194 FERC ¶ 61,206
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

Rockies Express Pipeline LLC — Docket Nos. CP25-94-000, CP25-94-001

ORDER ISSUING CERTIFICATE

(Issued March 19, 2026)

1. On February 28, 2025, as amended on October 31, 2025, Rockies Express Pipeline LLC (Rockies Express) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA)[1] and Part 157 of the Commission's regulations,[2] requesting authorization to construct, install, and operate new pipeline facilities in Macon County, Illinois (Decatur Lateral Project or project). The project is designed to provide up to 194,400 dekatherms per day (Dth/d) of firm transportation capacity to two new delivery points in Macon County, Illinois. No party opposes the application. As discussed below, we grant the requested authorizations, subject to certain conditions.

I. Background and Proposal

2. Rockies Express,[3] a Delaware limited liability company, is a natural gas company as defined by section 2(6) of the NGA,[4] engaged in the transportation of natural gas in interstate commerce and subject to the Commission's jurisdiction. It operates natural gas transportation facilities in Colorado, Wyoming, Nebraska, Missouri, Illinois, Indiana, and Ohio.

[1] 15 U.S.C. § 717f(c).

[2] 18 C.F.R. pt. 157 (2025).

[3] Rockies Express is a direct, wholly owned subsidiary of TEP REX Holdings, LLC, an indirect wholly-owned subsidiary of Tallgrass Energy Partners, LLC.

[4] 15 U.S.C. § 717a(6).

3. The Decatur Lateral Project, which Rockies Express estimates would cost approximately $86,870,265,[5] would transport natural gas from Rockies Express's mainline to a new natural gas-fired steam co-generation plant owned by Broadwing Energy, LLC (Broadwing) and to an existing industrial facility owned by Archer-Daniels-Midland Company (ADM).[6] The project would help meet energy demand in Illinois.[7]

4. Specifically, Rockies Express proposes to construct:

- approximately 15.9 miles of 20-inch-diameter pipeline interconnecting with the existing mainline and extending northwest toward the proposed Broadwing Meter Station (Lateral);
- 0.8 miles of 20-inch-diameter pipeline from the Lateral and extending south, terminating at the proposed ADM Meter Station (ADM Spur);
- aboveground and belowground appurtenances at the interconnection site between the existing Rockies Express mainline and the Lateral (Rockies Express Interconnect Site);
- aboveground and belowground appurtenances at the interconnection site between the Lateral and the ADM Spur (ADM Spur Interconnect Site);
- the Broadwing Meter Station;
- the ADM Meter Station; and
- appurtenant facilities.

5. Rockies Express held an open season from January 21, 2025, through January 28, 2025.[8] As a result of the open season, Rockies Express executed binding precedent agreements for firm transportation service within Zone 3 of Rockies Express's system with ADM for 144,065 Dth/d for a term of 20 years and with Broadwing for 37,335 Dth/d for a term of 20 years.[9]

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[5] Rockies Express February 28, 2025 Application at 22 (Application).

[6] *Id.* at 2.

[7] *Id.* at 14, 18.

[8] *Id.* at 14.

[9] *Id.* at 13.

6. On October 31, 2025, Rockies Express filed an amendment to its application to reflect increased capacity.[10] After reassessing the assumption of pressure loss through the metering facilities, Rockies Express found that the project would enable an additional 13,000 Dth/d of firm transportation capacity.[11] Rockies Express held a second open season for the additional capacity from December 4 through December 8, 2025, but has not yet provided information on the results of that open season.

7. As further explained below, Rockies Express proposes to use its Rate Schedule FTS Zone 3 reservation and commodity charge as the maximum recourse rate for firm transportation service and its existing Rate Schedule ITS Zone 3 rate as the recourse rate for interruptible transportation service for the project. The project shippers elected to pay negotiated rates.[12] Rockies Express is requesting a pre-determination for rolled-in rate treatment.[13]

II. Notice, Interventions, and Comments

8. Notice of Rockies Express's application was published in the *Federal Register* on March 19, 2025,[14] with interventions, comments, and protests due April 2, 2025. Ameren Services Company (on behalf of Ameren Illinois Company) and Antero Resources Corporation filed timely, unopposed motions to intervene.[15]

[10] Rockies Express October 31, 2025 Supplemental Information.

[11] *Id.* at 1. The initial application stated that the project would have a capacity of 181,400 Dth/d. Application at 1.

[12] Application at 16.

[13] *Id.* at 24.

[14] 90 Fed. Reg. 12729 (Mar. 19, 2025).

[15] Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c) (2025). On April 2, 2025, Illinois Farm Bureau, and on April 3, 2025, Westervelt, Johnson, Nicoll & Keller, LLC, on behalf of landowners Edward and Cheryl Yoder, requested extensions of time to file motions to intervene, but did not file a motion to intervene. Nor did they file a motion to intervene during the second opportunity to intervene following notice of Rockies Express's amendment to its application. *See infra* P 9.

9. Notice of Rockies Express's amendment to its application was published in the *Federal Register* on November 18, 2025, with interventions, comments, and protests due December 4, 2025.[16] No comments, protests, or interventions were filed.

III. Discussion

10. Because Rockies Express's proposed facilities would be used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposal is subject to the requirements of subsections (c) and (e) of section 7 of the NGA.[17]

A. Certificate Policy Statement

11. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.[18] The Certificate Policy Statement establishes criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. It explains that, in deciding whether to authorize the construction of new facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to appropriately consider the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new construction.

12. Under this policy, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, and landowners and communities affected by the new facilities. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis, where other interests are considered.

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[16] 90 Fed. Reg. 51740 (Nov. 18, 2025).

[17] 15 U.S.C. §§ 717f(c), (e).

[18] *Certification of New Interstate Nat. Gas Pipeline Facilities,* 88 FERC ¶ 61,227*, corrected,* 89 FERC ¶ 61,040 (1999) (Certificate Policy Statement) *clarified,* 90 FERC ¶ 61,128, *further clarified,* 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

1. No Subsidy Requirement and Project Need

13. As discussed above, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The Commission has determined that, in general, where a pipeline proposes to charge incremental rates for new construction that are higher than the pipeline's existing system rates, the pipeline satisfies the threshold requirement that existing shippers will not subsidize the project.[19] In instances where an incremental rate calculated to recover project costs is less than the existing system rate, Commission policy requires that the system rate be used as the initial recourse rate to ensure existing customers will not subsidize the new service.[20]

14. As discussed below, Rockies Express has demonstrated that the illustrative incremental rates for the Decatur Lateral Project are lower than its existing system rates under Rate Schedule FTS and Rate Schedule ITS.[21] Accordingly, we find that Rockies Express's proposal to charge its existing Rate Schedule FTS and Rate Schedule ITS reservation and usage charges as the initial recourse rates for firm transportation service would ensure that existing customers would not subsidize the Decatur Lateral Project.

15. The proposed project is designed to meet the demand for natural gas transportation service in the north-central region.[22] Rockies Express has entered into long-term precedent agreements with unaffiliated shippers for 93% of the project's capacity over a 20-year term, which is significant evidence of need for the proposed project.[23]

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[19] *See, e.g., Transcon. Gas Pipe Line Co.,* LLC, 184 FERC ¶ 61,066, at P 12 (2023).

[20] *E.g., Tex. Gas Transmission, LLC*, 152 FERC ¶ 61,160, at P 30 (2015); *Millennium Pipeline Co., LLC*, 145 FERC ¶ 61,007, at P 30 (2013).

[21] *See* discussion *infra* PP 19-20.

[22] Application at 20.

[23] *See, e.g., Transcon. Gas Pipe Line Co.,* LLC, 190 FERC ¶ 61,048, at P 29 (2025) (affirming that precedent agreements are the best evidence of project need); *Tex. Gas Transmission, LLC*, 181 FERC ¶ 61,049 (2022) (finding a long-term precedent agreement for almost 100% of the project's capacity is significant evidence of need for the proposed project); *see also Sierra Club v. FERC*, 38 F.4th 220, 230 (D.C. Cir. 2022) (finding a long-term precedent agreement for 80% of the project's capacity showed an actual need for the project); *Appalachian Voices v. FERC*, No. 17-1271, 2019 WL 847199, at *1 (D.C. Cir. Feb. 19, 2019) (unpublished) (finding the Commission's

2. Impacts on Existing Customers, Existing Pipelines and Their Customers, and Landowners and Surrounding Communities

16. The proposed project would not adversely affect service to Rockies Express's existing customers because the facilities are designed to provide incremental service to meet the needs of the project shippers without degradation of existing service. Additionally, Rockies Express states that existing customers would receive operational benefits, including enhanced reliability from increasing supply in the Midcontinent Independent System Operator (MISO) region.[24] We also find that there would be no adverse impact on other pipelines in the region or their captive customers, as the project would not displace existing service on other pipelines. No pipelines or their captive customers have protested Rockies Express's proposal.

17. We are further satisfied that Rockies Express has taken appropriate steps to minimize adverse economic impacts on landowners and surrounding communities. The project would temporarily disturb about 220 acres during construction and permanently impact approximately 95 acres.[25] Of the 220 acres to be disturbed during construction, Rockies Express has acquired over half and is in negotiations to finalize the voluntary acquisition of the remainder.[26] All aboveground facilities would be located on land acquired or owned by project shipper ADM.[27] Accordingly, we find that the proposed project has been designed to minimize adverse economic impacts on landowners and surrounding communities.

3. Certificate Policy Statement Conclusion

18. The Decatur Lateral Project would provide up to 194,400 Dth/d of incremental firm transportation service. Rockies Express has entered into binding agreements for 93% of the project's capacity. Accordingly, we find that Rockies Express has demonstrated a need for the project, and, further, that the project will not have adverse impacts on existing shippers or other pipelines and their existing customers, and that the project will have minimal economic impacts on landowners and surrounding

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conclusion that there is a market need for the project was reasonable and supported by substantial evidence, in the form of long-term precedent agreements for 100% of the project's capacity).

[24] Application at 20.

[25] EA at 3.

[26] Rockies Express December 3, 2025 Response to Data Request at 1.

[27] *Id.*

communities. Therefore, we conclude that the project, as conditioned, is consistent with the criteria set forth in the Certificate Policy Statement and analyze the environmental impacts of the project below.[28]

B. Rates

1. Initial Rates

19. Rockies Express proposes to assess its existing reservation and commodity charges under Zone 3 of Rate Schedule FTS and Rate Schedule ITS as the initial maximum recourse rates for service on the project. Based on a first-year fixed cost of service of $12,856,120 and annual billing determinants of 2,332,800 Dth, the illustrative incremental reservation charge equals $5.5110 per Dth.[29] The company calculated an illustrative incremental usage charge of $0.0000 per Dth based on an estimated first-year variable cost of service of $0 and annual billing determinants of 70,956,000 Dth.[30] The cost of service for the project is based on a depreciation rate of 2.86% and a pre-tax rate of return of 11.08%.[31] The illustrative Zone 3 Rate Schedule FTS reservation charge of $5.5110 per Dth per month, plus the applicable usage charge of $0.0000 per Dth, is lower than Rockies Express's currently effective Zone 3 Rate Schedule FTS maximum recourse reservation charge of $26.6651 per Dth per month, plus the applicable usage charge of $0.0025 per Dth.[32] The calculated illustrative incremental Zone 3 Rate Schedule ITS rate

[28] *See* Certificate Policy Statement, 88 FERC at 61,745-46 (explaining that only when the project benefits outweigh the adverse effects on the economic interests will the Commission then complete the environmental analysis).

[29] This analysis of Rockies Express's proposed rates incorporates revised design capacity that it provided on October 31, 2025, in Docket No. CP25-94-001. In that filing, Rockies Express states that the project will enable it to provide up to 194,400 Dth/d of firm natural gas transportation service (rather than the initially proposed 181,400 Dth/d).

[30] Application, Ex. N at 7.

[31] Application, Ex. N at Explanatory Statement. For designing the illustrative incremental rates for this project, Rockies Express states that it used the rate of return on equity (ROE) approved in the most recently litigated NGA section 4 rate case. *Id.* The last applicable litigated ROE was 11.25%. *See Panhandle E. Pipe Line Co.,* Opinion No. 885, 181 FERC ¶ 61,211 (2022), *order on reh'g,* Opinion No. 885-A, 184 FERC ¶ 61,181 (2023), *order on reh'g,* Opinion No. 885-B, 186 FERC ¶ 61,015 (2024), *pets. for review filed sub nom. Panhandle E. Pipe Line Co. v. FERC,* No. 23-1220 (D.C. Cir.).

[32] Rockies Express, Tariffs, CURRENTLY EFFECTIVE RATES, Currently Effective Rates - FTS (1.0.0).

of $0.1812 per Dth is also lower than the Zone 3 Rate Schedule ITS currently-effective maximum rate of $0.8792 per Dth.[33]

20. We have reviewed Rockies Express's proposed initial rates and find that they are consistent with current Commission policy. Under the Commission's Certificate Policy Statement, there is a presumption that incremental rates should be charged for proposed expansion capacity if the incremental rate exceeds the maximum system recourse rate.[34] Where the currently effective system recourse rate is greater than the estimated incremental cost-based recourse rate, the Commission has found it appropriate to establish the existing system rate as the initial recourse rate for the project.[35] Because the maximum Zone 3 Rate Schedule FTS and Zone 3 Rate Schedule ITS rates are greater than the illustrative incremental rates, we will approve Rockies Express's request to use its existing system rates under Zone 3 Rate Schedule FTS and Zone 3 Rate Schedule ITS as the initial recourse rates for the project facilities.

2. Pre-Determination of Rolled-in Rates

21. Rockies Express requests a pre-determination of rolled-in rate treatment for the project's costs in a future NGA section 4 general rate case. To receive a pre-determination favoring rolled-in rate treatment, a pipeline must demonstrate that rolling in the costs associated with the construction and operation of new facilities will not result in existing customers subsidizing the expansion. In general, this means that a pipeline must demonstrate that the revenues generated by an expansion project will exceed its costs. To make this determination, we compare the project costs to the revenues generated using actual contract volumes and either the maximum recourse rate or, if the negotiated rate is lower than the recourse rate, the actual negotiated rate.[36]

22. Because the negotiated rate associated with the contracts for both Broadwing and ADM is below the maximum recourse rate, Rockies Express used the negotiated rate in its analysis of revenues in comparison with the cost of service. The company's estimated first-year revenue of $21,365,527 exceeds its estimated first-year cost of service of

[33] Rockies Express, Tariffs, CURRENTLY EFFECTIVE RATES, Currently Effective Rates - ITS (0.0.0).

[34] Certificate Policy Statement, 88 FERC at 61,746.

[35] *See, e.g., Tex. Gas Transmission, LLC,* 152 FERC ¶ 61,160 at P 30; *Millennium Pipeline Co., LLC,* 145 FERC ¶ 61,007 at P 30.

[36] *See, e.g.*, *Nat. Gas Pipeline Co. of Am. LLC*, 154 FERC ¶ 61,220, at P 25 (2016).

$12,856,120.[37] Therefore, we grant a predetermination that Rockies Express may roll the project costs into its system rates in a future NGA section 4 rate case, absent a significant change in circumstances.

3. Reporting Incremental Costs

23. Section 154.309 of the Commission's regulations includes bookkeeping and accounting requirements applicable to all expansions for which incremental rates are charged. The requirements ensure that costs are properly allocated between pipelines' existing shippers and incremental expansion shippers.[38] Therefore, we require Rockies Express to keep separate books and accounting of costs and revenues attributable to the capacity created by the project in the same manner as required by section 154.309 of the Commission's regulations.[39] The books should be maintained with applicable cross-reference and the information must be in sufficient detail so that the data can be identified in Statements G, I, and J in any future NGA section 4 or 5 rate case, and the information must be provided consistent with Order No. 710.[40]

4. Negotiated Rates

24. Rockies Express proposes to provide service to the project customers under negotiated rate transportation agreements. It must file either the negotiated rate agreements or the tariff records that set forth the essential elements of the agreements, in accordance with the Alternative Rate Policy Statement[41] and the Commission's negotiated rate policies.[42]

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[37] Application, Ex. N at 5.

[38] 18 C.F.R. § 154.309 (2025).

[39] *Id.*; *see Gulf S. Pipeline Co., LLC*, 173 FERC ¶ 61,049, at P 6 (2020) (for projects that use existing system rates for the initial rates, the Commission's requirement for separate books and accounting applies only to internal books and records).

[40] *See Revisions to Forms, Statements, & Reporting Requirements for Nat. Gas Pipelines,* Order No. 710, 122 FERC ¶ 31,262, at P 23 (2008).

[41] *Alts. to Traditional Cost-of-Serv. Ratemaking for Nat. Gas Pipelines; Regul. of Negotiated Transp. Servs. of Nat. Gas Pipelines*, 74 FERC ¶ 61,076, *order granting clarification*, 74 FERC ¶ 61,194, *order on reh'g & clarification*, 75 FERC ¶ 61,024, *reh'g denied*, 75 FERC ¶ 61,066, *reh'g dismissed*, 75 FERC ¶ 61,291 (1996), *petition denied sub nom. Burlington Res. Oil & Gas Co. v. FERC*, 172 F.3d 918 (D.C. Cir. 1998).

[42] *Nat. Gas Pipelines Negotiated Rate Policies & Pracs.; Modification of Negotiated Rate Pol'y*, 104 FERC ¶ 61,134 (2003), *order on reh'g & clarification*, 114 FERC ¶ 61,042, *dismissing reh'g & denying clarification*, 114 FERC ¶ 61,304 (2006).

C. Environmental Analysis

25. On April 11, 2025, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues and Notice of On-Site Environmental Review for the Proposed Decatur Lateral Project*. The notice was published in the *Federal Register*[43] and mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American Tribes; local libraries and newspapers; and affected property owners. No comments were provided during the scoping period. However, the Commission received comments before and after the scoping period from the Illinois Department of Transportation, Illinois Farm Bureau, United States Environmental Protection Agency, and Mr. Kevin Greenfield, Chairman of the Macon County Board. The primary issues raised included state permit requirements, potential effects on agricultural lands including the implementation of an agricultural impact mitigation plan, preparation of the environmental assessment, and potential effects on noise, air quality, threatened and endangered species, restoration of affected lands, community effects, alternatives, and interagency coordination and documentation.

26. Pursuant to the National Environmental Policy Act of 1969 (NEPA),[44] Commission staff prepared an Environmental Assessment (EA) for Rockies Express's proposal, which was issued on December 12, 2025.[45] The Notice of Availability of the EA was published in the *Federal Register*[46] and established a 30-day comment period. The notice was mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American Tribes; local libraries and newspapers; and affected property owners. The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, fisheries, wildlife, threatened and endangered species, land use, recreation, visual resources, cultural resources, air quality, noise, safety, socioeconomics, effects to all potentially affected communities, cumulative effects including climate change, and alternatives. The EA addressed all environmental comments received prior to issuance of the EA and

[43] 90 Fed. Reg. 16121 (Apr. 17, 2025).

[44] 42 U.S.C. §§ 4321 *et seq., see also* 18 C.F.R. pt. 380 (2025) (Commission's regulations implementing NEPA).

[45] For tracking purposes under NEPA, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1746098263.

[46] 90 Fed. Reg. 59103 (Dec. 18, 2025)

concluded that approval of the project would not constitute a major federal action significantly affecting the quality of the human environment.[47]

27. Under NEPA, the Commission considers impacts to all potentially affected communities. Project activities that would affect local communities include construction and operation of the pipelines and associated facilities. The project would affect a total of about 220 acres of land during construction, including about 95 acres of permanent effects during operation.[48]

28. As described in the EA, the project's potential effects on local communities during construction include visual,[49] air,[50] and noise[51] effects, all of which would be temporary and less than significant. The EA explains that construction would temporarily disrupt the primarily agricultural area's visual character due to the presence of heavy equipment, ground disturbance, and pipeline installation activities.[52] Construction of the project would result in intermittent and temporary emissions of criteria pollutants, including fugitive dust emissions from soil-disturbing activities and vehicle traffic, as well as combustion emissions from construction vehicles and equipment.[53] To minimize fugitive dust emissions, Rockies Express would adhere to its Fugitive Dust Control Plan, which

[47] EA at 44. Commission staff could not determine whether the effects from greenhouse gas (GHG) emissions attributable to the project would be significant or insignificant. *Id.* at 44-45; *see* 42 U.S.C. § 4336(b)(2) ("An agency shall prepare an environmental assessment with respect to a proposed agency action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown . . . ."). We note that NEPA does not require that the Commission formally label project-related GHG emissions as significant or insignificant. *See Citizens Action Coal. of Ind., Inc. v. FERC*, 125 F.4th 229, 241-42 (D.C. Cir. 2025) (holding that "the absence of a 'significance' label does not violate NEPA, CEQ guidance, or FERC regulations") (citing *Food & Water Watch v. FERC*, 104 F.4th 336, 346 (D.C. Cir. 2024) (*East 300*)); *see also Transcon. Gas Pipe Line Co.*, 187 FERC ¶ 61,200, at P 33 (2024) (applying *East 300* in the context of an EA).

[48] EA at 3.

[49] *Id*. at 29.

[50] *Id*. at 32-33.

[51] *Id*. at 34-35.

[52] *Id.* at 29.

[53] *Id.* at 32.

prescribes applying water to disturbed surfaces, vehicle speed restrictions, using gravel tracking pads at egress points, and restoring disturbed areas.[54] Given the short duration of the construction activities and the planned mitigation, the EA concludes that construction of the project would not have a significant effect on regional air quality.[55]

29. With respect to noise, Rockies Express would limit construction to daytime hours except for certain drilling operations.[56] Near residences, Rockies Express states that it would make every effort to restrict construction activities to no later than 7:00 p.m. and would coordinate with occupants of nearby residences to minimize landowner disruption.[57] Further, the EA recommends,[58] and we require, that Rockies Express file a Horizontal Directional Drilling (HDD) Noise Mitigation Plan, monitor noise levels at the nearest noise-sensitive areas (NSA), document these noise levels in biweekly status reports, and restrict the noise attributable to the drilling operations to no more than a day-night average (L_{dn}) sound level of 55 decibels on the A weighted scale (dBA).[59] With implementation of this recommendation, the EA concludes that project construction would not have a significant effect on noise in the project area.[60]

30. The EA also finds that operation of the project would result in permanent visual,[61] air,[62] and noise[63] effects, all of which would be less than significant. During operations,

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[54] *Id.* at 32.

[55] *Id.* at 33.

[56] *Id.* at 34.

[57] *Id.*

[58] *Id.* at 36.

[59] The U.S. Environmental Protection Agency (EPA) has determined that a L_{dn} of 55 dBA sufficiently safeguards the public from indoor and outdoor activity noise interference. EPA, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety* (Mar. 1974), https://nepis.epa.gov/Exe/ZyPDF.cgi/2000L3LN.PDF?Dockey=2000L3LN.PDF.

[60] EA at 36.

[61] *Id*. at 29.

[62] *Id*. at 32.

[63] *Id*. at 36.

the pipeline would not be visible and minor aboveground facilities would not substantially alter the industrial areas they would occupy.[64] Therefore, the EA concludes that operating the project would not result in a significant effect on visual resources.[65] Project operation would have less than significant effects on local or regional air quality because operational emissions would be limited to fugitive emissions.[66] The EA recommends, and we require, that Rockies Express demonstrate that the operation of the two meter stations would not exceed 55 dBA L_{dn} at the nearest NSAs,[67] which will ensure that project operations would not result in significant noise effects.

31. The EA recommends implementation of Rockies Express's proposed construction procedures and mitigation measures and Commission staff recommendations,[68] which we have adopted as conditions in the appendix of this order.

1. Response to Comments on the EA

32. The Commission received comments on the EA from Richland Community College,[69] Teamsters National Pipeline Labor Management Cooperation Trust,[70] the Laborers' International Union of North America,[71] and ADM[72] supporting the project. Rockies Express also provided comments on the EA,[73] which we respond to below.

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[64] *Id.* at 29.

[65] *Id.*

[66] *Id*. at 33.

[67] *Id.* at 36.

[68] *Id.* at 48-52.

[69] Richland Community College January 8, 2025 Comments.

[70] The Teamsters' National Pipeline Labor Management Cooperation Trust January 9, 2026 Comments.

[71] Laborers' International Union of North America January 12, 2026 Comments.

[72] ADM January 12, 2026 Comments.

[73] Rockies Express January 12, 2026 Comments.

a. Mitigation of Soil Impacts

33. The EA states that Rockies Express would provide soil additives suitable for intended cropping, according to recommendations from local soil conservation authorities.[74] In its comments, Rockies Express clarifies that, in lieu of providing soil additives, it would compensate landowners so that they may acquire soil additives best suited for their specific property.[75] Rockies Express also states it would conduct full-width topsoil stripping of the right-of-way, using construction matting only in wet weather conditions where topsoil stripping is not practicable.[76] Rockies Express would construct and operate the project consistent with the Commission's *Upland Erosion Control, Revegetation and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*.[77] We find that Rockies Express's clarifications do not alter the EA's conclusion that the project's impacts on soils would be less than significant.

b. Endangered Species Act Consultation

34. In the EA,[78] staff determined that the project may affect, but is not likely to adversely affect, the federally threatened Indiana bat, and recommended a condition prohibiting Rockies Express from beginning construction until consultation with the Fish and Wildlife Service (FWS) is complete. The EA required Rockies Express to file proof of consultation with the FWS on the Indiana bat.[79] In its comments on the EA, Rockies Express points to a letter from the FWS dated September 2, 2025,[80] concurring with its determination that the project may affect, but is not likely to adversely affect, the Indiana Bat.[81] FWS's September 2, 2025 concurrence letter satisfies the requirements of the Endangered Species Act (ESA). Therefore, ESA consultation is complete and the EA's recommended environmental condition 14, which required that construction activities not

[74] EA at 7.

[75] Rockies Express January 12, 2026 Comments.

[76] *Id.*

[77] EA at 5.

[78] *Id.* at 23.

[79] *Id.*

[80] Rockies Express September 5, 2025 Supplemental Information, attach. 2 (providing a copy of FWS's September 2, 2025 letter).

[81] Rockies Express January 12, 2026 Comments.

begin until consultation with FWS is complete, is not included in the appendix to this order.

c. Mitigation of Noise Impacts

35. In the EA, Commission staff recommended a condition requiring Rockies Express to file with the Commission for approval a horizontal direction drill (HDD) noise mitigation plan to keep the projected noise level attributable to HDD activities near NSAs below 55 dBA L_{dn}.[82] Rockies Express asks the Commission not to require an HDD noise mitigation plan and instead seeks to voluntarily coordinate with affected landowners to establish noise mitigation during HDD activities nearest to NSAs.[83] Rockies Express asserts that conditions related to noise mitigation for HDD activities are based on Commission guidance, rather than required by statute or regulation, and cites Executive Order 14154, Unleashing American Energy, in support of its request that the Commission not impose staff's recommended condition.[84]

36. Executive Order 14154 states that it is the policy of the United States to "ensure that all regulatory requirements related to energy are grounded in clearly applicable law"[85] and also states that "[n]othing is this order shall be construed to impair or otherwise affect . . . the authority granted by law to an executive department or agency."[86] Authorizing the Decatur Lateral Project through this Commission order is consistent with that Executive Order. Protecting local residents by requiring modest measures such as a noise mitigation plan to ensure HDD noise stays below the Commission's standard 55 dBA L_{dn} noise level,[87] pursuant to our NGA authority to attach reasonable terms and conditions to certificates of public convenience and necessity,[88] is also consistent with that Executive Order. Notably, although Rockies Express's EA comments state that it would "greatly appreciate" if the Commission did

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[82] EA at 36.

[83] Rockies Express January 12, 2026 Comments.

[84] *Id.*

[85] Exec. Order No. 14,154, 90 Fed. Reg. 8353 (Jan. 20, 2025).

[86] Exec. Order No. 14,154, 90 Fed. Reg. at 8358-59.

[87] *See supra* note 61; *see also Venture Global Calcasieu Pass, LLC*, 166 FERC ¶ 61,144, at P 109 (2019) (requiring a noise mitigation plan to ensure HDD noise levels did not exceed 55 dBA L_{dn} at NSAs along the pipeline route).

[88] 15 U.S.C. §717f(e).

not impose the recommended condition, those comments do not indicate that the recommended condition would pose a serious burden.[89]

37. In the EA, Commission staff determined that mitigation would be necessary to ensure that HDD noise does not cause an unreasonable burden on nearby residents.[90] The EA describes that the estimated ambient and construction sound level near NSAs would be as high 71 dBA L_{dn}.[91] The EA notes that HDD construction activities could occur for up to two months at each location.[92] In Rockies Express's application, it states that that HDD activities may occur every day for 24 hours each day.[93] As indicated in the EA, staff anticipates perceivable noise effects at several NSAs located near three HDD locations (i.e., HDDs 002, 003, and 005).[94] Aside from Rockies Express's statement that it will attempt to restrict construction activities near residences to no later than 7:00 pm,[95] it has not provided any specific information on how it would limit noise impacts. In response to staff's request that Rockies Express specify noise controls for HDDs, Rockies Express stated that it does not anticipate implementing any noise controls.[96] To ensure the HDD activities do not present an undue burden on the local community and nearby NSAs, Commission staff recommended that Rockies Express file with the Commission a plan to limit noise attributable to HDD activities to 55 dBA L_{dn}.[97] We agree with staff's recommendation, and have included it as Environmental Condition 14 in the appendix to this order, as is consistent with Commission precedent.[98]

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[89] Rockies Express January 12, 2026 Comments.

[90] EA at 35-36.

[91] *See id.* at 35.

[92] *Id.* at 34.

[93] Application, Resource Report 1 at 9.

[94] *See* EA at 34-36.

[95] Rockies Express November 12, 2025 Response to Environmental Information Request at 5.

[96] *Id.* at 4.

[97] EA at 36.

[98] *See, e.g., Tex. Gas Transmission, LLC,* 181 FERC ¶ 61,049 at P 61 (conditioning a certificate of public convenience and necessity on the applicant's filing of an HDD noise mitigation plan); *see also Venture Global Calcasieu Pass, LLC*, 166 FERC

2. Environmental Analysis Conclusion

38. We have reviewed the information and analysis contained in the EA, as well as the other information in the record, regarding potential environmental effects of the project. We accept the environmental recommendations in the EA, as modified herein, and include them as conditions in an appendix to this order. Based on the analysis in the EA, as supplemented or clarified herein, we conclude that if constructed and operated in accordance with Rockies Express's application and supplements, and in compliance with the environmental conditions in the appendix to this order, our approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.[99]

39. Compliance with the environmental conditions appended to our orders is integral to ensuring that the environmental impacts of approved projects are consistent with those anticipated by our environmental analyses. Thus, Commission staff carefully reviews all information submitted. Only when satisfied that the applicant has complied with all applicable conditions will a notice to proceed with the activity to which the conditions are relevant be issued. We also note that the Commission has the authority to take whatever steps are necessary to ensure the protection of environmental resources during the construction and operation of the project, including authority to impose any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the order, as well as the avoidance or mitigation of unforeseen adverse environmental impacts resulting from project construction and operation.

IV. Conclusion

40. Rockies Express has demonstrated a need for the Decatur Lateral Project. Further, the project will not have adverse impacts on Rockies Express's existing shippers or other pipelines and their existing customers, and the project's benefits will outweigh any adverse effects on landowners and surrounding communities. The Commission recognizes that the proposed project would impact the environment and individuals living in the vicinity of the project facilities, but that the project impacts, as mitigated, would not be significant. Based on the discussion above, we conclude that, under section 7 of the NGA, the public convenience and necessity requires approval of the Decatur Lateral Project, subject to the conditions in this order.

¶ 61,144 at P 109 (conditioning a certificate of public convenience and necessity on the applicant's filing of an HDD noise mitigation plan).

[99] We are not making a significance determination regarding GHG effects for the reasons discussed in *supra* note 49.

41. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this authorization. The Commission encourages cooperation between applicants and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.[100]

42. The Commission, on its own motion, received and made a part of the record in this proceeding all evidence, including the application, as supplemented, and exhibits thereto, and all comments, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Rockies Express Pipeline LLC, authorizing it to construct and operate the Decatur Lateral Project, as described and conditioned herein, and as more fully described in the application, as amended, and subsequent filings by the applicant, including any commitments made therein.

(B) The certificate authority issued in Ordering Paragraph (A) is conditioned on Rockies Express:

(1) completing construction of the proposed facilities and making them available for service within two years of the date of this order pursuant to section 157.20(b) of the Commission's regulations;

(2) complying with all applicable Commission regulations under the NGA, including, but not limited to, Parts 154, 157, and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations;

[100] *See* 15 U.S.C. § 717r(d) (state or federal agency's failure to act on a permit considered to be inconsistent with Federal law); *see also Schneidewind v. ANR Pipeline Co*., 485 U.S. 293, 310 (1988) (state regulation that interferes with FERC's regulatory authority over the transportation of natural gas is preempted); *Dominion Transmission, Inc. v. Summers,* 723 F.3d 238, 245 (D.C. Cir. 2013) (noting that state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation, or would delay the construction and operation of facilities approved by the Commission).

(3) complying with the environmental conditions listed in the appendix to this order; and

(4) filing a written statement affirming that it has executed firm service agreements for volumes and service terms equivalent to those in the precedent agreements before commencing construction.

(C) Rockies Express's proposal to charge, as initial rates, its existing system recourse rates under Zone 3 Schedule FTS and Zone 3 Rate Schedule ITS is approved.

(D) Rockies Express's request for a pre-determination supporting rolled-in rate treatment for the costs of the project in its next NGA general section 4 rate proceeding is granted, absent any significant change in circumstances.

(E) Rockies Express shall notify the Commission's environmental staff by telephone or e-mail of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Rockies Express. Rockies Express shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

Appendix
Environmental Conditions

As recommended in the Environmental Assessment (EA) and modified herein, this authorization includes the following conditions:

1. Rockies Express Pipeline, LLC (Rockies Express) shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EA, unless modified by the Order. Rockies Express must:

    a. request any modification to these procedures, measures, or conditions in a filing with the Secretary (Secretary) of the Federal Energy Regulatory Commission (Commission);

    b. justify each modification relative to site-specific conditions;

    c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and

    d. receive approval in writing from the Director of the Office of Energy Projects (OEP), or the Director's designee, **before using that modification**.

2. The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the Project. This authority shall allow:

    a. the modification of conditions of the Order;

    b. stop-work authority; and

    c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental effects resulting from Project construction and operation.

3. **Prior to any construction**, Rockies Express shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EIs), and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.

4. The authorized facility location*s* shall be as shown in the EA, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, Rockies Express shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets. Rockies Express's exercise of eminent domain authority granted under Natural Gas Act section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. Rockies Express's right of eminent domain granted under NGA section 7(h) does not authorize it to increase the size of its natural gas pipeline or facilities to accommodate future needs or to acquire a ROW for a pipeline to transport commodities other than natural gas.

5. Rockies Express shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP, or the Director's designee, **before construction in or near that area.**

This requirement does not apply to extra workspace allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and/or minor field realignments per landowner's needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

a. implementation of cultural resources mitigation measures;

b. implementation of endangered, threatened, or special concern species mitigation measures;

c. recommendations by state regulatory authorities; and

d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

6. **Within 60 days of the acceptance of the authorization and before construction begins**, Rockies Express shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP, or the Director's designee. Rockies Express must file revisions to the plan as schedules change. The plan shall identify:

a. how Rockies Express will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EA, and required by the Order;

b. how Rockies Express will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;

c. the number of EIs assigned (per spread), and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;

d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;

e. the location and dates of the environmental compliance training and instructions Rockies Express will give to all personnel involved with construction and restoration (initial and refresher training as the Project progresses and personnel change);

f. the company personnel (if known) and specific portion of Rockies Express's organization having responsibility for compliance;

g. the procedures (including use of contract penalties) Rockies Express will follow if noncompliance occurs; and

h. for each discrete facility, a Gantt or Program Evaluation Review Technique (PERT) chart (or similar project scheduling diagram), and dates for:

(1) the completion of all required surveys and reports;

(2) the environmental compliance training of onsite personnel;

(3) the start of construction; and

(4) the start and completion of restoration.

7. Rockies Express shall employ at least one environmental inspector per construction spread. The environmental inspector shall be:

   a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;

   b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;

   c. empowered to order correction of acts that violate the environmental conditions of the Order, and any other authorizing document;

   d. a full-time position, separate from all other activity inspectors*;*

   e. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and

   f. responsible for maintaining status reports.

8. **Beginning with the filing of its Implementation Plan**, Rockies Express shall file updated status reports with the Secretary on a **biweekly** basis until all construction and restoration activities are complete. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

   a. an update on Rockies Express's efforts to obtain the necessary federal authorizations;

   b. the construction status of the Project, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;

   c. a listing of all problems encountered, and each instance of noncompliance observed by the EIs during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);

   d. a description of the corrective actions implemented in response to all instances of noncompliance;

   e. the effectiveness of all corrective actions implemented;

f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and

g. copies of any correspondence received by Rockies Express from other federal, state, or local permitting agencies concerning instances of noncompliance, and Rockies Express's response.

9. Rockies Express must receive written authorization from the Director of OEP, or the Director's designee, **before commencing construction of any Project facilities.** To obtain such authorization, Rockies Express must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

10. Rockies Express must receive written authorization from the Director of OEP, or the Director's designee, **before placing the Project into service**. Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the Project are proceeding satisfactorily.

11. **Within 30 days of placing the authorized facilities in service**, Rockies Express shall file an affirmative statement with the Secretary, certified by a senior company official:

a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or

b. identifying which of the conditions in the Order Rockies Express has complied with or will comply with. This statement shall also identify any areas affected by the Project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.

12. All conditions attached to the water quality certification issued by the Illinois Environmental Protection Agency constitute mandatory conditions of the Certificate Order. **Prior to construction**, Rockies Express shall file, for review and written approval of the Director of OEP, or the Director's designee, any revisions to its Project design necessary to comply with the water quality certification conditions.

13. Rockies Express shall treat all grassed waterways in or connected to agricultural landscapes as agricultural and not open land, affording such grassed waterways the topsoil segregation, decompaction, stone removal and soil additive measures afforded to agricultural land, unless otherwise specified by landowner agreement.

14. **Prior to construction of HDD-002, HDD-003, and HDD-005,** Rockies Express shall file with the Secretary, for review and written approval by the Director of OEP, or the Director's designee, an HDD noise mitigation plan to reduce the projected noise level attributable to the proposed drilling operations at Noise Sensitive Areas (NSAs) with predicted noise levels above 55 dBA L_{dn}. During drilling operations, Rockies Express shall implement the approved plan, monitor noise levels, document the noise levels in the **biweekly** status reports, and restrict the noise attributable to the drilling operations to no more than 55 dBA L_{dn}.

15. Rockies Express shall file a noise survey with the Secretary **no later than 60 days** after placing the ADM and Broadwing Meter Stations into service. If a full flow rate noise survey at the station's maximum design capacity is not possible, Rockies Express shall provide an interim survey at the maximum possible flow rate and provide the full flow rate survey **within 6 months**. If the noise attributable to the operation of the ADM and Broadwing Meter Stations exceeds an L_{dn} of 55 dBA at any NSAs, Rockies Express shall file a report on what changes are needed and shall install additional noise controls to meet the level **within 1 year** of the in-service date. Rockies Express shall confirm compliance with this requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.