



Center  
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Utilities

This course is designed to capture the nuances of the natural gas pipeline industry and the following topics:

- Overview of the Pipeline Industry
- FERC Ratemaking Authority Under NGA
- FERC Regulation of Pipeline Construction
- FERC's Step-by-step Process of Determining Rates
- FERC's Regulation on Intrastate Pipelines – NPGA Section 311
- Plus More! See Inside for Full Agenda!

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THE BASICS OF

# FERC RATEMAKING

FOR THE

# PIPELINE INDUSTRY

**MAY 13-17, 2024**

SHERATON UPTOWN • ALBUQUERQUE, NM



*A laptop or similar device is recommended for this course.*

# COURSE

PLEASE NOTE: LAPTOPS WILL BE REQUIRED FOR THIS COURSE.

If you are unable to bring a laptop, please contact Cindy Blume at [cblume@nmsu.edu](mailto:cblume@nmsu.edu) or 575.646.4876.

## MONDAY, MAY 13

6:30 a.m. **REGISTRATION BEGINS**

8:30–10:00 **OVERVIEW OF THE  
NATURAL GAS INDUSTRY**

**INSTRUCTOR:** Rick Smead

**MOVING GAS FROM THE WELLHEAD TO THE  
BURNER TIP**

**SEGMENTS OF THE NATURAL GAS INDUSTRY**

- Production • Transportation • Gathering
- Storage and Distribution • Processing

**HOW DID FERC ORDERS AND RULINGS,  
INCLUDING ORDER 636, AFFECT THE NATURAL  
GAS PIPELINE INDUSTRY?**

**DISCOVERY OF GAS SHALE PLAY AND ITS IMPACT  
ON THE GAS PIPELINE INDUSTRY**

10:30–12:00 **FERC RATEMAKING UNDER THE  
NATURAL GAS ACT**

**INSTRUCTOR:** Michael Diamond

**OVERVIEW OF THE NATURAL GAS ACT**

**PURPOSE AND SCOPE OF THE NATURAL GAS ACT**

- FERC's Ratemaking Authorities
- Key Concepts Under the NGA
- Alternative Ratemaking: Negotiated Rates

**FERC'S RATEMAKING AUTHORITY  
UNDER THE NATURAL GAS POLICY ACT  
SECTION 5 OF THE NATURAL GAS ACT**

- Burden of Proof
- FERC's Exercise of Section 5 Authority
- Available Remedies
- Customers' Use of Section 5

**SECTION 4 OF THE NATURAL GAS ACT**

- Mechanics of a "Typical" Section 4 Rate Case
- Burdens of Proof • Settlement v. Litigation
- Common Rate Case Issues • Potential Future Issues

12:00–1:30 **LUNCH**

1:30–2:45 **FERC RATEMAKING UNDER THE  
NATURAL GAS ACT (CONTINUED)**

**INSTRUCTOR:** Michael Diamond

3:00–5:00 **FERC REGULATION OF PIPELINE  
CONSTRUCTION UNDER THE NGA**

**INSTRUCTOR:** Michael Pincus

**EXEMPTIONS**

**CERTIFYING PIPELINE CONSTRUCTION PROJECTS**

- Holding Open Season • Post Certification Compliance
- Role of Foundation Shippers
- Development of Initial Rates for  
New Pipeline Construction
- Pre-Filing Procedures
- Application Process

5:30–7:00 **WELCOME RECEPTION**

## TUESDAY, MAY 14

8:30–9:30 **BASE PERIOD VS. TEST PERIOD**

**INSTRUCTOR:** David Haag

9:30–12:00 **DETERMINATION OF A  
PIPELINE'S COST OF SERVICE**

**INSTRUCTOR:** David Haag

**COST OF SERVICE COMPONENTS**

**WHAT ARE THE "BIG TICKET" COMPONENTS IN  
THE COST-OF-SERVICE?**

**OPERATING EXPENSES**

**A&G EXPENSES**

**RATE BASE — ESTABLISHING THE COMPANY'S  
INVESTMENT**

- Working Capital • Accumulated Depreciation
- Deferred Income Taxes • Materials and Supplies

**RATE OF RETURN — RETURN ON INVESTMENT**

- Capital Structure
- Weighted Cost of Debt
- Weighted Cost of Preferred Stock
- FERC's Cost of Equity Model
- Weighted Cost of Equity
- Overall Rate of Return

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- Federal and State Income Taxes
- Adjusting Return for Income Tax Effect
- Depreciation Expense
- Non-Income Taxes (Other Taxes)
- Revenue Credits
- How are the cost-of-service components interrelated?

## 12:00–1:30 LUNCH

## 1:30–5:00 COST-OF-SERVICE PROBLEM

**INSTRUCTOR:** David Haag

### ASSIGNMENT OF COST-OF-SERVICE PROBLEM

- Presentation of Group Solutions

## WEDNESDAY, MAY 15

## 8:30–12:00 INTRODUCTION TO RATE DESIGN

**INSTRUCTORS:** Sorana Linder  
Katie Schiro

### RELEVANCE OF TARIFF RATES V. MARKET VALUE OF CAPACITY

### SEPARATING COST-OF-SERVICE BY FUNCTION

- Kansas-Nebraska ("KN") Methodology

### CLASSIFYING COSTS

- Between Fixed & Variable • Between Rate Components
- Policy Changes Over Time • Impact of Load Factor

### BASIC COST ALLOCATION AND RATE DESIGN PRINCIPLES

## 1:00–7:00 TRIP TO NEW MEXICO'S STATE CAPITAL – SANTA FE, NM

## THURSDAY, MAY 16

## 8:30–12:00 DIFFERENT RATE DESIGNS FOR DIFFERENT PIPELINES — WHICH IS BEST?

**INSTRUCTORS:** Sorana Linder  
Katie Schiro

### TRANSPORTATION AND STORAGE RATE DESIGN

## 12:00–1:30 LUNCH

## 1:30–5:00 FILING A RATE CASE AT FERC

**INSTRUCTORS:** Sorana Linder  
Katie Schiro

### SETTLEMENT

### RATE CASE STRATEGIES

- Discounted v. Negotiated Rates • Project Timing
- Settlement v. Litigation

### RATE DESIGN IN PRACTICE – BRINGING IT ALL TOGETHER

### DISCOUNTED V. NEGOTIATED RATES

- How Discounted Rates Impact Rate Design

## 5:30–7:00 FAREWELL SOCIAL

## FRIDAY, MAY 17

## 8:30–11:00 NGPA SECTION 311 INTERSTATE TRANSPORTATION BY AN INTRASTATE OR HINSHAW PIPELINE

**INSTRUCTOR:** Jim Sarikas

### INDUSTRY OVERVIEW

- Intrastate pipelines (NGPA section 311 (a)(2))
- Hinshaw pipelines (NGA sections 1(c) and 7(c))

### JURISDICTIONAL BOUNDARIES

- Section 7(f) – Service Area Determination
- NGA vs. NGPA Transportation Service

### SETTING RATES FOR TRANSPORTATION SERVICE

- The basis for the rates: (1) State Rate Election or (2) Cost of Service rates
- The business process – how does FERC conduct a rate case?

### STATEMENT OF OPERATING CONDITIONS (SOC) E.G. THE PIPELINE'S TARIFF

- Rate Schedule(s)
- General Terms and Conditions
- Consistency with NGA Tariff requirements.

TOPICS AND SPEAKERS ARE SUBJECT TO CHANGE.

# GAS PIPELINE ADVISORY COMMITTEE



**BEN JOHNSON**

Vice-President  
Rates & Tariffs  
Boardwalk Pipelines, LP  
NMSU Program Co-Director



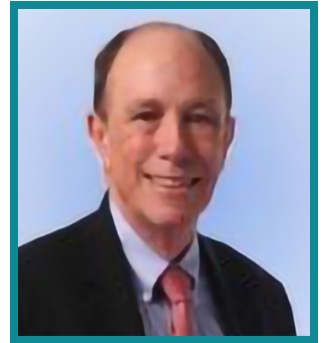
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**MICHAEL DIAMOND**

Partner  
Van Ness  
Feldman, LLP



**RICK SMEAD**

Managing Director,  
Advisory Services  
RBNEnergy, LLC

## YOUR INSTRUCTORS

**Michael Diamond**, *Partner*, Van Ness Feldman, LLP

**David Haag**, *President & CEO*, Brown, Williams, Moorhead & Quinn, Inc.

**Sorana Linder**, *Director - Rates, Tariffs, and Modernization*, TC Energy

**Michael Pincus**, *Partner*, Van Ness Feldman, LLP

**Jim Sarikas**, *OEMR - Division of Pipeline Regulation*, FERC

**Katie Schiro**, *Sr. Director - Rates & Tariffs*, Boardwalk Pipelines, LP

**Rick Smead**, *Managing Director, Advisory Services*, RBNEnergy, LLC

## WHO SHOULD ATTEND

Attendees with less than one year's experience in the regulatory arena and anyone wishing to obtain a basic understanding of the principles involved in gas pipeline ratemaking should attend this course. This course has been designed to meet the specific training needs of attorneys practicing before the FERC, new pipeline employees who will be working in rate departments, and FERC and state commission staff members including accountants, economists, engineers, administrative law judges, and attorneys.

## WHY SHOULD EMPLOYEES ATTEND THIS RATEMAKING COURSE

The issues confronting the Natural Gas Pipeline Industry can be very complex and confusing to the employee with newly acquired responsibilities in the area of regulation. It is essential, therefore, for the employee not only to be able to understand these issues but also to be provided with an integrated framework that shows the interrelationships of the topics and how they fit together. This course will give the attendees the analytical skills necessary to be more productive in the changing environment.

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## WHO WE ARE

[CPU.NMSU.EDU](http://CPU.NMSU.EDU)



The Center for Public Utilities (CPU) is a branch of the College of Business at New Mexico State University. Our primary missions are:

- To provide educational and outreach services to firms in the Electric, Natural Gas LDC, Pipeline, Water, Telecom Industries as well as regulatory commissions
- To coordinate the CPU's activities with the:
  - ✓ **M.A. Economics with a specialization in Public Utility Regulation,**
  - ✓ **MBA program with a concentration in Public Utility Regulation,**
  - ✓ **Graduate Certificate in Public Utility Regulation and Economics (PURE)**

Through a forum of conferences, the Graduate Certificate in Public Utility Regulation and Economics, the Masters of Economics with a Public Utility Regulation Specialization, and MBA Concentration in Public Utility Regulation the CPU

strives to become the leader by keeping industry and commissions in tune with the ever changing market realities and challenging regulatory policies.

Because New Mexico State University is a non-profit institution, it is able to provide rate training courses of the highest quality to the regulatory community at a fraction of the cost charged by other profit based training programs. In addition, our instructors recognize the value of our training courses and offer their expertise to educate professionals in the public utility regulation arena.

Contact Cindy Blume for additional information at [cblume@nmsu.edu](mailto:cblume@nmsu.edu).

## SPONSORED BY NGSA and INGAA



The Energy Bar Association (EBA) is an international, non-profit association of attorneys, non-attorney professionals, and students active in all areas of energy law. Its mission is to promote the professional excellence in the practice of energy law. EBA has over 2500 members, including an increasing number of members in Canada and Mexico, and seven regional chapters. EBA annually hosts two national meetings, and its chapters and numerous subject-matter committees provide a variety of educational and networking opportunities throughout the year at locations across the country. Twice a year, EBA publishes its respected Energy Law Journal, and EBA's Charitable Foundation supports energy-related charitable projects in the U.S. and internationally. More information is found at <http://www.eba-net.org>.



The Interstate Natural Gas Association of America (INGAA) is a trade organization that advocates regulatory and legislative positions of importance to the natural gas pipeline industry in North America. INGAA represents virtually all of the interstate natural gas transmission pipeline companies operating in the U.S., as well as comparable companies in Canada and Mexico. Its members transport over 95 percent of the nation's natural gas through a network of 200,000 miles of pipelines. The interstate natural gas pipeline industry has two principal federal regulators: the Federal Energy Regulatory Commission (FERC) is responsible for the economic regulation of pipelines, while the U.S. Department of Transportation (DOT) Office of Pipeline Safety oversees the industry's safety efforts.



The Natural Gas Supply Association (NGSA) represents integrated and independent companies that supply natural gas. Founded in 1965, NGSA is the only national trade association that solely focuses on producer-marketer issues related to the downstream natural gas industry. NGSA advocates for well-functioning markets that foster a growing, competitive market for natural gas. NGSA is dedicated to achieving a cleaner future through strong partnerships with renewables and supporting innovative technologies and market solutions that reduce emissions.

## HOTEL INFORMATION

### SHERATON UPTOWN ALBUQUERQUE 2600 LOUISIANA, NE, ALBUQUERQUE, NM

#### CONFERENCE HOTEL RATES *(includes full breakfast):*

- \$195 single and \$210 double.
- Reservations cut-off date: April 17, 2024

#### HOTEL RESERVATIONS:

- CENTRAL RESERVATIONS • 1-800-325-3535
- You must mention the NMSU Public Utility Basics

— or —

**RESERVE ONLINE:** A direct link to the Sheraton Uptown's Conference Rate can be found on the CPU website at <http://cpu.nmsu.edu> under "FERC Ratemaking Course" or go directly to our room block for the Sheraton Uptown at:

<https://www.marriott.com/event-reservations/reservation-link.mi?id=1698270466456&key=GRP&app=resvlink>



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# GENERAL INFORMATION

**TRANSPORTATION:** Albuquerque International Sunport ("ABQ") is approximately 9 miles from the Sheraton Uptown. Taxis, rental cars, and ride shares are available at the airport.

## COST:

- Company Representatives: **\$1,895**
- Center Sponsors, Government Agencies, EBA, INGAA, and NGSAs members: **\$1,495**

The registration fee covers all instructional materials presented, receptions, transportation to Santa Fe, and coffee breaks. The registration fee does not include travel, hotel accommodations or meals.

**CANCELLATIONS:** Full registration refund if notification is received before access to course materials are made available. No refunds, registration transfers, or substitutions after access to materials are made available.

**CLE and CPE CREDIT:** It is the responsibility of the individual to apply for CLE or CPE credit in their own state. Attendees must sign in every day and will receive

a Certificate of Completion for the course at the end of the week to include in their application packets. Each individual planning to apply for CLE or CPE credits should contact their state board individually prior to the course and notify the CPU if there are special requirements.

## REGISTRATION MUST BE MADE IN ADVANCE:

Registration and payment online is preferred.

To reserve a space choose one of the following:

- Online:  
<https://cpunmsu.irisregistration.com/Form/ferc-course24>
- Call: 575-646-4876
- E-mail registration form to [cblume@nmsu.edu](mailto:cblume@nmsu.edu)
- Mail in completed registration form to address below.

## FOR MORE INFORMATION CONTACT:

The Cindy Blume at:

- Email: [cblume@nmsu.edu](mailto:cblume@nmsu.edu) or [cpustaff@nmsu.edu](mailto:cpustaff@nmsu.edu)
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**MAY 13-17, 2024**

All presentation materials will be provided in electronic format. Laptops required.\*

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