

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

<b>Suncor Energy Marketing Inc,</b>	)	
<b>and</b>	)	
<b>Suncor Energy (U.S.A.) Inc.,</b>	)	<b>Docket No. OR09-6-000</b>
<b>v.</b>	)	
<b>Platte Pipe Line Company</b>	)	

**MOTION OF THE WYOMING PIPELINE AUTHORITY  
FOR LEAVE TO INTERVENE OUT OF TIME  
AND REQUEST FOR TECHNICAL CONFERENCE**

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 For Leave To Intervene Out Of Time and Request for Technical Conference in the above-captioned proceeding.

**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:

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**II. STATEMENT OF INTEREST**

The WPA is a body politic and corporate of the State of Wyoming and an instrumentality of the State. The WPA’s principal place of business is located at 152 North Durbin Street, Suite 250, 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. The WPA is a representative of those interests.

### **III. BACKGROUND**

On April 10, 2009, Suncor Energy Marketing Inc. and Suncor Energy (U.S.A.) Inc. (collectively “Suncor”) filed a complaint and request for expedited action against Platte Pipe Line Company (“Platte”) in the above captioned docket. Suncor’s complaint alleged Platte has failed to conduct prorationing of capacity on the Platte system in accordance with Platte’s tariff and through such failure has discriminated against shippers on Platte such as Suncor.

### **IV. MOTION FOR LEAVE TO INTERVENE OUT OF TIME**

Pursuant to Rule 214, 18 C.F.R. § 385.214 (2008), the WPA moves for leave to intervene out of time 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. The Platte system is an integral element in the infrastructure required to move crude oil produced in Wyoming to refineries in Wyoming and in other nearby states. The WPA has a direct interest in the outcome of this proceeding that no other party can adequately represent. The WPA’s participation is in the public interest.

The deadline for Interventions and Comments in this matter was April 30, 2009. Notice of the deadline was not published in the Federal Register until April 20, 2009. The WPA learned of the filing of the Suncor Complaint on April 30, 2009 and immediately commenced the process of investigating the Complaint and the allegations of Suncor, preparatory to making a decision

whether to participate in this proceeding. Promptly following identification of the issues, a decision to seek to participate in the proceeding was made. Thereafter, the WPA diligently pursued preparation and filing of this Motion.

The matter is in its initial stages and no hearing or other action has been ordered. No discovery has taken place. The WPA agrees to accept the record as WPA finds it. No party will be prejudiced by the WPA's late intervention. Accordingly, good cause exists to allow the WPA to intervene out of time.

#### **V. REQUEST FOR TECHNICAL CONFERENCE**

The WPA is concerned that an improper or discriminatory application of prorationing of scarce capacity on the Platte system could adversely affect the value of crude oil produced in Wyoming and the ability of refineries in Wyoming and in nearby states to utilize Wyoming crude oil supplies. Pipeline prorationing practices are often complex and intensely fact-specific. The WPA supports the convening of a technical conference to more fully explore the facts and circumstances regarding the application of the prorationing practices of Platte.

#### **VI. CONCLUSION**

The WPA respectfully requests the Commission to grant the WPA's Motion For Leave To Intervene Out Of Time and to designate the WPA as a party to this proceeding with all rights attendant thereto. The WPA requests the Commission to convene a Technical Conference to explore the complex factual issues related to the prorationing practices of Platte.

Respectfully submitted,

**THE WYOMING PIPELINE AUTHORITY**

By: *William F. Demarest, Jr.*

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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 6<sup>th</sup> day of May 2009.

*Nancilee Holland*

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