

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Extension of Non-Statutory Deadlines

Docket No. AD20-11-000

SUPPLEMENTAL NOTICE GRANTING EXTENSION OF TIME FOR NON-
STATUTORY DEADLINES, WAIVING REGULATIONS, AND SHORTENING
ANSWER PERIOD

(April 2, 2020)

On March 19, 2019, the Secretary of the Commission issued a notice granting, among other things, an extension of time, until May 1, 2020, of deadlines to make non-statutory filings required by the Commission that occur on or before May 1, 2020, for those entities that are unable to meet certain deadlines due to steps they have taken to meet the emergency conditions caused by the Novel Coronavirus Disease (COVID-19) (March 19 Notice). Today's Supplemental Notice clarifies that the March 19 Notice includes the following categories of non-statutory filings and, therefore, the deadlines for such filings were extended to May 1, 2020 for those entities that are unable to meet deadlines due to steps they have taken to meet the emergency conditions caused by COVID-19: (1) answers to complaints and orders to show cause with deadlines that occur on or before May 1, 2020; and (2) initial and reply briefs in paper hearings before the Commission with deadlines that occur on or before May 1, 2020.¹

Moreover, pursuant to sections 385.101(e) and 385.2008 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 385.101(e) and 385.2008 (2019), and given the emergency conditions caused by COVID-19, there is good cause to extend until May 1, 2020 the following additional deadlines that occur on or before May 1, 2020 for those entities that are unable to meet deadlines due to steps they have taken to meet the emergency conditions caused by COVID-19: (1) interventions, protests, or comments to a complaint; and (2) briefs on and opposing exceptions to an initial decision. Additionally, there is good cause to waive through May 1, 2020 the Commission's regulations that

¹ This Supplemental Notice and March 19 Notice do not apply to proceedings currently before Administrative Law Judges.

govern the form of filings submitted to the Commission to the extent entities are unable to meet those requirements due to the emergency conditions caused by COVID-19.²

Also, there is good cause to shorten the answer period to motions filed with the Commission requesting an extension of time due to the emergency conditions caused by COVID-19 from 5 days (as set forth in the Commission's regulations)³ to 3 business days. Finally, we will consider requests to shorten the comment period for motions seeking waiver of requirements set forth in Commission orders, regulations, tariffs, rate schedule, and service agreements in response to the emergency conditions from 21 days to as short as 5 days.⁴ Entities may seek waiver of Commission orders, regulations, tariffs, rate schedules, and service agreements, as appropriate, to address needs resulting from steps they take in response to the emergency conditions caused by COVID-19. Action on all such motions will be taken as expeditiously as possible.⁵

As stated in the March 19 Notice, the Commission's regulations allow for extension of other types of filings. Entities seeking extensions of other deadlines, as well as further extensions for the required filings identified above, may file motions seeking extensions in such proceedings, as appropriate.

Kimberly D. Bose,
Secretary.

² For example, Commission regulations require certain filings with the Commission be supported by a sworn declaration, and we recognize that steps an entity has taken to address the emergency conditions caused by COVID-19 may prevent the filing from containing such a sworn declaration. *See, e.g.*, 18 C.F.R. § 45.7 (2019).

³ 18 C.F.R. § 385.213(d)(1)(i) (2019).

⁴ The Office of the Secretary will indicate such shortened comment periods in the notices it issues to process those filings.

⁵ *See also* Order Temporarily Delegating Further Authority, 171 FERC ¶ 61,006 (2020) (temporarily delegating authority to the Director of the Office of Energy Market Regulation to take appropriate action on uncontested waiver requests).

Document Content(s)

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