

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of ONEOK)
NGL Pipeline, L.L.C. for an Order Approving) Docket No. 18-ONEP-502-CON
an Amendment to the Pipeline Capacity Lease)
Agreement with Holly Frontier Refining &)
Marketing LLC.)

SUSPENSION ORDER: JANUARY 11, 2019

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On May 16, 2018, ONEOK NGL Pipeline, L.L.C. (ONEOK NGL) filed an Application with the Commission seeking approval of an Amendment (2018 Amendment) to a Pipeline Capacity Lease Agreement with Holly Frontier Refining & Marketing LLC (HFRM) for the transportation of natural gas liquids over two pipelines situated between Conway and El Dorado, Kansas.

2. ONEOK NGL indicates that the original Pipeline Capacity Lease Agreement between ONEOK NGL and HFRM was approved by this Commission in Docket No. 12-ONEP-333-CON (2011 Original), and amended and approved by the Commission in Docket No. 15-ONEP-460-CON (2015 Amendment). Therefore, the origination of the rates and terms at issue in this docket date back to the 2011 Original Pipeline Capacity Lease Agreement.

3. In its immediate Application, ONEOK NGL also requests extension of its limited contract carrier certificate in order to fulfill its obligations under the 2018 Amendment. ONEOK

NGL's limited contract carrier certificate was originally approved April 20, 2006, in Docket No. 06-ONEP-646-COC and extended in Docket No. 12-ONEP-333-CON. The limitation on the certificate is that it only authorizes ONEOK NGL to provide service according to the terms of its contract with HFRM.¹

4. K.S.A. 66-117(c) states in part: "The commission shall not delay the effective date of the proposed change in rate, joint rate, toll, charge or classification or schedule of charges, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, more than 240 days beyond the date the public utility or common carrier filed its application requesting the proposed change. If the commission does not suspend the proposed schedule within 30 days of the date the same is filed by the public utility or common carrier, such proposed schedule shall be deemed approved by the commission and shall take effect on the proposed effective date."

5. A full investigation of the proposed schedule of charges between ONEOK NGL and HFRM, which may result in a hearing, is deemed necessary and proper. Absent suspension, Commission Staff is without sufficient time to fully review, consider, and analyze whether the Application should be approved.

6. The Commission finds and concludes that suspension of any potential effectiveness of the rates and/or terms proposed by ONEOK NGL is required to allow sufficient time for full investigation of this matter. The effective date of the rates and/or terms proposed shall be suspended for a period not to exceed 240 days from the date the Application was made, May 16, 2018, until January 11, 2019. A Commission decision may be issued before such date.

¹See Order Approving Application, p. 2, Docket No. 12-ONEP-333-CON (Dec. 8, 2011) (stating: "The scope of the certification [is] limited to the contractual obligations as defined in the HFRM Agreement as the Agreement covers 100% of the capacity of the pipeline being leased").

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:


- A. Any decision regarding ONEOK NGL's Application shall be deferred until January 11, 2019. The Commission may issue a decision before such date.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

05/22/2018

Dated: _____



Lynn M. Retz
Secretary to the Commission

MRN

CERTIFICATE OF SERVICE

18-ONEP-502-CON

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 05/23/2018.

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
jflaherty@andersonbyrd.com

MICHAEL NEELEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
m.neeley@kcc.ks.gov

SHERLYN SCHUMACK, REGULATORY ANALYST II
ONEOK NORTH SYSTEM, L.L.C.
100 WEST FIFTH STREET
TULSA, OK 74103-4298
Fax: 918-732-1406
sherlyn.schumack@oneok.com

/S/ DeeAnn Shupe

DeeAnn Shupe