

the pipeline the specifics of the format to be used to provide such information.¹² Moreover, the Commission also suggested that the pipeline could request confidential treatment of the information it provides.¹³

It was the Commission's intent that the caveats expressed not be limited to section 347.1(e)(vi), but rather apply to all the Part 347 information that would be provided by pipelines. Therefore, the regulations will be modified to reflect that information required by Part 347 of the regulations, release of which would violate Section 15(13) of the ICA, must be provided in a format that will protect any individual shipper. Moreover, the general statement in Order No. 571 that the information provided will be publicly available unless specific confidential treatment is sought by the carrier is still applicable.¹⁴

E. Finally, AOPL seeks clarification regarding the use of new Page 700 of Form No. 6, in particular the significance of the statement that this schedule would "permit a shipper to compare the change in a shipper's individual rate with the change in the pipeline's average company-wide barrel-mile rate."¹⁵ AOPL claims such a comparison appears to tell a shipper nothing concerning the justness and reasonableness of an individual rate.

The information reported on Page 700 will show how a pipeline's average barrel-mile rate changes from one year to the next. A shipper can then compare the yearly percentage change in the average barrel-mile rate with the yearly percentage change in the rate it is charged to determine whether there is a substantial divergence between the rate of change in the two figures such as to warrant a challenge to an indexed rate. Thus, the Page 700 information alone is not intended to show what a just and reasonable rate should be.

The Commission Orders

The request for rehearing and clarification is granted in part and denied in part, as reflected in the body of this order.

List of Subjects in 18 CFR part 347

Pipelines, Reporting and recordkeeping requirements.

By the Commission.

Lois D. Cashell,
Secretary.

In consideration of the foregoing, Part 347, Chapter I, Title 18, Code of Federal

Regulations, is amended, as set forth below.

PART 347—OIL PIPELINE DEPRECIATION STUDIES

1. The authority citation for Part 347 continues to read as follows:

Authority: 42 U.S.C. 7101-7352; 49 U.S.C. 60502; 49 App. U.S.C. 1-85.

2. In § 347.1, paragraph (e) introductory text and paragraph (e)(5)(vi) are revised to read as follows:

§ 347.1 Material to support request for newly established or changed property account depreciation studies.

* * * * *

(e) *Information to be provided.* The information in paragraphs (e)(1) through (5) of this section must be provided as justification for depreciation changes. Modifications, additions, and deletions to these data elements should be made to reflect the individual circumstances of the carrier's properties and operations. Any information in paragraphs (e)(1) through (5) of this section, the release of which would violate Section 15(13) of the Interstate Commerce Act, must be provided in a format that will protect individual shippers.

* * * * *

(5) * * *

(vi) A list of shipments and their associated receipt points, delivery points, and volumes (in barrels) by type of product (where applicable) for the most current year.

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18 CFR Part 348

[Docket No. RM94-1-001; Order No. 572-A]

Market-Based Ratemaking for Oil Pipelines

Issued December 28, 1994.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; Order denying rehearing.

SUMMARY: The Federal Energy Regulatory Commission is issuing an order denying the request for rehearing of Order No. 572, the final rule adopting filing requirements and procedures with respect to an application by an oil pipeline for a determination that it lacks significant market power in the markets in which it proposes to charge market-based rates. The final rule adopted procedural rules in order to implement

the Commission's Order 561 market-based ratemaking policy.

EFFECTIVE DATE: This final rule is effective January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Braunstein, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 208-2114.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3104, 941 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of the formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200 or 300 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in Wordperfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street NE., Washington, DC 20426.

Order Denying Rehearing

Issued December 28, 1994.

On October 28, 1994, the Federal Energy Regulatory Commission (Commission) issued Order No. 572 in which it adopted procedural rules governing an oil pipeline's application for a Commission finding that the oil pipeline lacks significant market power in the relevant markets.¹ On November 28, 1994, the Association of Oil Pipe Lines (AOPL) filed a request for rehearing of Order No. 572.² As discussed below, the Commission denies the AOPL's request for rehearing.

In Order No. 561, the Commission adopted section 342.4(b) of the regulations, which provides that: "Until

¹ Market-Based Ratemaking for Oil Pipelines, Order No. 572, 59 FR 59148 (November 16, 1994), III Stats. & Regs. ¶ 31,007 (1994).

² Sinclair Oil Corporation's motion to file a brief in response to the AOPL's request for rehearing is denied.

¹² Order No. 571, mimeo at 34.

¹³ Id.

¹⁴ Order No. 571, mimeo at 34.

¹⁵ Order No. 571, mimeo at 17.