

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMITTEE

Rockies Express Pipeline LLC

)

Docket No. CP07-208-000

**MOTION FOR LEAVE TO INTERVENE  
OUT OF TIME OF EL PASO MARKETING, L.P.**

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("FERC" or "Commission"), 18 C.F.R. §§ 385.212 & 385.214 (2006), El Paso Marketing, L.P. ("El Paso") hereby files its Motion to Intervene Out of Time in the above-captioned proceeding.

**I. COMMUNICATIONS AND CORRESPONDENCE**

All correspondence and communications concerning this filing should be directed to the following persons:

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\* Designated to receive service pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure.

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## **II. BACKGROUND**

El Paso is a wholly-owned indirect subsidiary of El Paso Corporation (a publicly-traded company whose stock is traded on the New York Stock Exchange) organized under the law of Delaware and a natural gas marketer that sells wholesale natural gas at market-based rates.

On April 30, 2007, Rockies Express Pipeline LLC ("Rockies Express") filed an application in Docket No. CP07-208-000 pursuant to Section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations for a certificate of public convenience and necessity to construct certain pipeline facilities, referred to as the REX-East Project, to extend Rockies Express' certificated system eastward from its terminus in Audrain County, Missouri to Monroe County, Ohio and to increase the transportation capacity of its system from 1,500,000 Dth per day to 1,800,000 Dth per day. Specifically, Rockies Express seeks Commission authorization to construct 638 miles of 42-inch pipeline and a total of approximately 236,000 horsepower of compression at seven new compressor stations. By notice issued May 14, 2007, the Commission established June 4, 2007 as the date on or before which motions to intervene or protests are to be filed in this proceeding.

## **III. INTERVENTION OUT OF TIME**

El Paso seeks leave to intervene out of time. In acting upon a motion to intervene out of time, the Commission considers whether: (1) the movant has good cause for failing to timely file its motion; (2) intervention will disrupt the proceeding; (3) the movant's interest is adequately represented by other parties in the proceeding; and (4) late intervention may

prejudice existing parties.<sup>1</sup> The Commission's policy is to permit interventions out of time if submitted before a substantive decision is issued, and no substantive decision has been issued in this proceeding.<sup>2</sup>

Here, good cause exists for permitting El Paso to intervene out of time in this proceeding. Due to El Paso's delay in reviewing the Rockies Express application, El Paso is submitting this Motion for Leave to Intervene Out of Time only sixteen days after the intervention deadline. At this stage, intervention by El Paso will not disrupt the proceeding and El Paso's participation will not prejudice the existing parties. El Paso has a direct and substantial interest in this proceeding because the REX-East Project will bring incremental gas supply into El Paso's market area, and El Paso's interests cannot be adequately represented by any other party. Further, El Paso will accept the record in this proceeding as it stands at the time of its intervention and reserves its right to file comments in this proceeding, after further reviewing the application submitted by Rockies Express.

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<sup>1</sup> 18 C.F.R. § 385.214(d) (2006).

<sup>2</sup> See, e.g., *Southern Star Central Gas Pipeline, Inc.*, 11 FERC ¶ 61,057 (2006) (granting intervention out of time when submitted before any order had issued); see also *Colorado Interstate Gas Co.*, 115 FERC ¶ 61,039, at P 5 (2006) ("[A]ll timely-filed motions to intervene and any motions to intervene out-of time before the issuance date of this order are granted."); *Columbia Gas Transmission Corp.*, 114 FERC ¶ 61,329, at P 3 (2006) ("[A]ny timely filed motion to intervene and motion to intervene out-of-time filed before the issuance date of this order are granted. Granting late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties.").

#### IV. CONCLUSION

Wherefore, El Paso respectfully requests that the Commission grant this Motion for Leave to Intervene Out of Time and permit El Paso to participate in this proceeding with full rights as a party hereto.

Respectfully submitted,

/s/ Kenneth W. Irvin

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Dated: June 20, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the foregoing document upon each person on the Official Service List compiled by the Secretary in these proceedings.

Dated at Washington, D.C., this 20<sup>th</sup> day of June, 2007.

/s/ Kenneth W. Irvin  
Kenneth W. Irvin