

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

Petition for Rulemaking to Update)	Docket No. RM21-__-000
Pipeline Filing Requirements)	

**PETITION FOR RULEMAKING TO UPDATE PIPELINE FILING REQUIREMENTS
OF THE AMERICAN GAS ASSOCIATION, AMERICAN PUBLIC GAS
ASSOCIATION, AMERICAN FOREST & PAPER ASSOCIATION, INDUSTRIAL
ENERGY CONSUMERS OF AMERICA, PROCESS GAS CONSUMERS GROUP, AND
NATURAL GAS SUPPLY ASSOCIATION**

Pursuant to Rule 207(a)(4) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”), 18 C.F.R. § 385.207(a)(4) (2021), the American Gas Association (“AGA”), American Public Gas Association (“APGA”), American Forest & Paper Association (“AF&PA”), Industrial Energy Consumers of America (“IECA”), Process Gas Consumers Group (“PGC”), and Natural Gas Supply Association (“NGSA”) (collectively, the “Petitioners”) submit this Petition for Rulemaking (“Petition”), and respectfully request that the Commission conduct a rulemaking to revise its regulations at 18 C.F.R. § 154, or in the alternative, update its filing procedures, to require the submission of all statements and schedules in native format with all cells, links and formulas intact when a natural gas company files for a change in rates or charges.

I. INTRODUCTION

The Commission's regulations and Implementation Guide for Electronic Tariff Filings¹ do not require pipelines to file all statements and schedules in native format, which has caused delays in the establishment of just and reasonable rates. When certain statements and schedules are filed in PDF format rather than in native application format, *e.g.*, Excel, Commission Staff and parties to the proceeding are unable to perform routine analyses as is the customary practice in a rate case by use of a pipeline's actual Excel spreadsheets. Without the information in the proper format, all stakeholders lose valuable time in analyzing and establishing just and reasonable rates. Petitioners recommend that the Commission institute a rulemaking to consider revising its regulations on electronic filing of tariffs and related materials, 18 C.F.R. § 154, to require companies to file all tariff statements and schedules in PDF and in native format with all cells, links and formulas intact in order to be consistent with prior Commission orders and to ensure expeditious examination of materials.

¹ *FERC Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300 and 341 Tariff Filings* ("Implementation Guide for Electronic Tariff Filings") (2016), available at <https://www.ferc.gov/sites/default/files/2020-05/implementation-guide.pdf>. See also Instruction Manual for Electronic Filing of Part 154 Rate Filings (Appendix), Implementation Guide for Electronic Tariff Filings at 2 ("Submission of spreadsheets in native file format is preferred for Statements A through M, including related schedules. Statements O and P may use any electronic format that renders text, graphics, spreadsheets or data bases that the Commission accepts (the list of FERC Acceptable File Formats is available on www.ferc.gov)").

II. COMMUNICATIONS

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III. IDENTITY AND INTERESTS

AGA, founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 76 million residential, commercial, and industrial natural gas customers in the U.S., of which 95 percent — more than 72 million customers — receive their gas from AGA members. AGA is an advocate for natural gas utility

companies and their customers and provides a broad range of programs and services for member natural gas pipelines, marketers, gatherers, international natural gas companies, and industry associates. Today, natural gas meets more than thirty percent of the United States' energy needs.²

AGA member LDCs own and operate local natural gas distribution pipeline systems that typically receive natural gas supplies that have been transported on the interstate pipeline system. LDCs deliver natural gas under locally-regulated rates, terms, and conditions, directly to residential, commercial, and industrial customers, including electric generators. AGA members take service from virtually every interstate natural gas pipeline regulated by the Commission under the NGA. As customers of jurisdictional pipelines and providers of natural gas distribution service to all retail segments, AGA members are directly affected by the Commission's rules and policies addressing or affecting pipeline rates. AGA member companies, therefore, have a direct and substantial interest in the issues raised in this filing.

APGA is the trade association for approximately 1,000 communities across the U.S. that own and operate their retail natural gas distribution entities. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies, all locally accountable to the citizens they serve. Public gas systems provide safe, reliable, and affordable energy to their customers and support their communities by delivering fuel to be used for cooking, clothes drying, and space and water heating, as well as for various commercial and industrial applications.

AF&PA serves to advance a sustainable U.S. pulp, paper, packaging, tissue and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and

² For more information, please visit www.aga.org.

recyclable resources and are committed to continuous improvement through the industry's sustainability initiative – Better Practices, Better Planet 2020. The forest products industry accounts for approximately 4% of the total U.S. manufacturing GDP, manufactures over \$200 billion in products annually, and employs approximately 900,000 men and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 45 states. AF&PA member companies own and operate facilities that consume natural gas delivered through the numerous interstate natural gas pipelines.

IECA is an association of manufacturing companies with \$1.1 trillion in annual sales, over 4,400 facilities nationwide, and more than 1.8 million employees. IECA membership represents a diverse set of industries including: chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, building products, automotive, independent oil refining, and cement. IECA members hold transportation capacity on numerous interstate pipelines.

PGC is a trade association that represents energy-intensive large industrial and manufacturing natural gas consumers who are typically longstanding, significant employers within their respective communities. PGC members own and operate hundreds of manufacturing plants and facilities in virtually every state in the nation and consume natural gas delivered through interstate natural gas pipeline systems throughout the United States. PGC members hold transportation capacity on numerous interstate pipelines.

NGSA represents integrated and independent energy companies that produce and market domestic natural gas and is the only national trade association that solely focuses on producer-marketer issues related to the downstream natural gas industry. NGSA's members trade, transact, and invest in the United States natural gas market in a range of different manners as well as supply

and ship billions of cubic feet of natural gas per day on interstate pipelines and therefore, could be greatly impacted by the outcome of this proceeding.

IV. REQUEST FOR RULEMAKING

The Commission's regulations and guidelines do not require the submission of all tariff filing documents in native format. Instead, Order Nos. 582³ and 703⁴ require that certain statements, but not all, be submitted in native spreadsheet format with formulas and links included.⁵ Also the Commission's Implementation Guide for Electronic Tariff Filings prefers, but does not require, companies to file spreadsheets in native format with formulas. As discussed herein, the Commission should update its regulations or procedures to require the submission of all statements, schedules and workpapers, *etc.*, in native electronic format, such as Excel, with all cells, links, and formulas intact.

A. The Commission should require all tariff statements and schedules to be filed in native file format, with all cells, links, and formulas intact

Petitioners request that the Commission institute a rulemaking to consider revising its regulations on electronic filing of tariffs and related materials, 18 C.F.R. §154, or at the minimum, issue an order revising and updating the Implementation Guide for Electronic Tariff Filings,⁶ to require companies to file pertinent tariff documents, particularly spreadsheets, in native format. The native format version preserves the formulas, which must be included in the filing so that parties can fully review the basis for the filing.

³ *Filing and Reporting Requirements for Interstate Natural Gas Company Rate Schedules and Tariffs*, Order No. 582, 60 Fed. Reg. 52,960-01, 52,994 (1995), order on clarification, 76 FERC ¶ 61,077 (1996).

⁴ *Filing Via the Internet*, Order No. 703, FERC Stats. & Regs., ¶ 31,259 (2007) (cross-reference at 121 FERC ¶ 61,171).

⁵ *East Tennessee Natural Gas LLC*, 172 FERC ¶ 61,114, P 33 (2020).

⁶ *FERC Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300 and 341 Tariff Filings* ("Implementation Guide for Electronic Tariff Filings") (2016).

Currently, pursuant to the Commission's rules and orders certain statements, but not all, must be submitted in native spreadsheet format with formulas and links included. As the Commission recently stated, it requires, pursuant to Order No. 582 and Order No. 703, "that Statements H, I, and J must be filed in the same format generated by the spreadsheet software used to create the statement or workpaper and that these spreadsheets must include all the formulas and links to other spreadsheets filed in the same rate case."⁷ FERC's Implementation Guide currently states that submission of spreadsheets in native file format is "preferred" for Statements A through M, including related schedules.⁸ Further, Statements O and P may use any electronic format that renders text, graphics, and spreadsheets or data bases that the Commission accepts.⁹ While having some statements required to be filed in native format is helpful and while FERC's preference for filings in native format for other statements and spreadsheets is also beneficial, the Commission's current policy does not ensure that the Commission Staff and stakeholders will have access all the information in native format with formulas to perform routine analyses in order understand the filing and the filer's position.

An examination of recent conduct by natural gas pipeline companies illustrates the need for the Commission to consider revising its rules and policies. In a recent rate proceeding, for example, several parties¹⁰ noted that the pipeline submitted rate case material in a PDF format only, not a workable, native file format, consistent with the Commission's preferred filing procedures. The parties requested that the Commission direct the pipeline company to provide its

⁷ *East Tennessee Natural Gas LLC*, 172 FERC ¶ 61,114, P 34.

⁸ Implementation Guide for Electronic Tariff Filing at 5.

⁹ *Id.*

¹⁰ See *Texas Eastern Transmission LP*, Docket No. RP19-343 and the following protests/comments: *Piedmont Natural Gas Company, Inc.* at 8.; *National Grid Gas Delivery Companies* at 5; *Municipal Defense Group* at 7-8, *PSEG Energy Resources & Trade* at 6; *UGI Utilities Inc. – Gas Division* at 4; *Texas Eastern Customer Group* at 2; *National Fuel Gas Distribution Corporation* at 5.

filing in a workable, native file format to promote an expeditious examination of these materials.¹¹

The Commission noted in its order that the company had submitted some Excel statements and spreadsheets; however, the Commission directed the natural gas pipeline company to submit any remaining supporting statements and workpapers in native file format that had not already been submitted, to the extent there were any, consistent with the Commission's filing procedures.¹²

In another recent proceeding, a similar situation occurred, *i.e.*, the pipeline did not submit its rate case filing in a workable, native file format. After protests and motions were filed,¹³ the Commission ordered the pipeline to file certain statements in native form.¹⁴ In *East Tennessee Natural Gas LLC*, the Commission explained that the Implementation Guide for Electronic Filing indicates a preference in the submission of native spreadsheet formats, and merely provides guidance for entities to submit tariffs, rate schedules, and services agreements electronically pursuant to Commission regulations.¹⁵ However, the Commission went on to explain that Order No. 582 and Order No. 703, require that Statements H, I, and J must be submitted in native spreadsheet format with formulas and links included, as this data is essential to understanding the pipeline's position with regard to cost allocation and rate design.¹⁶ The Commission noted that it routinely must obtain the formulas used in rate case filings through data requests asking that the information be presented in spreadsheet format, and therefore, having a native spreadsheet format initial requirement avoids the burden of having the same data submitted in response to a data

¹¹ *Texas Eastern Transmission, LP*, 165 FERC ¶ 61,287, P 17 (2018), *East Tennessee Natural Gas, LLC*, 172 FERC ¶ 61,114 at P 21-23.

¹² *Texas Eastern Transmission, LP*, 165 FERC ¶ 61,287 at P 31.

¹³ See *East Tennessee Natural Gas, LLC*, Docket No. RP20-980-000 and the following: Joint Protest of Atmos Energy Corporation, Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, and Piedmont Natural Gas Company, Inc. at 11; Answer and Motion to Strike of Public Service Company of North Carolina at 2.

¹⁴ *East Tennessee Natural Gas LLC*, 172 FERC ¶ 61,114 at PP 33-34.

¹⁵ *Id.* at P 33.

¹⁶ *Id.*

request.¹⁷ Therefore, the Commission explained that it requires that Statements H, I, and J must be filed in the same format generated by the spreadsheet software used to create the statement or workpaper and that these spreadsheets must include all the formulas and links to other spreadsheets filed in the same rate case.¹⁸

While the Petitioners appreciated the Commission directing the company to submit the indicated supporting statements and workpapers in native file format, the directive does not cover all the relevant rate related statements. Time is of the essence in rate proceedings and ensuring that pipelines file in native format initially is of the utmost importance. Every day that stakeholders are lacking the tools needed to perform their analyses puts them at risk of a further delay in the establishment of just and reasonable rates. Without all the information in native format, parties are not able to analyze broken links, formulas, or mathematical errors, nor extrapolate or cross-reference information.¹⁹

Petitioners request that the Commission institute a rulemaking to consider revising its regulations to make clear that companies must file all pertinent tariff and rate documents in native format. Specifically, Statements A through M, including related schedules, should be filed in native file format, with all cells, links, and formulas intact. Furthermore, Statements O and P should also be filed in electronic format that renders text, graphics, spreadsheets, or data in a native format.²⁰ Providing the appropriate revisions will ensure that the filing regulations are consistent with past Commission orders on filing format, as well as increase efficiency and transparency in rate proceedings.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ The problems caused by failure to file data in native format have arisen in prior proceedings as well. *See e.g., High Point Gas Transmission LLC* 145 FERC ¶ 61,234, P 13, fn. 23 (2013).

²⁰ As part of the rulemaking proceeding requested by this petition, the Commission should also consider expanding the native form filing requirement to the filing of customer indexes. *See* 18 C.F.R. § 154.111.

1. Requiring certain tariff and rate documents to be filed in native format is consistent with the requirements imposed by the Commission on natural gas pipeline companies in other orders

The Commission has previously issued several final rules that required spreadsheets to be filed in native format. After the implementation of Order No. 636, the Commission updated the filing and reporting requirements in Order No. 582 by requiring pipelines filing rate cases pursuant to Part 154 of the Commission's regulations to file data and allocation and rate design formulas in electronic formats.²¹ The Commission discussed the appropriate format for numeric data, stating that formulas in workpapers or statements are important to the understanding of the pipeline's filing.²² Further, the Commission stated that data for certain statements must be received with the formulas included.²³ The Commission explained that "[t]he requirement that the initial filing be in spreadsheet format avoids the burden of having the same data submitted once as a tab delimited file and again, in response to a data request, in spreadsheet form, in order to capture the formulas."²⁴ While the Commission explained, at the time, that it would not require the entire rate case to be filed in spreadsheet form, it nonetheless noted that for the spreadsheets that were filed, those spreadsheets must include all the formulas and all links to other spreadsheets filed in the same rate case, underscoring the importance of the format and the formulas and links.²⁵

In 2007, the Commission issued Order No. 703 to expand the capabilities of the eFiling system. Specifically, Order No. 703 amended the Commission's regulations to allow the

²¹ *Filing and Reporting Requirements for Interstate Natural Gas Company Rate Schedules and Tariffs*, Order No. 582, FERC Stats. and Regs., ¶ 31,025 (1995), 60 Fed. Reg. 52960 (October 11, 1995); *see also Filing Via the Internet*, Order No. 703, 121 FERC ¶ 61,171, P 26 (2007).

²² Order No. 582, 60 Fed. Reg. 52960, 52994 ("The Commission agrees with the parties arguing for a spreadsheet format where the formulas in the workpaper or statement are important to the understanding of the pipeline's filing.").

²³ Order No. 582 at 52994 ("To be useful, the data, required in subpart D, by Statements I and J and the state tax formulations in Statement H, must be received with the formulas included. These formulas are necessary to understand the pipeline's position with respect to cost allocation and rate design.").

²⁴ *Id.*

²⁵ *Id.*

electronic filing of all documents through the eFiling interface except for tariff filings and some forms and documents submitted under protective orders.²⁶ The final rule discussed the filing format for documents, including PDFs, text and spreadsheets, submitted through eFiling. For example, the Secretary’s instructions required PDFs to be produced in a manner that retains the ability to search the document (“print-to-PDF”), except in cases where it is impracticable for the filer to do otherwise.²⁷ The Commission noted that the search feature provides the Commission and the public access to tools that permit faster searches, increased accuracy, and enhanced analytical and process capabilities that modern software technology provides.²⁸ Further, the Commission allowed text documents in native or searchable format.²⁹ Spreadsheets, however, were required to be filed in native format.³⁰ The Commission reiterated its reasoning from Order No. 703 that formulas facilitate an understanding of the applicant’s positions and reduce the requirements for subsequent data requests.³¹

More recently, the Commission issued a final rule adopting FERC Form No. 501-G, an information filing for evaluating the impact of the Tax Cuts and Jobs Act and *United Airlines* issuances on interstate natural gas pipelines’ revenue requirements.³² The FERC Form No. 501-G submission required the use of Commission generating formulas in the form.³³ This resulted in all formulas, variables, and results being visible and not hidden, which permitted a more

²⁶ Order No. 703 at P 2.

²⁷ *Id.* at P 23.

²⁸ *Id.* at P 23.

²⁹ *Id.* at P 24.

³⁰ *Id.* at P 25.

³¹ *Id.* at P 26.

³² *Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate*, Order No. 849, 164 FERC ¶ 61,031 (2018), *reh’g denied*, Order No. 849-A, 167 FERC ¶ 61,051 (2019).

³³ Order No 849 at P 63 and P 73.

expeditious review of the filings. For presentation purposes, the Commission did not bar respondents from also providing a version in PDF.

The Commission should revise its regulations, or at least update its filing procedures, to be consistent with its prior orders, so that they align with the principle that an initial filing in native form, as to all statements, schedules and supporting workpapers, is beneficial to the Commission and stakeholders. As the Commission has discussed in its orders, providing the formulas, *etc.*, in spreadsheet format allows Commission staff and parties an opportunity to review an applicant's position, while also increasing efficiency in the review process by reducing the amount of data requests.

2. Tariff filings in native format ensure expeditious examination of materials

The submission of rate and tariff information in native format, with all cells, links, and formulas intact, will ensure expeditious examination of filed materials by stakeholders. As noted above, when pipelines do not file information in native format, stakeholders are required to request such information and potentially have the Commission order that the information be provided. Much of this could be avoided if the Commission made it a requirement that pipelines submit all relevant tariff and rate information in native file format, with all cells, links, and formulas intact. Stakeholders only have a limited time to review rate and tariff submissions and determine whether to file a protest. The filing of information in native form at the start of this initial review period would permit stakeholder analysis to be more in-depth and substantive because of the ability to review spreadsheets with the pertinent formulas and links, as compared to a PDF which would lack such data.

In short, the lack of a native form filing requirement hinders the ability to file a full-fledged protest or perhaps even a motion for summary rejection on certain issues. Under the Commission's

rules, unless the Commission specifies otherwise, protests, interventions, and comments on rate filings are due twelve (12) days after the subject tariff filing,³⁴ with Commission action required before the expiration of the notice period. The Commission should endeavor to ensure that stakeholders can expeditiously review relevant materials by requiring pipelines to file information in native form which could potentially permit the resolution of matters rapidly, or at a minimum ensure more robust pleadings. The Commission recently emphasized the importance of pipeline compliance with the initial filing obligations in order for filings to be considered properly at the outset,³⁵ and this petition fully accords with that goal.

The relevant material requested to be filed in native form is public information, the results of which is already required to be filed. While some information may warrant confidential treatment, the presumption should be that native format files, with formulas intact, of material filed publicly should be public. The native format files requested to be filed are crucial for understanding rate filings, and it would be inappropriate to restrict access to this information by asserting confidentiality when it is not warranted. When confidentiality is asserted, when it may or may not be warranted, the current regulations force each shipper to expend time, effort, and resources to procure the native format workpapers by entering into a non-disclosure agreement. There does not seem to be a purpose for requiring shippers to jump through this procedural hoop, simply to gain access to information that should be public. Abuse of the Commission's existing

³⁴ See 18 C.F.R. § 154.210.

³⁵ *ANR Pipeline Company*, RP21-340-000, 174 FERC ¶ 61,06, P 13 (2021) (footnotes omitted):

Also, ANR has failed to adequately support its proposal with information required in the Commission's Rules and Regulations, section 154.204 that would enable the Commission to consider the potential impact of the changes on jurisdictional shippers and services, or justify waiver of the requirement to provide such information. While we are not rejecting the filing outright, we remind ANR that the Commission's regulations require it to provide support with its original filing.

regulations hinder prompt access to relevant rate data when shippers only have a short timeline to file protests.

V. CONCLUSION

For the reasons stated above, the American Gas Association, American Public Gas Association, American Forest & Paper Association, Industrial Energy Consumers of America, Process Gas Consumers Group, and Natural Gas Supply Association respectfully request that the Commission revise its regulations and/or filing procedures regarding the filing of information in native file format.

Respectfully submitted,

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