

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
103 FERC ¶ 61,231

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, and Nora Mead Brownell.

Chevron Products Company

Docket No. OR02-4-002

v.

SFPP, L.P.

ORDER DENYING RECONSIDERATION

(Issued May 23, 2003)

1. On October 25, 2002, Chevron Products Company (Chevron) filed a request for rehearing of the Commission's Order Denying Rehearing that was issued September 25, 2002 (September 25, 2002 order).¹ Chevron contends that the Commission based its decision in the September 25, 2002 order on erroneous assumptions and that its complaint against SFPP, L.P. (SFPP) should not have been dismissed.

2. Because the September 25, 2002 order did not reverse, change, or modify the Commission's original determination in this proceeding, and because Chevron raises essentially the same grounds for review as before, the Commission will treat Chevron's filing as a request for reconsideration of the September 25, 2002 order. However, the Commission previously has examined Chevron's complaint and subsequent pleadings and has ruled on previous occasions that Chevron's complaint should be dismissed. The Commission finds here that Chevron again has failed to demonstrate that the Commission should consider its complaint against SFPP. Accordingly, the Commission denies Chevron's request for reconsideration. This action serves the public interest by maintaining adherence to the Commission's complaint procedures and informational requirements, thereby ensuring an orderly and fair complaint process.

¹Chevron Products Company v. SFPP, LP, 100 FERC ¶ 61,329 (2002).

REQUEST FOR RECONSIDERATION

3. Chevron first asserts that the Commission erred by incorrectly assuming that Chevron was attempting to enlarge its right to reparations, if any, in Docket No. OR96-2-000, et al. (Consolidated Proceedings). Second, Chevron contends that the Commission erred by ruling that Chevron's complaint, together with its reply filed on May 2, 2002 did not satisfy the requirements of 18 C.F.R. § 385.206. Finally, Chevron contends that even, assuming arguendo that its complaint did not satisfy the requirements of that section of the Commission's regulations, the Commission abused its discretion in the "unique circumstances" of this proceeding by not waiving its rules to permit Chevron to become a complainant in Docket No. OR96-2-000, et al.

DISCUSSION

4. Chevron's desire to press its complaint against SFPP has been addressed in a variety of previous orders in this proceeding. Chevron's allegations have been investigated thoroughly and rejected. The instant request for rehearing of a previous rehearing order adds nothing to Chevron's position except the ill-founded claim that the Commission has abused its discretion by failing to waive its regulations to permit Chevron to become a complainant in Docket No. OR96-2-000, et al.

5. On April 12, 2002, the Presiding Administrative Law Judge (ALJ) in the Consolidated Proceedings issued an order denying Chevron's request that it be permitted to assume the interests of Texaco Refining and Marketing, Inc. (TRMI).² In an order issued May 21, 2002, the Commission dismissed Chevron's complaint against SFPP, stating that Chevron had failed to comply with the Commission's regulations governing complaints and had not provided an adequate explanation for its belated effort to participate in the Consolidated Proceedings.³

6. On May 22, 2002, Chevron filed an out-of-time interlocutory appeal of the ALJ's April 12, 2002 order denying its request to be substituted for TRMI in the Consolidated Proceedings. On May 29, 2002, the Commission's Secretary issued a notice stating that the Chairman, acting as Motions Commissioner, had determined not to refer Chevron's interlocutory appeal to the full Commission because Chevron had failed to demonstrate extraordinary circumstances warranting Commission review of the contested ruling.

²Texaco Refining and Marketing, Inc. and Equilon Enterprises, LLC v. SFPP, L.P., 99 FERC ¶ 63,009 (2002).

³Chevron Products Company v. SFPP, L.P., 99 FERC ¶ 61,196 (2002).

Docket No. OR02-4-001

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7. On June 20, 2002, Chevron filed a request for rehearing of the Commission's May 21, 2002 order dismissing its complaint. In the September 25, 2002 order, the Commission denied rehearing, emphasizing that Chevron's efforts to join as a complainant in the Consolidated Proceedings had been rejected in the orders described above.⁴ In that order, the Commission again thoroughly reviewed Chevron's contentions and found them insufficient to warrant any change to the previous rulings.

8. Chevron's instant request for reconsideration adds nothing to the allegations that have been reviewed before. Chevron's claim that the Commission has abused its discretion by failing to waive its regulations and permit Chevron to participate in the Consolidated Proceedings is equally baseless. Chevron has been afforded ample opportunity to present its arguments, and they have been found lacking. Accordingly, reconsideration of the Commission's order issued September 25, 2002 in this proceeding is denied.

The Commission orders:

Reconsideration of the September 25, 2002 order in this proceeding is denied, as discussed in the body of this order.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

⁴Chevron Products Company v. SFPP, L.P., 100 FERC ¶ 61,329 (2002).