

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

The Office of Public Participation

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Docket No. AD21-9-000

**INITIAL COMMENTS OF THE
AMERICAN PUBLIC GAS ASSOCIATION**

Pursuant to notice of the Federal Energy Regulatory Commission (FERC or Commission) to hold a workshop as part of an effort to establish the Office of Public Participation (OPP)¹ and the subsequent request for comments,² the American Public Gas Association (APGA) files these initial comments:

I. COMMUNICATIONS

Any communications regarding this pleading or this proceeding should be addressed to:

David Schryver
President & CEO
American Public Gas Association
Suite C-4
201 Massachusetts Avenue, NE
Washington, DC 20002
dschryver@apga.org

Renee M. Lani
Director of Regulatory Affairs
American Public Gas Association
Suite C-4
201 Massachusetts Avenue, NE
Washington, DC 20002
rlani@apga.org

¹ The Office of Public Participation; Notice of Workshop and Request for Panelists, 86 FR 11764 (Feb. 26, 2021).

² The Office of Public Participation; Notice of Virtual Listening Sessions and a Public Comment Period, 86 FR 13893 (Mar. 11, 2021).

II. STATEMENT OF INTEREST

APGA is the national, non-profit association of publicly-owned natural gas distribution systems, with over 735 members in 38 states. Overall, there are approximately 1,000 publicly-owned systems in the United States. Publicly-owned gas systems are not-for-profit retail distribution entities that are owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

A public gas system gives a community local control over how gas is provided to homes and businesses. Decisions are made locally through citizen participation instead of being made in a distant city by people who may not appreciate local issues and who may be primarily focused on profits, not service. Public gas systems are regulated by their consumer-owners through locally elected governing boards or appointed officials. This form of governance takes place at the ballot box and by participation in city council and utility board meetings, at public hearings, citizen advisory committees, task forces, and other public forums. Local governing boards make a wide range of decisions, overseeing ordinary, day-to-day issues, as well as sweeping policies that affect community-wide services. These boards most often have authority over rates and services, the utility budget, labor contracts, salaries of key utility officials, municipal bonds, financial investments, and the right of eminent domain. The boards of public gas systems are accountable to the citizen ratepayers they serve and removable by them, unlike private investor-owned gas companies.

Because they are inter-woven with the communities they serve, APGA members are valuable stakeholders in FERC activities, including the development of the OPP. Accordingly, we look forward to providing the Commission with input from the perspective of communities that are directly impacted by FERC's natural gas infrastructure certificate activities.

III. COMMUNITIES SERVED BY NOT-FOR-PROFIT NATURAL GAS SYSTEMS BENEFIT FROM NATURAL GAS INFRASTRUCTURE DEVELOPMENT AND ARE CRITICAL PUBLIC STAKEHOLDERS IN FERC PROCEEDINGS

The natural gas utility in a community is an economic engine, and it is one of the most important tools in terms of a community's success in economic development. In fact, prospective commercial, institutional, and industrial facilities are more likely to locate in communities where natural gas is available, which is valuable as job creation and retention in a community are paramount to the wellbeing of the local population.

For example, in the City of Bainbridge, Ga., Paerosol Global Partners LLC – a manufacturer of disinfectant solutions and spraying instruments – is investing nearly \$17 million in building a new plant. This project, made possible with gas service from the local, not-for-profit public natural gas system, marks the company's first location in the state and is creating 140 new jobs within the community. In Commerce, Ga., SK Battery America is nearing completion of a car battery plant, which will begin commercial operations in early 2022. The company is also building a second plant, resulting in a total investment of \$2.6 billion. Approximately 2,600 new jobs will be created by the end of 2023, including nearly 1,000 new jobs by the end of this year. The company will consume a significant amount of natural gas in its manufacturing

process, to be supplied by the city's public gas utility, making it one of the largest industrial gas customers in the region.

While just two examples out of the roughly 1,000 communities across the nation that rely on their public gas systems, they demonstrate the importance of access to safe and reliable natural gas infrastructure to these communities. In addition to economic benefits, American public gas systems also engage with their communities in a number of different ways, such as working collaboratively to further sustainability goals.³

In order to serve the communities that govern them, APGA members purchase interstate natural gas transportation services from pipelines at rates and under terms and conditions that are regulated by the Commission. Consequently, as FERC moves to better engage the public in its proceedings, public gas systems and their communities are critical stakeholders to have at the table, as they are directly impacted by the Commission's actions.

IV. COMMENTS

As indicated in its initial notice of the workshop to discuss the formation of the OPP,⁴ the Commission intends to establish and operate the office to "coordinate assistance to the public with respect to authorities exercised by the Commission," including assistance to those seeking to intervene in Commission proceedings, pursuant to section 319 of the Federal Power Act (FPA).⁵ For decades, our members

³ APGA Sustainability Report, American Public Gas Association (2020), available at https://higherlogicdownload.s3.amazonaws.com/APGA/aba5f6fa-5356-422b-8a3a-fb663df47b2a/UploadedFiles/wR9ITSiXQPDQH5v9nola_2020SustainabilityReport_Final.pdf.

⁴ The Office of Public Participation; Notice of Workshop and Request for Panelists, 86 FR 11764 (Feb. 26, 2021).

⁵ 16 U.S.C. § 825q-1.

have relied on APGA to be the voice at FERC for their communities in broad-reaching Commission proceedings. Nonetheless, direct public input from these communities has a value that Congress has recognized. APGA and our members hope that OPP will be integrated into the existing, robust processes while avoiding the creation of additional undue delays in already lengthy proceedings.

In its supplemental notice announcing its intent to convene listening sessions and call for public comment,⁶ the Commission posed several questions for which it invited stakeholder feedback. The inquiry requested comments on how the office should be structured, whether it should create an advisory board for the office, and how the office should engage with and coordinate assistance to public participants (e.g., Tribal Governments, environmental justice communities, energy consumers, landowners, etc.) interested in engaging in a proceeding, among other things.

While we do not have specific recommendations on the new office's structure, APGA and our members believe that the OPP will be most effective as a neutral entity acting as an educational resource and conduit between FERC's existing offices and all public participants. In this role, the OPP can provide resources and guidance, as appropriate, to help better inform the public of potential impacts (including costs and benefits) of FERC's proceedings may have on stakeholders, as well as educate the public on how to engage in the process, if they so choose. For instance, the OPP could spearhead efforts, such as improving the Commission's website to make it more user-

⁶ The Office of Public Participation; Notice of Virtual Listening Sessions and a Public Comment Period, 86 FR 13893 (Mar. 11, 2021).

friendly for anyone unfamiliar with the complexities of FERC and its proceedings. It could also create broad-based materials, such as educational webinars, that very clearly describe the Commission's role and relevant processes in plain language, as well as step-by-step tutorials on how to properly engage in Commission proceedings according to its rules and regulations.

As FERC gives definition to the OPP, by rulemaking, guidance, or policy statement that will govern the office's activities, APGA encourages the Commission to keep OPP's function relatively simple so that it is clear to the public and unambiguously define any terms that may present uncertainties. Additionally, if the OPP chooses to actively engage the public at any point, all impacted public stakeholders should be allowed to be equally involved, including affected public gas systems and the communities they support, to ensure the broadest collection of perspectives. With clarity and input from all relevant stakeholders along the way, FERC will be able to effectively establish the OPP to be the valuable resource that Congress intended.

V. CONCLUSION

APGA thanks the Commission for considering these comments as it continues working towards the establishment of an efficient and effective Office of Public Participation.

Respectfully submitted,

AMERICAN PUBLIC GAS ASSOCIATION

By /s/ Dave Schryver

Dave Schryver
President & CEO
American Public Gas Association
Suite C-4
201 Massachusetts Avenue, NE
Washington, DC 20002
dschryver@apga.org

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