

certain gas produced offshore. That section requires the initial and subsequent reports filed under section 284.126 to state that service is now being provided under section 284.227.

Further, the Commission proposes to revise the filing requirements under section 284.123(e) to require that the statement filed by an intrastate pipeline within 30 days after commencement of new service under subpart C, include the rate election made by the intrastate pipeline under section 284.123(b).

D. Modification of Discount Reports

In considering revisions to the Commission's marketing affiliate regulations implemented in Order No. 566,³⁴ the Commission received comments contending that the discount information that had to be filed with the Commission under section 284.7(d)(5)(iv) was duplicative of the information on transportation discounts provided to affiliate and non-affiliate shippers that pipelines are required to maintain under section 250.16(d). There are two major differences between the sections: section 250.16(d) requires maintenance of information on quantities scheduled under the discount, while section 284.7(d)(5)(iv) does not require filing of quantity information; and the information required under section 250.16 only has to be maintained and made available to the Commission upon request, while the information in section 284.7(d)(5)(iv) must be filed with the Commission.

In Order No. 566, the commenters urged the Commission to consider reconciling the duplicative requirements.³⁵ The Commission declined to make a piecemeal change at that time, because the Part 284 discount reporting requirements are not identical with the requirements of section 250.16(d). The Commission, however, noted that it was in the process of examining its regulations, in light of the changes caused by Order No. 636, and that revisions to these requirements would be made at the appropriate time when all the regulations could be considered as a whole.

The Commission is now proposing to eliminate the section 250.16(d) maintenance requirement and to expand the Part 284 filing requirement to include the relevant information previously maintained under section

250.16 (proposed section 284.7(c)(6)). The major change from the existing Part 284 regulations would be the addition of a requirement for filing information on quantities delivered for interruptible service and the contract demand for firm service.³⁶ In light of the Commission's adoption of a capacity release program under Order No. 636, information on quantities shipped and contract demand would enable the Commission and the market to compare the extent of interruptible and firm discounting by the pipelines with the extent of capacity release transactions. Under this proposal, the discount information would be required to be filed electronically with the Commission.

The discount reports would not apply to capacity releases at a discounted rate, except when the release is permanent. The discount report is designed to capture discounts granted by the pipelines. In a temporary capacity release, the releasing shipper is still obligated to the pipeline under its initial contract. Thus, even if the shipper obtaining released capacity pays a discounted rate, the pipeline has not agreed to the discount because the releasing shipper will owe the pipeline the maximum rate under its contract. In a permanent capacity release, however, the releasing shipper's contractual obligations end, and the replacement shipper enters into a new primary contract with the pipeline. Thus, if the pipeline offers a discount for a permanent capacity release, the pipeline is providing the discount and would have to report it.

The Commission is not proposing to require the filing of two items of information that the pipelines are now required to maintain under section 250.16(d): the duration of discounts and the delivery points to which the gas is delivered. Elimination of these items would reduce the filing burden. Moreover, the filing of this information for every transaction involving both affiliates and non-affiliates does not appear necessary for monitoring of affiliate discount transactions given the Commission's other regulations regarding affiliate discount transactions. Under Standard H of the Standards of Conduct, section 161.3(h), pipelines are now required to post discount information concerning affiliate transactions on their EBBs, including the delivery points to which the

discount applies. The proposed elimination of section 250.16(d), therefore, would have no effect on the ability of non-affiliates to learn the details of affiliate discounts so they can assess whether possible undue discrimination has occurred. With respect to non-affiliate transactions, filing of information on delivery points for every discount transaction does not appear warranted, since the Commission only requires this information in specific situations. The Commission, however, continues to require pipelines to maintain records of affiliate and non-affiliate discount transactions, including the delivery points used, in case the Commission requires this information for specific investigations.

E. Establishment of Electronic Index of Customers

In the Electronic Bulletin Board (EBB) standardization proceeding in Docket No. RM93-4-000, some groups had proposed to include an electronic Index of Purchasers to provide the market with information about capacity rights.³⁷ The EBB Industry Working Groups, which developed the standards implemented by the Commission, failed to reach consensus on an Index of Purchasers proposal. However, several groups of participants in the process submitted proposals for consideration. In Order No. 563-A, the Commission found that one proposal by a group of 44 participants had significant merit.³⁸

Under this proposal, the Commission would eliminate some of the paper reporting requirements relating to firm and interruptible transportation, specifically, the initial and subsequent reports (but not the annual reports or the reports on bypasses), and the requirement in section 154.41 (proposed section 154.111) to include an Index of Purchasers in a pipeline's tariff. These reports would be replaced by an electronic index provided in downloadable form consisting of the following nine data elements for each firm transportation and storage shipper:³⁹ shipper's name, contract identifier, rate schedule, contract start

³⁴ Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. Preambles ¶ 30,997 (June 17, 1994), Order No. 566-A, 59 FR 52896 (Oct. 20, 1994), III FERC Stats. & Regs. Preambles ¶ 31,002 (Oct. 14, 1994).

³⁵ *Slip op.* at 31.

³⁶ For interruptible discounts, the Commission is proposing to include the zone in which the quantities are delivered. Information on zones is not needed for firm service because the information would be reported in the index of customers under section 284.106.

³⁷ Standards For Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations, Order No. 563, 59 FR 516 (Jan. 5, 1994), III FERC Stats. & Regs. Preambles ¶ 30,988 (Dec. 23, 1993), order on reh'g, Order No. 563-A, 59 FR 23624 (May 6, 1994), III FERC Stats. & Regs. Preambles ¶ 30,994 (May 2, 1994), reh'g denied, Order No. 563-B, 68 FERC ¶ 61,002 (1994).

³⁸ Order No. 563-A, III FERC Stats. & Regs. Preambles at 31,047.

³⁹ Although the initial and subsequent reports had included interruptible contracts, it is not necessary to require the posting of interruptible contracts in the Index of Customers.