

171 FERC ¶ 61,004
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick, Bernard L. McNamee.
and James P. Danly

Temporary Action to Facilitate
Social Distancing

Docket No. EL20-37-000

ORDER GRANTING BLANKET WAIVER OF IN-PERSON MEETING
AND DOCUMENT NOTARIZATION REQUIREMENTS

(Issued April 2, 2020)

1. On March 13, 2020, the President issued a proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19). In connection with their efforts to protect the health and safety of their employees, and to help mitigate or slow the transmission of COVID-19, certain regulated entities already have requested temporary waivers of requirements to hold certain meetings in-person in their open access transmission tariffs (OATT),¹ as well as of requirements that certain forms provided in the course of business be notarized. For example, on March 27, 2020, the New York Independent System Operator, Inc. (NYISO) submitted in Docket No. ER20-1419-000 a request for waiver of requirements in its Market Administration and Control Area Services Tariff and OATT that certain documents provided to NYISO by customers be notarized for the duration of the state of the emergency declared by New York State with respect to COVID-19.

2. Given the proclamation of a National Emergency, the unprecedented risk to health and safety currently presented by personal contact, and consistent with guidance from public health officials on social distancing,² we find good cause, pursuant to section 206

¹ See *Sierra Pacific Power Co.*, 170 FERC ¶ 61,236 (granting waiver of in-person meeting requirements for the remainder of 2020).

² See Centers for Disease Control and Prevention, *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019* (Mar. 21, 2019), <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (advising employers to consider using videoconferencing or teleconferencing when possible for work-related meetings and gatherings and consider

of the Federal Power Act (FPA),³ to provide a blanket waiver of all such requirements to hold meetings in-person and/or to provide or obtain notarized documents in OATTs⁴ at this time.⁵ We note that alternatives to notarization and in-person meetings, such as electronic signatures and secure telephonic or web-based meeting capabilities, are available. Accordingly, on our own motion, we hereby grant blanket waiver of all such requirements, effective from date of issuance of this order through September 1, 2020.

The Commission orders:

(A) Notarization requirements established in OATTs are hereby temporarily waived, effective on date of issuance of the order, as discussed in the body of this order.

(B) Any requirements to hold meetings in-person established in OATTs are hereby temporarily waived, effective on date of issuance of the order, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

canceling, adjusting, or postponing work-related meetings or gatherings that can only occur in-person).

³ 16 U.S.C. § 824e (2018).

⁴ While we use the term OATT in this order, this waiver applies to any other tariff, rate schedule, service agreement, or contract subject to the Commission's jurisdiction under the FPA, the Natural Gas Act, or the Interstate Commerce Act. Waivers to the form of filings submitted to the Commission are addressed in the Supplemental Notice Granting Extensions of Time for Non-Statutory Deadlines, Waiving Regulations, and Shortening Answer Period, Docket No. AD20-11-000 (Apr. 2, 2020).

⁵ This waiver only applies to a specific requirement that meetings be held in person. Other than the in-person requirement, such meetings must still be held consistent with the OATT, but should be conducted by other means, such as telephonically.