Magellan sent a copy of the proposed tariff to all subscribers of the affected transportation service.

6. On October 30, 2020, Suncor Energy (U.S.A.) Inc. (Suncor) filed a protest requesting that the Commission suspend the proposed effective date and set the matter for hearing.

7. The Commission may have a hearing “concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation if it believes that such a hearing is required and that such rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation may be improper.” § 40-6-111 C.R.S.

8. By Decision No. C20-0779, issued on November 4, 2020, the Commission found good cause to set the matter for hearing, suspended the proposed effective date for 120 days, set the matter for hearing, established a deadline for intervention, and referred the matter to an Administrative Law Judge.

9. On November 20, 2020, Magellan filed its Unopposed Motion to Withdraw Advice Letter and Tariff in order to most efficiently explore alternatives to its tariff revision with Suncor.

10. No notice or petition to intervene was filed in this proceeding. Counsel for Magellan has conferred with counsel for Suncor and represents that Suncor does not oppose withdrawal of the advice letter and proposed tariff modifications.

11. Rule 1309(d) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1, provides: “A party may withdraw an application or petition upon notification to the Commission and all parties prior to 45 days before the first day of hearing. Thereafter, the party shall file a motion to obtain leave of the Commission to withdraw the application or petition. In ruling on such a motion, the Commission shall consider whether good cause for withdrawal is stated and whether other parties would be prejudiced by the withdrawal.”

12. The Commission having found good cause to set the matter for hearing, and the proposed effective date having been suspended by the Commission, the ALJ will consider whether good cause exists to permit the advice letter and tariff to be withdrawn, and whether doing so would prejudice any party. Rule 1309(e), 4 CCR 723-1.

13. Magellan is the only party to the proceeding and obviously does not wish to pursue the matter further at this time. Suncor, the only interested person filing a protest, did not intervene in the proceeding. In any event, Suncor does not oppose the withdrawal. Based upon good cause shown for the unopposed request and no prejudice coming to any other party, the request will be granted. The advice letter and accompanying tariff sheets will be withdrawn, and the proceeding closed.

14. Pursuant to § 40-6-109(2), C.R.S., the undersigned recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. Advice Letter No. 28 to Tariff No. 12.12.0 filed by Magellan Midstream Partners, L.P. on October 9, 2020, is withdrawn.

2. Proceeding No. 20AL-0419P is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision will be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the

Commission upon its own motion, the recommended decision will become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Recommended Decision are filed, they may not exceed 30 pages in length, unless the Commission finds good cause and permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director