

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Holly Refining and Marketing Company,)	
)	
v.)	
)	
Plains All American Pipeline, L.P.)	Docket No. OR09-4-000
)	
and)	
)	
Rocky Mountain Pipeline System LLC)	

**MOTION TO INTERVENE AND COMMENTS
OF THE
WYOMING PIPELINE AUTHORITY**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”), 18 C.F.R. § 385.214 (2008), the Wyoming Pipeline Authority (“WPA”) hereby submits its Motion to Intervene in the above-captioned proceeding. In support hereof, the WPA states as follows:

I. COMMUNICATIONS

In accordance with Rule 203(b) of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.203(b) (2008), communications should be addressed to:

Brian Jeffries, Director
Wyoming Pipeline Authority
152 North Durbin Street, Suite 230
Casper, Wyoming 82601
(303)619-3906
b57@jeffries@comcast.net

William F. Demarest, Jr.
Elisabeth R. Myers
Husch Blackwell Sanders LLP
750 17th Street, N.W., Suite 1000
Washington D.C. 20006
(202) 378-2310
william.demarest@huschblackwell.com
elisabeth.myers@huschblackwell.com

II. STATEMENT OF INTEREST

The WPA is a body politic and corporate of the State of Wyoming and an instrumentality of the State. WPA’s principal place of business is located at 152 North Durbin Street, Suite 230,

Casper, Wyoming 82601.

The State of Wyoming has a royalty interest in crude oil produced from state mineral leases in Wyoming. Wyoming also receives a share of the value of the royalty interest of the federal government in crude oil produced from federal mineral leases in Wyoming. The State also receives severance and *ad valorem* taxes on production of crude oil in Wyoming.

Consequently, the State of Wyoming has a substantial economic interest in disposition of crude oil produced in Wyoming.

III. BACKGROUND

On February 16, 2009, Holly Refining and Marketing Company (“Holly”) filed a complaint against Plains All American Pipeline, L.P. (“PAAP”) and Rocky Mountain Pipeline System LLC (“RMPS”) alleging undue and unjust preferential treatment of affiliates of PAAP and RMPS, undue and unjust prejudice and discrimination against Holly Refining, and challenging the lawfulness of the proposed reversal of flow on the interstate pipeline segment of RMPS which currently provides crude oil transportation service from Ft. Laramie, Wyoming to Wamsutter, Wyoming.

IV. MOTION TO INTERVENE AND COMMENTS

Pursuant to Rule 214, 18 C.F.R. § 385.214 (2008), the WPA moves to intervene in this proceeding. In the pursuit of its obligation to develop and maintain access to markets for the abundant natural resources of the State of Wyoming, the WPA monitors proposed actions that may impede the access of Wyoming crude oil to markets. Both PAAP and RMPS are interstate common carriers providing crude oil transportation service through the Rocky Mountain region.

The WPA supports the pipeline modifications proposed by PAAP and RMPS. In its protest Holly alleges that a change in the status quo will result in higher crude oil acquisition costs for Holly. The WPA does not know whether Holly’s costs will rise, fall or remain the same

after the modifications take place. Holly's position represents the notion that the perceived or actual historical benefits of a particular infrastructure configuration should be preserved for Holly as a perpetual right. Holly is asking the Commission to override the market place and to pick a winner and to make that winner Holly. However, if the value of crude oil in Wyoming rises as a consequence of the infrastructure modifications proposed by PAAP and RMPS then the harms envisioned to Holly by Holly represent benefits to the crude oil producers in Wyoming and to the treasury of the State of Wyoming through increased royalty and tax collections that are based on the value of the oil produced. The WPA requests that the Commission reject the complaint of Holly and allow the crude oil pipeline modifications to proceed in a timely manner.

WPA is directly affected by the matters addressed in complaint filed by Holly Refining. Therefore, the WPA has a direct interest in the outcome of this proceeding that no other party can adequately represent. WPA's participation is in the public interest.

V. CONCLUSION

The WPA respectfully requests the Commission to grant the WPA's Motion to Intervene and designate the WPA as a party to this proceeding with all rights attendant thereto.

Respectfully submitted,

THE WYOMING PIPELINE AUTHORITY

By: *William F. Demarest, Jr.*
William F. Demarest, Jr.
Elisabeth R. Myers
Husch Blackwell Sanders LLP
750 17th Street, N.W., Suite 1000
Washington, D.C. 20006

Counsel for The Wyoming Pipeline Authority

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in these proceedings.

Dated at Washington, D.C., this 9th day of March, 2009.

Nancilee Holland
Nancilee Holland