

date, contract end date, contract quantity, receipt points (and associated maximum daily quantities (MDQs)), delivery points (and associated MDQs), and conjunctive restrictions, if any.⁴⁰

In Order No. 563-A, the Commission was unclear with respect to some details in the proposal, and directed the Working Groups, together with Commission staff, to work on developing a final proposal. In a report filed on October 3, 1994, in Docket No. RM93-4-005, the Working Group reported that it was still unable to reach consensus on a final Index of Purchasers. However, a drafting committee, composed both of opponents and proponents of the Index of Purchasers, filed on October 4, 1994, a proposal addressing the mechanics for implementing such an Index of Purchasers, should the Commission decide to proceed with one.

After considering the elements included in the industry proposals and the Commission's own need for information about shippers' contracts, the Commission is proposing to require pipelines to provide an electronic Index of Customers⁴¹ through a downloadable file that is updated monthly, and restated in its entirety annually (sections 284.106 and 284.243). The proposed requirement includes many of the elements proposed during the Working Group process, as well as independent requirements the Commission deems necessary. The electronic Index of Customers information would serve two functions. It would provide the Commission with the information that the Commission requires for analyzing capacity held on pipelines (which previously was included in the initial and subsequent reports); and it would provide capacity information to the market, which will aid the capacity release system by enabling shippers to locate those holding capacity rights that the shippers may want to acquire.⁴²

⁴⁰ Conjunctive restrictions are provisions that operate across multiple points or contracts and may limit a shipper's rights at a particular receipt or delivery point. For example, a shipper with stated rights of 2,000 MDQs at three points may but not be able to ship more than a total of 2,500 MDQ's from all three points on a single day.

⁴¹ The Commission is proposing to term the electronic index an "Index of Customers" rather than an "Index of Purchasers," to reflect the proposed use of that term in the NOPR revising part 154. "Index of Customers" more accurately captures the nature of the current natural gas market.

⁴² The Commission also is considering whether other changes to facilitate the release of capacity are warranted. Any such changes would be promulgated in another proceeding. The Commission is proceeding with the proposed electronic index in this proceeding because, in addition to fostering capacity release, the

The proposed Index of Customers would contain the nine data elements referenced above. The Commission also is proposing some additional elements: information on capacity held by rate zones to permit verification of reservation billing determinants; and additional elements for storage to capture the additional detail required to assess storage capacity.⁴³ When a pipeline has implemented the electronic Index of Customers, its obligation to provide for an Index of Customers in its tariff would cease.

In the EBB proceeding, some commenters objected to the inclusion of receipt and delivery points, contending that the provision of such information would be burdensome and might disclose information that would place firm shippers at a competitive disadvantage with respect to future gas purchase decisions.⁴⁴ Since pipelines must currently file receipt and delivery point information for all their shippers in the initial and subsequent reports, the Commission would not anticipate that including such information in the Index of Customers would create undue burdens. Commenters, however, should address the relative burden or difficulty in including the receipt and delivery point information under the assumption that all the other information would be required.

Once the Commission decides upon the data elements to be included in the Index of Customers, the EBB Working Group should work with the Commission staff to develop the data sets and other procedures necessary to provide for downloading of the information. For example, the EBB Working Group and the Commission Staff must determine whether the data should be reported as a data set suitable for electronic data interchange or for posting on the pipeline's electronic bulletin board. Further, instructions for reporting the data elements listed in the regulations will need to be finalized. In particular, the participants must determine how the contract end date will be reported, so that the Commission

Commission finds that such index is necessary to provide the information previously provided through the initial and subsequent reports. Moreover, regardless of the changes made to the capacity release system, information on contractual rights appears to be important to facilitating the secondary market in capacity.

⁴³ In addition, the Commission is proposing to include a unique customer identifier to permit the information in the Index of Customers to be tied to the electronic data interchange information on capacity release, and an authorization code to delineate whether the information is for Part 284, Subpart B, Part 284, Subpart G, or Part 157 service.

⁴⁴ Order No. 636-A, III FERC Stats. & Regs. Preambles at 31,047-48.

may know with certainty when a contract has terminated.

The finalization of the Index of Customers by the EBB Working Group and the Commission Staff will not occur until some time after the effective date of this rule. The Commission is proposing to require the pipelines to initially comply with the Index of Customers requirement within 180 days of the effective date of the final rule. Such deadline should allow ample time for the EBB Working Group and Staff to conclude their conferences, and for the pipelines to implement the resulting electronic elements of the Index of Customers. However, in the intervening period between the effective date of the rule and the pipelines' implementation of the electronic Index of Customers under sections 284.106 and 284.223, the Commission proposes, as an interim measure, to require pipelines providing transportation service under sections 284.106 or 284.223 to comply with the non-electronic index of customer requirements applicable to transportation and sales under Part 157, as set forth in sections 154.111 (b) and (c).

F. Removal of Obsolete Transitional Requirements

Several sections in Part 284 were established by either Order No. 436 or Order No. 636 as interim measures to implement those orders, or to bridge the transition between the two orders. Some of these provisions contained action deadlines that have long since passed. The Commission proposes to remove the following sections because they have become outdated due to subsequent events, and the current state of the regulatory environment.

Section 284.7(b) provides for interim rates for part 284 transactions to be charged until new transportation rates are filed under section 284.7, which had to have been filed by July 1, 1986. This section has become obsolete, and therefore is no longer necessary.

Section 284.10 provides an interim program for bundled sales customers to convert to firm transportation services. Since Order No. 636 has unbundled sales service, so that sales and transportation services are now separate services, there is no need for customers to convert from one to the other. This section is no longer applicable to the current regulatory framework.

Section 284.14—Provisions governing pipeline restructuring—was designed to implement the restructuring of pipelines' services under Order No. 636, and contains, among other things, the requirements for the compliance filings pipelines were required to make, and for