

## McIntyre Urges Participation in FERC Infrastructure Process Reviews

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FERC Chairman Kevin McIntyre is urging participation in public comment periods for a pair of orders related to the certification of natural gas pipelines and other energy infrastructure regulation.

"We're a very record-based Commission, so if we don't have the right record to proceed on, you'll have made our job tougher," McIntyre told attendees of the Energy Bar Association's annual meeting and conference in Washington, DC, on Tuesday.

Last month the Federal Energy Regulatory Commission issued a [notice of inquiry](#) (NOI) that could lead to a revision of its policies regarding the review and authorization of interstate natural gas transportation facilities under section 7 of the Natural Gas Act [PL18-1]. The NOI was issued to examine FERC policies in light of changes in the natural gas industry and increased stakeholder interest in how the Commission reviews natural gas pipeline proposals since it adopted its current policy statement on pipeline certification in September 1999.

The draft NOI seeks input on whether, and if so how, FERC should adjust its: methodology for determining whether there is a need for proposed projects, including consideration of precedent agreements and contracts for service as evidence of such need; consideration of the potential exercise of eminent domain and of landowner interests related to proposed projects; and evaluation of the environmental impacts of proposed projects.

FERC is also seeking input on whether there are specific changes it could consider implementing to improve the efficiency and effectiveness of its certificate processes including pre-filing, post-filing and post-order issuance.

McIntyre has said that issuance of the NOI should neither be read as a forecast of a policy direction nor as an indication of any particular action the Commission may take. On Tuesday, he said he believes it is time "for a fresh look" at the pipeline certification policy.

"We've invited industry and stakeholders, and the public, to comment. I encourage you on behalf of your organizations, companies and clients to give us a record on which to act. Please make your suggestions as to what, if anything, should be done with our certificate policy cogent, concise and direct," by the June 25 closing date, he said.

"We'll be building that record accordingly and making decisions that I'm hopeful will improve our policy in the ways I've suggested."

With time running out on the comment period for FERC's examination of the resilience of the nation's power grid, McIntyre also exhorted EBA attendees to file to that docket as well [AD18-7].

In January, concurrent with its unanimous rejection of a controversial notice of proposed rulemaking by Energy Secretary Rick Perry to change the nation's grid reliability and resilience policies, the Commission issued an order "to holistically [examine the resilience](#) of the bulk power system."

Comments by the Natural Gas Supply Association earlier this week further supported a competitive market. The organization indicated that it [prefers a fuel neutral proposal](#) put forward in a filing at FERC last month by PJM Interconnection to [address state subsidies](#) for faltering coal and nuclear plants.