

Decision No. R14-1480-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14F-1171G

SUNCOR ENERGY U.S.A.,

COMPLAINANT,

V.

MAGELLAN PIPELINE COMPANY L.P.,

RESPONDENT.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
PROHIBITING DISCONTINUANCE OF SERVICE**

Mailed Date: December 12, 2014

I. STATEMENT

1. On December 12, 2014, Suncor Energy U.S.A. (Complainant or Suncor), filed a Complaint against Magellan Pipeline Company L.P. (Magellan).

2. The Complaint generally alleges that Magellan transports Suncor petroleum products onto its pipeline at Suncor's facilities in Commerce City, Colorado. Magellan then transports Suncor petroleum products to Fountain or Dupont, Colorado over its pipeline system. Magellan Tariff 12.2 became effective December 1, 2014. On December 2, 2014, Suncor and Magellan entered into a temporary agreement under which Magellan agreed to continue to provide transportation services and terminaling services to Suncor. The Temporary agreement expires at 11:59 p.m. on Sunday, December 14, 2014. Based upon a review of the Complaint, one cannot immediately determine the amount at issue.

3. Complainant filed this Complaint and requests a decision from the Commission precluding discontinuance of service pending a determination of the merits.

4. The Commission does have the authority to prohibit discontinuance of service pending resolution of a proceeding involving a dispute over utility charges upon such terms as the Commission deems reasonable, including the requirement that the Complainant post a bond. See Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3-3408(b)(X) and Rules Regulating Gas Utilities and Pipeline Operators 4 CCR 723-4-4408(b)(X). The Complainant has made a sufficient showing to warrant a decision prohibiting discontinuance of service.

5. The Complaint establishes sufficient grounds for prohibiting Magellan from discontinuing utility service subject to conditions. In light of the allegations of the Complaint, no deposit or bond will be immediately required. However, Complainant must keep current with all other charges incurred for transportation and terminaling services provided by Magellan. The transportation and terminaling services shall be under the provisions of Tariff 12.0.

II. ORDER

A. It Is Ordered That:

1. Magellan Pipeline Company L.P. (Magellan) shall not discontinue transportation or terminaling service to the Complainant, Suncor Energy U.S.A. during the pendency of the proceeding or until further order of the Commission.

2. Ordering Paragraph No. 1 above is contingent on Suncor energy U.S.A. staying current with bills for transportation and terminaling services provided by Magellan during this proceeding. If this condition is not met, Magellan may discontinue service, after notice in

accordance with Commission Rules, without further order of this Commission. The rates for transportation and terminaling services contained in Tariff 12.0 shall be in effect until further notice.

3. The Commission may reconsider a requirement that Complainant post a bond as a further condition of this interim relief as additional information becomes available.

4. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director