

**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.    )

**ORDER GRANTING INTERIM APPROVAL**

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. ONEOK NGL also requested an extension of its limited contract carrier certificate (COC) in order to fulfill its obligations under the 2018 Amendment.

2. On October 31, 2018, ONEOK NGL filed a Motion<sup>1</sup> seeking approval to extend its COC to allow ONEOK NGL to continue to provide services under the Pipeline Capacity Lease Agreement dated October 31, 2011, between ONEOK NGL and HFRM until the Commission issues its final order in this docket. ONEOK NGL stated that its Motion was prompted by

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<sup>1</sup>Motion for Approval to Extend Limited Contract Carrier Certificate on an Interim Basis to Provide Services Pending the Commission's Review of the Pipeline Capacity Lease Agreement (Oct. 31, 2018) (ONEOK NGL's Motion).

discussions with Staff regarding the timing of its current Application and prior authorizations. ONEOK NGL noted that timing issues had not been raised in previous dockets.

3. On November 6, 2018, Staff responded to ONEOK NGL's Motion. Staff noted that interim approval was being requested by ONEOK NGL because its 2015 Amendment to the 2011 Pipeline Capacity Lease Agreement had expired prior to its immediate Application but ONEOK NGL was continuing to provide service without a certificate and without approved rates on file. Staff indicated that this situation had occurred in the past and the issue was never raised in prior proceedings with ONEOK NGL.

4. Staff recommended that ONEOK NGL's Motion be granted, but that it be forewarned that in the future, ONEOK NGL should file for approval prior to the expiration of its existing COC and contract, or else it could be penalized and/or enjoined.

5. As ONEOK NGL has relied on past Commission practice in this regard, there have been no complaints filed, and Staff recommended approval of the Motion – the Commission hereby grants the Motion. However, the Commission does caution ONEOK NGL that in the future, it should file for requisite approvals before the prior approvals lapse. Otherwise, ONEOK NGL could be ordered to stay its operations or pay a penalty for violating the Kansas statutes.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

- A. ONEOK NGL's Motion filed October 31, 2018, is granted.
- 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

Dated: 11/15/2018



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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 and electronic service on 11/16/2018.

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