



Deborah R. Repman drepman@cblenergylaw.com
Tel 713.357.6241 Fax 713.357.6775

August 20, 2024

Ms. Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

OIL PIPELINE SUPPLEMENTAL FILING

Re: Pelican Gathering Systems, LLC—Supplemental Filing re Ceiling Rates

Dear Acting Secretary Reese:

In compliance with the Interstate Commerce Act, 49 U.S.C. § 1 *et seq.*, and the Rules and Regulations of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. Part 341, Pelican Gathering Systems, LLC (“Pelican”) hereby submits this supplemental filing to reflect the impact of *LEPA v. FERC*¹ on Pelican’s ceiling levels.

I. Explanation of Tariff Filing

On December 17, 2020, the Commission issued an order (“December 2020 Order”) establishing an oil pipeline index of Producer Price Index for Finished Goods (“PPI-FG”) plus 0.78% for the five-year period beginning July 1, 2021 (“Initial Index”).² On January 20, 2022, the Commission issued an order (“January 2022 Order”) granting in part, and denying in part, rehearing of the December 2020 Order and establishing a revised oil pipeline index of PPI-FG minus 0.21% for the five-year period beginning July 1, 2021 (“Revised Index”).³ The Commission directed oil pipelines in the January 2022 Order to recompute their ceiling levels in accordance with the Revised Index and to lower any transportation rates that exceeded the recomputed ceiling levels, effective March 1, 2022.

Various petitions for review of the January 2022 Order were filed at the Court of Appeals for the District of Columbia Circuit. On July 26, 2024, the Court issued *LEPA v. FERC* wherein it vacated the January 2022 Order because “the Commission was obligated to—but did not—adhere to notice-and-comment procedures when resetting the Index on rehearing.” The Court is expected to issue its mandate of this order by September 16, 2024, absent a party filing a petition for rehearing or a petition for a rehearing *en banc*. Once the mandate is issued, the December 2020 Order will

¹ *Liquid Energy Pipeline Ass’n. v. FERC*, Nos. 22-1045 *et al.*, 2024 U.S. App. LEXIS 18502 (D.C. Cir. July 26, 2024) (“*LEPA v. FERC*”).

² *Five-Year Review of the Oil Pipeline Index*, 173 FERC ¶ 61,245 (2020).

³ *Five-Year Review of the Oil Pipeline Index, order on reh’g*, 178 FERC ¶ 61,023 (2022).

become the effective order governing establishment of the index for five-year index period beginning July 1, 2021.

Pelican is making this filing to provide notice of its recomputed ceiling levels that will become effective concurrent with the issuance of the Court's mandate. Pelican calculated these ceilings levels by applying the Initial Index for each index period since July 1, 2021, instead of the Revised Index. The attached index summary sets forth the ceiling levels for (1) pre-July 1, 2021, (2) the period July 1, 2021 to June 30, 2022, (3) the period July 1, 2022 to June 30, 2023, (4) the period July 1, 2023 to June 30, 2024, and (5) the period July 1, 2024 to June 30, 2025.

Pelican is not adjusting any of its transportation rates or fees through this supplemental filing.

II. Certification

I hereby certify that, on or before this date, copies of the publication attached hereto have been sent to each subscriber by electronic service, or by other means of transmission agreed upon in writing by the subscriber.

Pursuant to 18 C.F.R. § 343.3(a) (Filing of Protests and Responses), Pelican requests that any protest of this filing be telefaxed at the time the protest is filed to Deborah Repman, fax number 713.357.6775, with a copy submitted electronically to drepman@cblenergylaw.com.

Should you have any questions, please feel free to contact the undersigned.

Respectfully submitted,

/s/ Deborah R. Repman
Deborah R. Repman
CBL Energy Law PLLC

Counsel for Pelican Gathering Systems, LLC

Pelican Gathering Systems, LLC
 Revised Ceiling Levels
 (Filed August 20, 2024)

Current Tariff No.	Receipt	Delivery	Pre-July 1, 2021 Ceiling Level (cents per barrel)	July 1, 2021 Ceiling Level (cents per barrel)	July 1, 2022 Ceiling Level (cents per barrel)	July 1, 2023 Ceiling Level (cents per barrel)	July 1, 2024 Ceiling Level (cents per barrel)
F.E.R.C. No. 2.22.0	GBS 1, Mountrail County, ND	Hiland Crude Pipeline – New Town, Mountrail County, ND Pioneer Terminal/Dakota Plains, New Town, Mountrail County, ND Bridger Pipeline, New Town, Mountrail County, ND Sacagawea Pipeline, New Town, Mountrail County, ND	82.14	81.66	89.58	102.40	104.71
	GBS 2, Mountrail County, ND						
	GBS 3, Mountrail County, ND						
	GBS 4, Mountrail County, ND						
	QEP Fed #1 SE/4SE/4 of Section 21, T152N, R92W, 5th PM, Mountrail County, ND	Hiland Crude Pipeline – New Town, Mountrail County, ND Pioneer Terminal/Dakota Plains, New Town, Mountrail County, ND Bridger Pipeline, New Town, Mountrail County, ND Sacagawea Pipeline, New Town, Mountrail County, ND	225.80	224.49	246.27	281.51	287.86
	QEP Fed #4 NW/4NW/4 of Section 34, T152N, R92W, 5th PM, Mountrail County, ND						
	Slawson Truck Load Out Facility NE/4NE/4 of Section 5, T151N, R93W, 5th PM, Mountrail County, ND	Hiland Crude Pipeline – New Town, Mountrail County, ND Sacagawea Pipeline, New Town, Mountrail County, ND	44.44	44.18	48.47	55.41	56.66
	N/A - Pumpover Charge for Sacagawea Pipeline, New Town, Mountrail County, ND		5.56	7.50*	8.23	9.41	9.62

*Ceiling level re-set based on settlement filing