

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

Certification of New Interstate Natural Gas Facilities) Docket No. PL18-1-000

**JOINT MOTION FOR EXTENSION OF TIME AND
REQUEST FOR EXPEDITED TREATMENT OF THE JOINT ASSOCIATIONS**

Pursuant to Rule 212 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure,¹ the American Forest & Paper Association (“AF&PA”), American Gas Association (“AGA”), the American Petroleum Institute (“API”), the American Public Gas Association (“APGA”), the Center for LNG (“CLNG”), the Energy Infrastructure Council (“EIC”), GPA Midstream Association (“GPA”), the Industrial Energy Consumers of America (“IECA”), Independent Petroleum Association of America (“IPAA”), Interstate Natural Gas Association of America (“INGAA”), the Natural Gas Supply Association (“NGSA”), and the Process Gas Consumers (“PGC”) on behalf of their respective members (collectively, the “Joint Associations”), respectfully submit this motion for an extension of time to submit comments in response to the Notice of Inquiry on Certification of New Interstate Natural Gas Facilities.² For the reasons discussed below, the Joint Associations request a forty-five (45) day extension, until June 10, 2021, for filing comments.³

I. BACKGROUND

On February 18, 2021, the Commission issued an updated list of questions in Docket No. PL18-1-000 seeking new information and refreshed comments from stakeholders to help the

¹ 18 C.F. R. § 385.212 (2021).

² *Certification of Interstate Natural Gas Facilities*, Notice of Inquiry, Docket No. PL18-1-000, 174 FERC ¶ 61,125 (2021) (“2021 NOI”).

³ The 2021 NOI was published in the Federal Register on February 24, 2021, 86 Fed. Reg. 11268 and the comment date of April 26, 2021 was established.

Commission explore whether it should revise its approach under the currently effective policy statement on the certification of new natural gas facilities to determine whether a proposed natural gas project is or will be required by the public convenience and necessity, as that standard is established in Section 7 of the Natural Gas Act. The 2021 NOI restated and revised the questions that the Commission sought comment on in 2018⁴ and added new questions and a new category of questions on Environmental Justice. Shortly thereafter, the 2021 NOI was published in the *Federal Register*, with comments due on April 26, 2021.

II. MOTION FOR EXTENSION OF TIME

Good cause exists to grant this extension of time. The Commission received over 3,000 comments in response to its 2018 NOI, including submissions from each of the Joint Associations. However, in the almost three years since the docket opened, the Commission did not take further action in response to stakeholder comments and is now seeking renewed comments on a number of issues on an accelerated schedule despite any statutory or executive order deadline to act. While the updated 2021 NOI includes the same four general areas of examination as the 2018 NOI, each section asks both new and revised questions, including several multi-part questions. Additionally, the 2021 NOI added a completely new broad category to examine, the consideration of environmental justice communities with seven questions to address.

These new and revised questions address various technical, economic, societal, and scientific issues which are complex in nature and require significant time to review and respond to in a meaningful manner to inform the Commission in its decision-making process. While the 2021 NOI states commenters do not need to address every question, it is urging

⁴ *Certification of New Interstate Natural Gas Facilities*, 163 FERC ¶ 61,042 (2018) (“2018 NOI”).

stakeholders to submit new or modified comments that “clearly explain *why* the Commission should or should not take a specific course of action... and provide precise recommendations for *how* the Commission could implement such changes.”⁵ For stakeholders to thoughtfully respond to the 2021 NOI, more time is needed. The Joint Associations are no exception and additional time is required to analyze the issues and discuss the matters with members.

After issuing the 2018 NOI, the Commission, of its own volition, issued an order extending the comment due date and provided stakeholders an additional 30 days for filing comments. The Commission recognized “given the complexity of the issues, and our desire to ensure the best possible record, the Commission has decided to extend the time for interested entities to submit their comments in this matter.”⁶ The Joint Associations believe the updated 2021 NOI raises similar, if not more, complex issues that require ample time and resources to ensure the best possible record.

The Commission’s determination in this proceeding will have significant implications for the natural gas industry and its customers. Any modifications to the policy statement, large or small, could change how the Commission evaluates and determines whether a natural gas project is in the public interest for years to come. Thus, the Joint Associations, who represent companies across the natural gas value chain and its customers, are considerably impacted by this proceeding and its outcome.

In addition, the current deadline for comments is during an incredibly busy time for the Commission and stakeholders. FERC has initiated dockets on several significant natural gas infrastructure-related proceedings with comment periods within the same timeframe as the

⁵ See 2021 NOI, P 4 (emphasis in original).

⁶ See FERC Order Extending Time for Comments, Docket No. PL18-1-000 (May 30, 2018).

2021 NOI.⁷ Consequently, resources across the Joint Associations are focusing on several matters initiated by the Commission and are working to ensure full participation in all the relevant proceedings so that valuable input can be provided to the Commission. Providing a 45-day extension for comments in this proceeding will not cause a significant delay in the Commission's consideration of the record and any next steps (if any additional steps are warranted based on the record developed).

III. REQUEST FOR EXPEDITED TREATMENT

The Joint Associations respectfully request that the Commission act on this motion by no later than March 23, 2021, and in doing so, make a reduction in the comment period for the filing of answers to this motion to reflect this request for expedited treatment. The Joint Associations request the Commission allow for a five-day period for answers to this motion, per the Commission's regulations,⁸ to ensure that the Commission can act on this motion within the time requested. If the Commission is not inclined to grant the extension, interested parties need certainty in this regard as soon as possible so that they can plan accordingly.

IV. CONCLUSION

For the foregoing reasons, the undersigned Joint Associations respectfully request that the

⁷ For example, on February 18, 2021, the Commission issued an order in Docket No. CP16-9-012 establishing a paper briefing on a significant issue that the natural gas industry is weighing in on, with briefs due on April 5 and reply briefs due May 5, 2021. On February 18 and on March 5, 2021, the Commission issued notices announcing an April 16 workshop to provide input on the Office of Public Participation, comments due April 23 and several listening sessions throughout March for stakeholders to participate in.

⁸ See 18 C.F.R. § 385.213(d).

Commission grant this motion to provide until June 10, 2021 to file comments in response to the 2021 NOI, and the motion for expedited treatment.

Respectfully submitted,

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