197 FERC ¶ 61,117
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.

Forza Pipeline LLC Docket Nos. CP26-34-000
Bull Run Pipeline LLC CP26-35-000

ORDER ISSUING CERTIFICATES

(Issued November 19, 2026)

1. On December 3, 2025, as supplemented on December 10, 2025, Forza Pipeline LLC (Forza) and Bull Run Pipeline LLC (Bull Run, and together with Forza, Applicants) filed a joint application pursuant to section 7(c) of the Natural Gas Act (NGA)[1] and Parts 157 and 284 of the Commission's regulations,[2] for authorization to construct and operate the Forza Project in New Mexico and Texas. The project is designed to provide up to 750,000 dekatherms per day (Dth/d) of firm transportation service. Forza also requests approval of a lease agreement (Capacity Lease) under which Forza will lease transportation capacity on Bull Run's non-jurisdictional intrastate pipeline system. Additionally, Bull Run requests a limited jurisdiction certificate to allow Forza's transportation of gas through Bull Run's non-jurisdictional facilities. As discussed below, we grant the requested authorizations, subject to certain conditions.

I. Background and Proposal

2. Forza, a newly formed Delaware limited liability company, is a wholly owned subsidiary of Targa Resources Corporation (Targa).[3] Upon commencing operations of the proposed Forza Project, Forza will become a natural gas company as defined by section 2(6) of the NGA,[4] and as such will be subject to the Commission's jurisdiction.

[1] 15 U.S.C. § 717f(c).

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

[3] Application at 3.

[4] 15 U.S.C. § 717a(6).

Bull Run,[5] a Delaware limited liability company, is also a wholly owned subsidiary of Targa but is not a natural gas company as defined by section 2(6) of the NGA.[6] Bull Run owns and operates intrastate natural gas facilities in Texas,[7] including the Bull Run Pipeline, which is an intrastate natural gas pipeline within the meaning of section 2(16) of the Natural Gas Policy Act of 1978 (NGPA).[8] Bull Run also provides interstate transportation services pursuant to section 311(a)(2) of the NGPA.

3. Forza is seeking authorizations under section 7(c) of the NGA and Parts 157 and 284 of the Commission's regulations for: (i) a certificate of public convenience and necessity authorizing the construction and operation of approximately 36 miles of new interstate natural gas pipeline facilities; (ii) a Part 284 blanket certificate of public convenience and necessity authorizing Forza to provide open access transportation services, with pre-granted abandonment approval; (iii) a Part 157 blanket certificate of public convenience and necessity to construct, operate, and abandon certain eligible facilities, and related services; (iv) a certificate of public convenience and necessity authorizing Forza to enter into a Capacity Lease to lease 750,000 Dth/d of capacity from Bull Run; (v) approval of its proposed initial recourse rates for transportation service and its *pro forma* tariff; and (vi) such other authorizations or waivers as may be deemed necessary.

4. Bull Run requests a limited jurisdiction certificate authorizing it to lease capacity to Forza for use in the transportation of natural gas in interstate commerce during the term of the Capacity Lease, while at the same time leaving its other intrastate operations exempt from NGA jurisdiction.

5. The Forza Project includes the construction, installation, modification, operation, and maintenance of new natural gas pipeline and related facilities designed to transport 750,000 Dth/d of natural gas from the Delaware Basin production area in southeastern

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[5] Effective September 26, 2025, the name for Delaware-Permian Pipeline LLC changed to Bull Run Pipeline LLC.

[6] 15 U.S.C. § 717a(6).

[7] Application at 3.

[8] 15 U.S.C. § 3301(16). The non-jurisdictional Bull Run Pipeline consists of 33 miles of primarily 36-inch-diameter natural gas pipeline in Crane, Ward, Reeves, and Pecos Counties, Texas. As explained further below, Bull Run has completed construction of the Bull Run Extension, which consists of a 43-mile-long, 42-inch-diameter natural gas pipeline extending from Bull Run's existing system. Application at 4; Forza October 5, 2026 Response to EA Comments at 6 ("the Bull Run Extension is fully permitted, fully constructed").

New Mexico and west Texas to delivery points located near Waha in west Texas. Specifically, Forza proposes to construct:

- approximately 35.94 miles of new 36-inch-diameter pipeline extending from the new Desert Ram Junction in Lea County, New Mexico to the existing Wildcat Junction in Winkler County, Texas (Forza Pipeline);
- one new meter station in Lea County, New Mexico, including tap, metering, heating, flow control, and communications facilities, and a new 36-inch riser to accommodate the use of a 36-inch-diameter tool launcher for pipe operations, compliance, and maintenance (Desert Ram Junction);
- one new mainline valve along the Forza Pipeline in Loving County, Texas; and
- one new 36-inch riser within the existing Wildcat Junction site in Winkler County, Texas to accommodate the use of a temporary 36-inch-diameter receiver.

6. Forza estimates that the project will cost approximately $183,096,905.[9] Forza held an open season from September 2, 2025 to October 31, 2025, for capacity made available by the Forza Project.[10] Following the open season, Forza executed precedent agreements with Targa Gas Marketing and Devon Energy Corporation for approximately 87% of the project's transportation capacity.[11]

II. Notice, Interventions, Protest, Comments, and Answer

7. Notice of the application was issued on December 16, 2025,[12] and published in the *Federal Register* with comments, protests, and interventions due January 6, 2026.[13]

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[9] Application at 13.

[10] *Id.*

[11] *Id.* Targa Gas Marketing is a wholly owned affiliate of Targa. Devon Energy Corporation is an unaffiliated third-party shipper.

[12] The Notice of Application incorrectly identified Young County, Texas as the location of the new 36-inch-diameter mainline valve; the correct location is Loving County, Texas.

[13] 90 Fed. Reg. 59819 (Dec. 22, 2025).

Coterra Energy Operating Co. (Coterra)[14] filed a timely, unopposed motion to intervene.[15] Spanish Dagger, Ltd., SHER Cow Country, LP, and Loving Cow Country, LP, which comprise the Haley Family property owners (Haley Family), filed a joint timely, unopposed motion to intervene and protest.[16]

8. The Haley Family argues that: (1) Forza has not demonstrated a need for the project; (2) the project is impermissibly segmented from the Bull Run Extension for purposes of the Commission's review under the National Environmental Policy Act of 1969 (NEPA); (3) the application lacks information on water and soil impacts and downstream emissions in relation to other pipelines in the area; and (4) the application does not adequately address impacts to the Haley Family property.[17]

9. On January 27, 2026, Applicants filed a Motion for Leave to Answer and Answer in response to the protest. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure prohibits answers to protests or answers unless otherwise ordered by the decisional authority.[18] We accept the Applicants' answer because it provides information that has assisted in our decision-making process. The issues raised in the protest and answer are addressed in the Environmental Assessment (EA) issued for the project and, as appropriate, below.

III. Discussion

10. The proposals to acquire capacity by lease and construct natural gas facilities to transport natural gas in interstate commerce subject to the Commission's jurisdiction are subject to the requirements of subsections (c) and (e) of section 7 of the NGA.[19]

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[14] Coterra is an exploration and production company located in Texas and is a potential transportation customer of the Forza Project.

[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).

[16] Haley Family January 6, 2026 Joint Motion to Intervene and Protest.

[17] As explained further below, the Haley Family argues that the pipeline will impact their ranching operations, invite trespassers onto the property, and unconstitutionally seize private property. Haley Family Protest at 2.

[18] 18 C.F.R. § 385.213(a)(2) (2025).

[19] 15 U.S.C. §§ 717f(c), (e).

A. Certificate Policy Statement

11. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.[20] The Commission also applies the Certificate Policy Statement in assessing applications for certificate authority to acquire existing facilities, including leasing capacity,[21] and, as is the case with the Bull Run Pipeline here, to operate existing non-jurisdictional facilities to provide jurisdictional services.[22] 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

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

[21] *See, e.g.*, *Tenn. Gas Pipeline Co.*, 123 FERC ¶ 61,153, at P 31 (2008).

[22] *See, e.g.*, *UGI Auburn, LLC*, 196 FERC ¶ 61,183, at P 12 (2026) (applying the Certificate Policy Statement in deciding whether to issue a certificate authorizing applicant to operate existing non-jurisdictional gathering facilities to provide jurisdictional services); *Regency Field Servs. LLC*, 153 FERC ¶ 61,054 (2015) (applying the Certificate Policy Statement in deciding whether to issue a certificate authorizing the continued operation of an 8.1-mile-long pipeline, originally constructed as a gathering line, that was being used to provide jurisdictional service).

economic interests will the Commission proceed to complete the environmental analysis, where other interests are considered.

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. Forza is a newly formed interstate natural gas pipeline company. As such, it has no existing customers who might be adversely affected by project costs. Because Forza currently has no existing shippers or existing revenue base, there is no potential for improper subsidization.[23]

14. Forza states that the project is designed to address the growing need for transportation capacity in the Delaware Basin by alleviating upstream transportation constraints and ensuring that production can reach downstream markets.[24] Once constructed and placed into service, Forza states that the project will interconnect with multiple pipelines at the Waha Hub, providing shippers with access to liquefied natural gas (LNG) export facilities and power generation facilities on the Gulf Coast.[25] Forza asserts that demand for natural gas in these sectors is forecasted to increase, driven by LNG exports and energy-intensive data centers.[26]

15. As stated above, Forza entered into binding precedent agreements with Targa Gas Marketing and Devon Energy Corporation for approximately 87% of the project's transportation capacity of 750,000 Dth/d.[27] These commitments were secured as a result of Forza's open season and are tied to primary receipts at Desert Ram Junction and deliveries at multiple Waha interconnections. We acknowledge that the anchor shipper, Targa Gas Marketing, which has contracted for approximately 67% of the capacity, is an affiliate of Forza.[28] As discussed below, notwithstanding this relationship, we find, under the facts presented, that the precedent agreements demonstrate evidence of project need.

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[23] *See, e.g.*, *Se. Supply Header, LLC*, 123 FERC ¶ 61,310, at P 10 (2008).

[24] Application at 5.

[25] *Id.* at 5, 18.

[26] *Id.* at 5.

[27] *Id.* Targa Gas Marketing is subscribed for 500,000 Dth/d and Devon Energy Corporation is subscribed for 150,000 Dth/d. Application, Ex. I-2 at 4.

[28] *Id.*

16. Applicants also filed a market study to demonstrate strong upstream supply growth in the Delaware/Permian Basin and highlight emerging constraints in existing takeaway pipelines, underscoring the need for new capacity.[29] The market study shows that current maximum production at Red Hills and Copperhead processing plants, whose residue outlet lines will interconnect with the Forza Pipeline at its primary receipt point at Desert Ram Junction, will exceed available takeaway capacity. The project will directly address the upstream takeaway bottleneck.[30] The study contends that by linking the Red Hills and Copperhead processing plants to the Waha Hub's multiple interconnections, the project would move gas efficiently to Gulf Coast LNG export facilities and support the rapid expansion of data centers and power generation in Texas and New Mexico, where natural gas remains the primary fuel for electricity generation.[31]

17. The Haley Family argues that Forza has not demonstrated a need for the project.[32] They assert that the project is designed to push additional supply into the Waha Hub, which is oversaturated and experiencing downward pressure on prices driven by constrained takeaway, not a lack of gas delivery, and that Forza's market study confirms this.[33] The Haley Family further contends that the project is primarily backed by a precedent agreement with an affiliate, which is less probative of need.[34] They contend that this is a circular arrangement where the applicant, the lessor of capacity, and the anchor shipper are all owned and controlled by the same corporate parent, which raises concerns regarding self-dealing.[35] In their view, Forza's demonstration of need for the project relies on generalized growth claims and an internal market study rather than non-affiliated, arm's-length commitments.[36]

18. Applicants respond that the Haley Family's claim that the Waha Hub is oversupplied misstates Forza's stated need for the project because the project is designed to alleviate upstream takeaway constraints in the Delaware Basin, not to remedy a

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[29] Application, Ex. I-2 at 5 (Market Study).

[30] *Id.* at 6.

[31] *Id.* at 10-11.

[32] Haley Family January 6, 2026 Protest at 8.

[33] *Id.* at 9.

[34] *Id.* at 11-12.

[35] *Id.* at 12.

[36] *Id.* at 11-12.

shortage of gas at the Waha Hub.[37] They also state that the end markets that will be served by the project are LNG export facilities, power generation facilities, and other demand centers on the Gulf Coast, not the Waha Hub.[38] Applicants aver that Waha is a transportation hub that interconnects with numerous downstream pipelines, and that additional downstream takeaway capacity is coming online to move Permian supplies from the Waha Hub to demand centers.[39] They further note that the Certificate Policy Statement evaluates public benefits against adverse impacts rather than requiring proof of unmet demand at an intermediate hub.

19. The Commission has continuously found that precedent agreements are reliable evidence that the service to be provided by the project is needed, as precedent agreements involve parties engaging in negotiations for pipeline transportation services to meet individualized needs.[40] Market studies may also provide evidence of need under the Certificate Policy Statement, but are not required for such a finding.[41] The Commission will not look beyond precedent agreements to assess need by other means unless there is credible, contrary evidence discounting their probative value.[42]

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[37] Applicants January 27, 2026 Answer at 2.

[38] *Id.*

[39] Application, Ex. I-2 at 9; Applicants January 27, 2026 Answer at 2-3.

[40] *Transcon. Gas Pipe Line Co., LLC*, 194 FERC ¶ 61,098, at P 43 (2026); *Mountain Valley Pipeline, LLC*, 193 FERC ¶ 61,222, at P 27 (2025) (citing *Gas Trans. Nw., L.L.C. v. FERC*, 157 F.4th 674, 705 (5th Cir. 2025) ("If a pipeline secures precedent agreements for an expansion project's entire capacity, FERC's decision to grant a § 7 certificate is supported by 'substantial evidence' under the APA.") (citations omitted). *See also 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); *Mountain Valley Pipeline, LLC*, 171 FERC ¶ 61,232, at P 41 (2020) ("Given the uncertainty associated with long-term demand projections . . . where an applicant has precedent agreements for long-term firm service, the Commission deems the precedent agreements to be the better evidence of demand."), *on reh'g*, 172 FERC ¶ 61,261 (2020), *pet. denied sub nom*. *Sierra Club v. FERC*, 38 F.4th 220 (D.C. Cir. 2022).

[41] *Mountain Valley Pipeline, LLC*, 193 FERC ¶ 61,222 at P 27 (citing Certificate Policy Statement, 88 FERC at 61,747).

[42] *Id.* (citing *Gas Trans. Nw., L.L.C. v. FERC*, 157 F.4th at 705 (citations omitted)).

20. Here, precedent agreements for approximately 87% of the project's capacity support a finding of project need.[43] Although Applicants submitted additional evidence that corroborated the need for the project, we find the precedent agreements sufficient to meet Applicants' burden and support our conclusion.[44] As a general matter, the Commission does not second-guess individual shippers' business decisions to enter into contracts for natural gas transportation service.[45] This reflects the reality that "[i]f there were no objective market demand for the additional gas, no rational company would spend money to secure the excess capacity."[46] Further, an affiliated shipper's need for new capacity and its obligation to pay for such service under a binding contract are not lessened just because it is affiliated with the project sponsor.[47]

21. There is an exception to this approach when the Commission is presented with "plausible evidence of self-dealing" between a pipeline and its affiliate shipper, in which case the Commission will look behind a precedent agreement and exercise heightened scrutiny of the pipeline's demonstration of market need.[48] But here, no such evidence exists. In the absence of evidence of self-dealing, we find no occasion to look behind the precedent agreements.[49] We also note that Forza has executed a precedent agreement pursuant to which Devon Energy Corporation, an unaffiliated third-party shipper, has

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[43] *See, e.g., Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048 at P 29 (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 For a Better Bayou v. FERC*, 188 F.4th 516, 532 (D.C. Cir. 2026) (citing *Sierra Club v. FERC*, 153 F.4th 1295, 1309 (D.C. Cir. 2025) ("'As a general rule,' we have held that the 'FERC may find market need by relying solely on a precedent agreement.'")).

[44] *See Transcon. Gas Pipe Line Co., LLC*, 194 FERC ¶ 61,098 at P 44.

[45] *Transcon. Gas Pipe Line Co., LLC*, 190 FERC ¶ 61,048 at P 27.

[46] *Id.* (quoting *Twp. of Bordentown, N.J. v. FERC*, 903 F.3d 234, 262 (3d Cir. 2018)).

[47] *See Palo Duro Transmission L.P.*, 194 FERC ¶ 61,220 (2026); *Mountain Valley Pipeline, LLC*, 161 FERC ¶ 61,043 (2017); *see also Greenbrier Pipeline Co., LLC*, 101 FERC ¶ 61,122, at P 59 (2002), *reh'g denied*, 103 FERC ¶ 61,024 (2003).

[48] *Sierra Club v. FERC*, 153 F.4th at 1309 (quoting *Env't Def. Fund v. FERC*, 2 F.4th 953, 975 (D.C. Cir. 2021)).

[49] *Tenn. Gas Pipeline Co., L.L.C.*, 196 FERC ¶ 61,093, at PP 47-48 (2026).

contracted for substantial capacity. Therefore, we find that the Applicants have demonstrated a need for the Forza Project.

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

22. As discussed above, Forza does not currently have existing customers. We also find that the construction, maintenance, and operation of the Forza Project will not have adverse effects on existing pipelines or their captive customers. The proposed facilities will enhance competition and ease existing and anticipated pipeline constraints in the growing Delaware Basin production area in southeast New Mexico and West Texas. Providing additional transportation for increasing natural gas production will create competitive pressure that will ultimately have a positive effect on the pricing of natural gas supplies in the region. No pipeline companies or their captive customers have protested the proposed project. Therefore, we find that the project will not have adverse effects on existing pipelines or their captive customers.

23. We are also satisfied that the Applicants have taken appropriate steps to minimize adverse economic impacts on landowners and surrounding communities. Approximately 67% of the pipeline route will be collocated within or adjacent to existing pipeline or utility rights-of-way corridors.[50] Applicants state that the project has been carefully designed to minimize environmental and landowner impacts while providing essential energy infrastructure.[51] Applicants engaged in public outreach to stakeholders, including affected landowners, and state that Forza will continue to communicate with landowners during construction.[52] Further, the Applicants provided analysis of two route alternatives and four minor route deviations and explained that the proposed route was selected to optimize constructability and safety and avoid planned infrastructure of other oil and gas producers.[53] Accordingly, we find that the Applicants have taken sufficient steps to avoid and minimize adverse economic impacts to landowners and surrounding communities for purposes of our consideration under the Certificate Policy Statement.

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[50] Application at 6.

[51] *Id.*

[52] Application, Resource Report 1, at 1-20, 1-17. *See also* Applicants January 27, 2026 Answer at 12; Forza October 5, 2026 Response to EA Comments at 20-21. The Haley Family raised specific concerns regarding impacts to their land, which were addressed in the EA and are further discussed below.

[53] Application, Resource Report 10, at 10-7.

24. The Haley Family argues that eminent domain authority here would result in an unconstitutional taking of their private property for private rather than public use.[54] We disagree. Under NGA section 7, the Commission has jurisdiction to determine if the construction and operation of proposed interstate pipeline facilities are in the public convenience and necessity.[55] Once the Commission makes that determination and issues a natural gas company a certificate of public convenience and necessity, NGA section 7(h) authorizes that certificate holder to acquire the necessary land or property to construct the approved facilities by exercising the right of eminent domain if it cannot acquire the easement by an agreement with the landowner.[56]

25. Contrary to the Haley Family's argument, Forza's potential exercise of eminent domain authority for purposes of the project poses no Takings Clause problems from either a "public use" or "just compensation" perspective.[57] The Supreme Court has a longstanding policy of deference to legislative judgments as to what public needs justify the use of the takings power.[58] Congress articulated in the NGA that the transportation of natural gas and the sale thereof in interstate and foreign commerce is in the public interest.[59] The Commission's public convenience and necessity determination satisfies the Fifth Amendment's "public use" requirement.[60]

26. The Haley Family also notes that shortly after issuance of the EA, Forza sent them a letter asserting that acquiring easements for the project is "in the public interest."[61] The

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[54] Haley Family January 6, 2026 Protest at 6.

[55] 15 U.S.C. § 717f(c).

[56] *Id.* § 717f(h).

[57] *See* U.S. Const. amend. V.

[58] *See Kelo v. City of New London*, 545 U.S. 469, 480 (2005); *see also Haw. Hous. Auth. v. Midkiff*, 467 U.S. 229, 244 (1984) ("Thus, if a legislature, state or federal, determines there are substantial reasons for an exercise of the taking power, courts must defer to its determination that the taking will serve a public use.").

[59] 15 U.S.C. § 717(a).

[60] S*ee Midcoast Interstate Transmission, Inc. v. FERC*, 198 F.3d 960, 973 (D.C. Cir. 2000) (holding the Commission's determination that pipeline "serve[d] the public convenience and necessity" demonstrated that it served a ""public purpose" for Fifth Amendment purposes).

[61] Haley Family September 28, 2026 Comments at 18.

Haley Family states that only the Commission may determine whether a project is required by the public convenience and necessity, and they assert that the letter is premature and could be interpreted as implying condemnation authority before any Commission decision is made. In its response, Forza clarifies that it was conducting standard outreach to landowners and initiating a good-faith negotiation process for easement acquisition, not asserting condemnation authority prior to receiving a certificate from the Commission.[62] Forza explains that its letter did not purport to prejudge the Commission's ultimate determination as to whether the project is required by the public convenience and necessity, but simply stated its own position, as it has consistently expressed and advocated for in this proceeding, that the project is in the public interest.[63]

3. Certificate Policy Statement Conclusion

27. The project will provide 750,000 Dth/d of new firm transportation capacity. Forza has entered into binding agreements for 87% of the project's capacity. Accordingly, we find that Applicants have demonstrated a need for the project, and, further, that the project will not have adverse impacts on existing customers, existing pipelines, or other storage providers and their existing customers, and that the project will have minimal economic impacts on landowners and surrounding 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.[64]

B. Blanket Certificates

28. Forza requests a Part 284, Subpart G blanket certificate to provide open-access transportation services.[65] Under a Part 284 blanket certificate, Forza would not need individual authorizations to provide transportation services to particular customers. Forza filed a *pro forma* Part 284 tariff to provide open-access transportation services. Because a Part 284 blanket certificate is required for Forza to participate in the Commission's open-access regulatory regime, we grant Forza a Part 284 blanket certificate, subject to the conditions imposed herein.

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[62] Forza October 5, 2026 Response to EA Comments at 20.

[63] *Id.* at 21.

[64] *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).

[65] 18 C.F.R. §§ 284.221-223 (2025).

29. Forza also requests a Part 157, Subpart F blanket certificate. Under Part 157, Subpart F of the Commission's regulations, interstate pipelines that hold an NGA section 7(c) certificate of public convenience and necessity may obtain a blanket certificate to undertake, without a case-specific authorization order, a restricted number of routine activities related to the construction, acquisition, abandonment, replacement, and operation of pipeline facilities, provided that the activities comply with constraints on costs and environmental impacts.[66] Because the Commission has previously determined through a rulemaking that these blanket-certificate eligible activities are in the public convenience and necessity,[67] it is the Commission's practice to grant new natural gas companies a Part 157 blanket certificate if requested.[68] Accordingly, we will grant Forza a Part 157 blanket certificate, subject to the conditions imposed herein.

C. Capacity Lease

30. Applicants state that pursuant to the Capacity Lease, Forza would lease 750,000 Dth/d of capacity on the Bull Run Extension[69] from a specified point of interconnection. The recently completed Bull Run Extension consists of approximately 43 miles of 42-inch-diameter natural gas pipeline to transport residue gas from Winkler County, Texas, to multiple downstream pipeline interconnections at the Waha Hub in Pecos County, Texas. Applicants state that the Bull Run Extension will provide intrastate transportation services to shippers, other than the project shippers, independently of the Forza Project and will connect new residue gas supplies produced in the southern Delaware Basin to downstream markets.[70]

31. The Capacity Lease provides that the Bull Run leased capacity will be treated as Forza's own capacity and will be used to provide firm transportation service pursuant to the terms of the new Rate Schedule FTS included as Exhibit P. The Capacity Lease will commence on the later of the following dates: January 1, 2028; the date Forza places the project in service; or the date the Bull Run Extension is placed into service. Applicants

[66] 18 C.F.R. § 157.203 (2025).

[67] *Revisions to the Blanket Certificate Reguls. & Clarification Regarding Rates*, Order No. 686, 117 FERC ¶ 61,074, at P 9 (2006), *order on reh'g*, Order No. 686-A, 119 FERC ¶ 61,303, *order on reh'g*, Order No. 686-B, 120 FERC ¶ 61,249 (2007).

[68] *TTC Connector, LLC*, 195 FERC ¶ 61,191, at P 23 (2026).

[69] *See supra* note 8.

[70] Application at 11.

state that the primary term of the Capacity Lease is 10 years.[71] Applicants state that upon termination of the Capacity Lease, all the Bull Run leased capacity would revert to Bull Run. The Capacity Lease requires Forza to pay a monthly lease fee of $2,281,250[72] or approximately $0.10 per Dth.[73]

32. The Commission views lease agreements differently from transportation services under rate contracts. A lease of pipeline capacity is an acquisition of a property interest by the lessee in the capacity of the lessor's pipeline.[74] To enter into a lease agreement, the lessee generally needs to be a natural gas company under the NGA and to obtain a section 7(c) certificate of authorization to acquire the capacity. Once the capacity is acquired, the lessee in essence owns it, and the capacity is subject to the lessee's tariff. The leased capacity is allocated for use by the lessee's customers. The lessor, while it may remain the operator of the pipeline system, no longer has any rights to use the leased capacity.[75]

33. The Commission's practice has been to approve a lease if it finds that: (1) there are benefits from using a lease agreement; (2) the lease payments are less than, or equal to, the lessor's firm transportation rates for comparable service over the term of the lease; and (3) the lease agreement does not adversely affect existing customers.[76] As the Commission has stated previously:

> We will not consider any of the prongs of the test in isolation, but rather will balance them, on a case-by-case basis. Given the facts of individual lease cases, we will determine whether a proposal meets all of the three established criteria, and, if it does not, weigh the significance of the lease's failure to satisfy any criterion against the benefits it would provide with respect to other criteria.[77]

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[71] *Id.*

[72] *Id.* at 12.

[73] ($2,281,250 x (12/365)) / (750,000 Dth) = $0.10 Dth.

[74] *Tex. E. Transmission Corp.*, 94 FERC ¶ 61,139, at 61,530 (2001).

[75] *Tex. Gas Transmission, LLC*, 113 FERC ¶ 61,185, at P 10 (2005).

[76] *Id.*; *Islander E. Pipeline Co., L.L.C.*, 100 FERC ¶ 61,276, at P 69 (2002).

[77] *See, e.g.*, *Nat'l Fuel Gas Supply Co.*, 172 FERC ¶ 61,039, at P 43 (2020).

34. As discussed below, we find that the proposed Capacity Lease between Bull Run and Forza satisfies all three criteria.

1. Lease Benefits

35. The Commission has found that capacity leases in general have several potential public benefits. Leases can promote efficient use of existing facilities, avoid construction of duplicative facilities, reduce the risk of overbuilding, reduce costs, and minimize environmental impacts.[78] In addition, leases can result in administrative efficiencies for shippers by not having to nominate across several pipelines.[79] We find that the proposed Capacity Lease will enable Forza to use Bull Run's excess available capacity to provide interstate transportation services without constructing additional new pipeline facilities. By using the proposed Capacity Lease, Forza can meet the demands of the market with reduced construction and environmental impacts.

2. Lease Payments

36. The Commission's lease policy is that lease payments must be less than, or equal to, the rate charged by the lessor for a comparable transportation service.[80] Here, the maximum rate for firm intrastate and NGPA section 311 transportation service on the Bull Run Extension covered by the Capacity Lease is $0.25 per Dth. The Capacity Lease requires Forza to pay a monthly lease fee of $0.10 per Dth, which is less than the cost of comparable transportation capacity on Bull Run.[81] Therefore, we find that the lease payments are consistent with Commission policy.

3. Lease Impacts on Existing Customers

37. The third criterion the Commission considers when approving a lease is whether a proposed lease agreement would have an adverse effect on existing customers, such that

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[78] *See, e.g.*, *NEXUS Gas Transmission, LLC*, 160 FERC ¶ 61,022, at P 58 (2017); *Dominion Transmission, Inc.*, 104 FERC ¶ 61,267, at P 21 (2003); *Islander E. Pipeline Co., L.L.C.*, 100 FERC ¶ 61,276 at P 70.

[79] *Wyo. Interstate Co., Ltd.,* 84 FERC ¶ 61,007, at 61,027 (1998), *reh'g denied*, 87 FERC ¶ 61,011 (1999).

[80] *ANR Pipeline Co.*, 179 FERC ¶ 61,040, at P 22 (2022).

[81] Application at 21-22. The Commission has previously found section 311 transportation service to be comparable service when analyzing lease payments. *See Sabine Pipe Line, LLC*, 171 FERC ¶ 61,147, at P 18 (2020).

the impact would outweigh the positive benefits already identified.[82] Forza is a new pipeline, so it has no existing shippers. The Capacity Lease will not adversely affect Bull Run's customers because the lease will use unsubscribed capacity on the Bull Run Extension.[83] No pipelines or customers have filed adverse comments regarding the Applicants' proposal. Therefore, we find that the Capacity Lease will not adversely affect existing customers.

4. Capacity Lease Conclusion

38. We find that the lease arrangement satisfies the Commission's lease policy because there are significant benefits, the lease payment is consistent with Commission policy, and Bull Run's existing customers will not be adversely affected. Therefore, we conclude that the proposed Capacity Lease is required by the public convenience and necessity. Accordingly, we grant Forza's request to acquire the capacity from Bull Run and offer service on the leased capacity under its tariff.

39. We will require Forza to file with the Commission a notification in this docket within 10 days of the date of acquisition of the capacity leased from Bull Run, providing the effective date of the acquisition. We also remind the Applicants that, prior to the lease terminating, Forza is required to obtain authority to abandon the leased capacity.[84]

40. Forza is required to treat the lease with Bull Run as an operating lease for accounting purposes and record the monthly lease payments in Account 858, Transmission and Compression of Gas by Others, consistent with Forza's proposal and the accounting treatment for other similar capacity lease agreements approved by the Commission.[85]

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[82] *See*, *e.g.*, *Sabine Pipe Line, LLC*, 171 FERC ¶ 61,147 at P 19.

[83] Application at 22.

[84] *See, e.g.*, *NEXUS Gas Transmission, LLC*, 160 FERC ¶ 61,022 at PP 63, 76; *Islander E. Pipeline Co.*, 102 FERC ¶ 61,054 at P 35.

[85] *See, e.g.*, *Midwestern Gas Transmission Co.*, 73 FERC ¶ 61,320, at 61,888 (1995); *TriState Pipeline LLC*, 88 FERC ¶ 61,328, at 62,008 (1999); *Gulf Crossing Pipeline Co. LLC,* 123 FERC ¶ 61,100, at P 131 (2008); *Columbia Gas Transmission, LLC*, 145 FERC ¶ 61,028, at P 24 (2013); *Nat'l Fuel Gas Supply Corp.*, 172 FERC ¶ 61,039, at P 76 (2020); *Sabine Pipe Line, LLC*, 171 FERC ¶ 61,147 at P 22.

D. Rates

1. Initial Recourse Rates

41. Forza estimates the total cost of the project is $183.1 million and proposes, under its *pro forma* tariff, to offer cost-based firm (Rate Schedule FTS) and interruptible (Rate Schedule ITS) open-access transportation service on a non-discriminatory basis under Part 284 of the Commission's regulations.[86] Forza proposes an initial monthly maximum recourse reservation charge under Rate Schedule FTS of $6.4664 per Dth based on a first year reservation cost of service of $58,197,722 and annual billing determinants of 9,000,000 Dth.[87] Forza also proposes an initial usage charge of $0.0000 per Dth.[88] Forza's proposed maximum initial interruptible recourse rate of $0.2126 per Dth under Rate Schedule ITS was calculated based on a 100% load factor derivative of the firm rate.

42. Forza states that the initial recourse rates reflect a depreciation rate of 2.86%, based on a 35-year life of the facilities and a negative net salvage rate of 0.1%.[89] Forza states that the derivations of its rates reflect a proposed overall rate of return of 9.75%, based on an expected 50% debt and 50% equity capital structure with a debt cost of 5.5% and a return on equity of 14%.[90]

43. We have reviewed Forza's proposed cost of service and initial recourse rates and find that they reasonably reflect current Commission policy. Therefore, we approve Forza's proposed rates as the initial recourse rates for the project.

2. Fuel

44. Forza proposes to establish an in-kind system fuel retainage percentage of 0.25% utilizing a tracking mechanism as provided in the General Terms and Conditions (GT&C) section 6.20 of its *pro forma* tariff.[91] Forza's proposed tracking mechanism is designed to recover fuel use and lost gas (F&L) on a system-wide basis, as a percentage of

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[86] Application, Ex. P.

[87] Application, Ex. N at 2. Forza states that an interruptible transportation revenue credit of $200,000 has been applied to the total system cost of service.

[88] *Id.* at 1.

[89] Application at 28.

[90] *Id.*

[91] Application, Ex. N.

scheduled receipts. Because Forza will not be constructing any compression for initial operations, it states that it will not charge any fuel use associated with the system and that the entire retainage factor is associated with projected lost gas.[92] Forza states that it will make an annual fuel tracker filing pursuant to NGA section 4 to adjust the F&L percentage and it will annually true-up any differences between the fuel retained from shippers and the actual fuel consumed or lost. We approve Forza's proposal to establish an initial F&L percentage of 0.25%.

3. Negotiated Rates

45. Forza proposes to provide service to the project shippers under negotiated rate agreements pursuant to negotiated rate authority provided under GT&C section 18 of its *pro forma* tariff. It must file either the negotiated rate agreements or the tariff records that set forth the essential terms of the agreement in accordance with the Alternative Rate Policy Statement[93] and the Commission's negotiated rate policies.[94]

4. Three-Year Filing Requirements

46. Consistent with Commission precedent, Forza is required to file a cost and revenue study no later than three months after its first three years of actual operation to justify its existing cost-based firm and interruptible recourse rates.[95] In its filing, the projected units of service should be no lower than those upon which Forza's approved initial rates are based. The filing must include a cost and revenue study in the form specified in section 154.313 of the Commission's regulations to update cost of service

[92] Application at 28.

[93] *Alts. to Traditional Cost-of-Serv. Ratemaking for Nat. Gas Pipelines; Regul. of Negotiated Transp. Servs. of Nat. Gas Pipelines*, 74 FERC ¶ 61,076, *clarification granted*, 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) (Alternative Rate Policy Statement).

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

[95] *See Cheyenne Connector, LLC*, 168 FERC ¶ 61,180, at P 44 (2019); *Bison Pipeline, LLC*, 131 FERC ¶ 61,013, at P 29 (2010); *Ruby Pipeline, L.L.C.*, 128 FERC ¶ 61,224, at P 57 (2009); *MarkWest Pioneer, L.L.C.*, 125 FERC ¶ 61,165, at P 34 (2008).

data.[96] Forza's cost and revenue study should be filed through the eTariff portal using a Type of Filing Code 585. In addition, Forza is advised to include as part of the eFiling description a reference to Docket No. CP26-34-000 and the cost and revenue study.[97] After reviewing the data, the Commission will determine whether to exercise its authority under NGA section 5 to investigate whether the rates remain just and reasonable. In the alternative, in lieu of that filing, Forza may make an NGA general section 4 rate filing to propose alternative rates to be effective no later than three years after the in-service date for its proposed facilities.

5. *Pro Forma* Tariff

47. Forza requests blanket transportation certificate authority pursuant to Part 284, Subpart G of the Commission's regulations. As part of its request, it filed a *pro forma* open-access tariff for the Commission's approval. Forza's proposed tariff generally conforms to the Commission's requirements. We will approve the tariff, as conditioned below.

a. System Map

48. Forza's *pro forma* tariff does not include a map(s) of its system, as required by the Commission's regulations.[98] Forza is required to revise its tariff to provide uniform resource locators designating a location on the Internet for publication of its system map(s).

b. Rate Schedule FTS

49. In section 4.2(a) of Rate Schedule FTS, Forza requires the payment of a "Daily Reservation Charge," defined as a charge per Dth "equal to the product of the applicable reservation rate(s) and each of" the customer's maximum daily quantities. However, nowhere in the *pro forma* tariff does Forza provide the applicable daily reservation charge. Rather, the Statement of Currently Effective Rates for Services in section 4 provides a "Monthly Reservation Rate." In the exhibits to its application, Forza has also only calculated a monthly reservation rate.[99] This inconsistency creates ambiguity and may result in differing interpretations of the proper daily reservation charge. When Forza files its tariff in compliance with this order, it should amend the language in Rate

[96] 18 C.F.R. § 154.313 (2025).

[97] *Electronic Tariff Filings*, 130 FERC ¶ 61,047, at P 17 (2010).

[98] 18 C.F.R. § 154.106 (2025).

[99] Application, Ex. N at 1.

Schedule FTS to be consistent with the charges listed in the Statement of Currently Effective Rates for Services.

c. Suspension or Termination for Default

50. In GT&C section 25, Forza clarifies that it will not be required to perform or continue service on behalf of any customer which, within 10 days after receipt of notice from Forza, fails to comply with the company's tariff and the applicable service agreement. The Commission allows pipelines to suspend service on a shorter time period than the 30-day notice period required for terminating service. However, because the pipeline is not providing the service required under the contract during suspension, the Commission has not permitted pipelines to impose reservation charges during the period of suspension. This is to ensure there is no incentive to suspend service by making this a more attractive alternative than contract termination.[100] Therefore, we direct Forza to include additional language specifying that Forza will not impose reservation charges during any period in which it suspends service.

d. Penalty Revenue Crediting

51. In GT&C section 31, Forza proposes to credit penalty revenues that exceed any costs that the pipeline has incurred in relation to the actions of customers necessitating the penalty. Forza states that it will allocate penalty crediting revenues among its customers in proportion to the total firm transportation revenues (excluding penalties, cash-out, facilities reimbursement or other similar charges) collected from each customer during the accrual period. However, this section does not fully comply with Order No. 637, in which the Commission stated a preference that all penalties, net of costs, be credited to non-offending shippers.[101] Additionally, while Forza's proposal states that it will credit penalty revenues to firm shippers, we have generally held that a pipeline must credit revenues to all shippers. Because all shippers, including interruptible shippers, may be subject to penalties, all shippers should therefore receive a proportional share of

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[100] *Pol'y Statement on Creditworthiness for Interstate Nat. Gas Pipelines & Order Withdrawing Rulemaking Proceeding*, 111 FERC ¶ 61,412, at P 24 (2005); *Fla. Se. Connection, LLC*, 154 FERC ¶61,080, at P 206 (2016).

[101] *Regul. of Short-Term Nat. Gas Transp. Servs. & Regul. of Interstate Nat. Gas Transp. Servs.*, Order No. 637, FERC Stats. & Regs. ¶ 31,091 (cross-referenced at 90 FERC ¶ 61,109), *clarified*, Order No. 637-A, FERC Stats. & Regs. ¶ 31,099 (cross-referenced at 91 FERC ¶ 61,169), *reh'g denied*, Order No. 637-B, 92 FERC at 61,062, *aff'd in part and remanded in part sub nom. Interstate Nat. Gas Ass'n of Am. v. FERC*, 285 F.3d 18 (D.C. Cir. 2002), *order on remand*, 101 FERC ¶ 61,127 (2002), *order on reh'g*, 106 FERC ¶ 61,088 (2004), *aff'd sub nom. Am. Gas Ass'n v. FERC*, 428 F.3d 255 (D.C. Cir. 2005).

any net penalty revenues.[102] As a result, we direct Forza to revise GT&C section 31 to provide crediting of penalty revenues to all non-offending firm and interruptible shippers net of costs, or fully explain and document why it is operationally infeasible to do so.

e. Park and Loan Service

52. Section 284.12(b)(2)(iii) of the Commission's regulations requires that open access pipelines with imbalance penalties in their tariffs must offer, to the extent operationally practicable, a parking and lending service (PALS).[103] Although Forza's tariff provides for imbalance penalties in GT&C section 11, Forza does not provide a PALS rate schedule.[104] Forza states that it is not proposing to provide a PALS rate schedule at this time due to its lack of storage and limited linepack flexibility.[105]

53. We recognize Forza's constraints. Forza will provide service on approximately 79 miles of pipeline without any storage, and with limited linepack quantity, and has proposed to allow shippers to trade imbalances. In light of Forza's size and limited capabilities, we will not require Forza to offer additional imbalance services in this order.[106]

E. Accounting

54. Allowance for Funds Used During Construction (AFUDC) is a component of the overall construction cost for Forza's facilities. Gas Plant Instruction No. 3(17) of the Commission's accounting regulations prescribes a formula for determining the maximum amount of AFUDC that may be capitalized.[107] However, that formula is not applicable here as it uses prior year book balances and cost rates of borrowed and other capital that

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[102] *Destin Pipeline Co., L.L.C.*, 99 FERC ¶ 61,060, at 61,284 (2002); *Nat. Gas Pipeline Co. of America*, 101 FERC ¶ 61,200, at P 99 (2002).

[103] 18 C.F.R. § 284.12(b)(2)(iii) (2025).

[104] In the transmittal to its December 1 Application, Forza states that it intends to offer a PALS rate schedule, but the company did not include tariff language for such a proposal. In a Data Request Response dated July 9, 2026, Forza clarified that the proposal was included in the transmittal in error. Applicants July 9, 2026 Data Response at 4.

[105] *Id.*

[106] *Horizon Pipeline Co., L.L.C.*, 101 FERC ¶ 61,195, at P 31 (2002).

[107] *See* 18 C.F.R. pt. 201 (2025).

either do not exist or could produce inappropriate results for initial construction projects of newly created entities such as Forza. Accordingly, to ensure that AFUDC is properly capitalized for this project, we will require Forza to capitalize the actual costs of borrowed and other funds for construction purposes, not to exceed the amount of AFUDC that would have been capitalized using the approved overall rate of return.[108]

F. Limited Jurisdiction Certificate

55. Bull Run requests a limited jurisdiction certificate allowing it to lease capacity to Forza for use in the transportation of natural gas in interstate commerce under the NGA during the term of the Capacity Lease, while at the same time leaving its other non-leased intrastate pipeline operations exempt from NGA jurisdiction.

56. The Commission closely examines proposals that would create dual jurisdiction facilities, i.e., facilities that would be subject to state and federal jurisdiction, to avoid duplicative and/or potentially inconsistent regulatory schemes over the same facilities. We recognize that federal regulation under the NGA of Bull Run will be limited in that it will apply only to its transportation of natural gas in interstate commerce; however, Bull Run will be subject to exclusive federal regulation under the NGA with regard to the leasing of the capacity supporting the 750,000 Dth/d of firm transportation service that Forza will provide on Bull Run's system.

57. The limited jurisdiction certificate will enable Bull Run to operate the leased capacity being used for NGA jurisdictional services subject to the terms of the lease and subject to Forza's tariff. The certificate will also require Bull Run to operate the leased capacity in a manner that ensures Forza's ability to provide services on an open-access, non-discriminatory basis. We have approved similar leases in the past by intrastate pipelines and local distribution companies.[109] Our finding that Bull Run is NGA-jurisdictional is limited to its role as lessor-operator of capacity used by Forza to provide Forza's interstate services. Bull Run will continue to remain non-jurisdictional as to its intrastate activities. Accordingly, to enable Bull Run to carry out its responsibilities under the Capacity Lease, the Commission issues a limited jurisdiction certificate to Bull Run.

58. Finally, consistent with Commission precedent, we grant waiver of certain requirements that otherwise would be applicable to an NGA interstate pipeline.[110]

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[108] *See Mill River Pipeline, L.L.C.*, 112 FERC ¶ 61,070, at PP 69-72 (2005).

[109] *See The E. Ohio Gas Co.*, 133 FERC ¶ 61,076 (2010); *Midcontinent Express Pipeline LLC*, 124 FERC ¶ 61,089 (2008).

[110] *Sabine Pipe Line LLC*, 171 FERC ¶ 61,147 at P 33; *High Point Gas Transmission, LLC*, 163 FERC ¶ 61,135, at PP 59-61 (2018); *Freeport McMoRan*

Specifically, waiver is granted to Bull Run of all reporting, filing, electronic posting, and other such requirements, including any requirement to make financial filings and assess annual charges. Although Bull Run did not request these waivers, this order finds it appropriate to grant them in this proceeding.

G. Environmental Analysis

59. On January 28, 2026, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Forza Pipeline Project*. The notice was published in the *Federal Register*[111] 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. We received comments in response to the notice from the U.S. Environmental Protection Agency (EPA), the Texas Commission on Environmental Quality (Texas CEQ), and the Haley Family. The primary issues raised by agencies concerned water quality protections, construction runoff controls, and proper management of solid and hazardous waste. The Haley Family raised concerns regarding potential impacts on ranching and mining operations, access to caliche deposits, vegetation, special status species, noise, and safety.

60. Pursuant to NEPA,[112] Commission staff, in cooperation with the U.S. Department of Interior's Bureau of Land Management (BLM), prepared an EA for the proposal, which was issued on August 28, 2026.[113] The Notice of Availability of the EA was published in the *Federal Register* and established a 30-day comment period.[114] 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 species, land use, visual resources, cultural resources, air quality including effects of greenhouse gas (GHG) emissions, noise, safety, and alternatives. The EA

Energy, LLC, 115 FERC ¶ 61,201, at PP 24-26 (2006); *Transcon. Gas Pipe Line Corp.*, 91 FERC ¶ 61,180 (2000); *B-R Pipeline Co.*, 89 FERC ¶ 61,312 (1999).

[111] 91 Fed. Reg. 4556 (Feb. 2, 2026).

[112] 42 U.S.C. §§ 4321 *et seq.*; *see also* 18 C.F.R. pt. 380 (2025) (Commission's regulations implementing NEPA).

[113] For tracking purposes under NEPA, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1771401929.

[114] 91 Fed. Reg. 56436 (Sep. 2, 2026).

addressed all substantive environmental comments received during scoping and concluded that approval of the project would not constitute a major federal action significantly affecting the quality of the human environment.[115]

61. Under NEPA, the Commission considers a project's impacts on all potentially affected communities. Project activities that would affect local communities include construction and operation of the pipeline facilities. Project construction would affect a total of 738.59 acres of land, of which 265.38 acres would be permanently affected during operation.[116]

62. As described in the EA, the project's potential effects on local communities during construction include effects on air,[117] noise,[118] and visual resources,[119] all of which would be temporary and less than significant. Additionally, project operation would result in effects on visual resources,[120] which would be less than significant.

63. Construction of the project would result in temporary air quality effects, primarily from dust generated by earthmoving activities and emissions from construction equipment and vehicles. These effects would be limited in duration and intensity. To minimize air quality effects from fugitive dust during project construction, Forza would implement mitigation measures such as using construction equipment and vehicle engines

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[115] EA at 43. Commission staff could not determine whether the impacts from GHG emissions attributable to the project would be significant or insignificant. *Id.* at 33-34; *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., LLC*, 187 FERC ¶ 61,200, at P 33 (2024) (applying *East 300* in the context of an EA).

[116] EA at 6.

[117] *Id.* at 27.

[118] *Id.* at 34.

[119] *Id.* at 27.

[120] *Id.*

that meet federal design standards and comply with emission regulations, as well as limiting vehicle speed and engine idling. Forza would also follow its Fugitive Dust Control Plan, which includes dust suppression techniques such as watering the construction work areas.[121] With these mitigation measures in place, the EA concludes that air quality effects from construction would be temporary and less than significant.[122] We agree.

64. Regarding noise effects, while most construction activities would occur on an intermittent basis and generally during daylight hours, between 7:00 a.m. and 7:00 p.m., Monday through Saturday, Forza states that certain critical activities may extend beyond these times, including but not limited to activities that need to run continuously (e.g., hydrostatic testing, tie-ins, and electrical work).[123] Forza states that it would contact all potentially affected landowners in advance of any construction activities during nighttime hours or on federal holidays.[124] The EA explains that no noise-sensitive areas are located within 0.5 miles of the pipeline corridor and no state or local noise ordinances apply to the project. Further, the EA finds that noise effects from construction would be temporary, and that those impacts would cease when construction activities are completed. Therefore, the EA concludes that construction noise impacts would not be significant.[125] We agree.

65. As to visual impacts, the project is not within any designated scenic areas and the new riser would be constructed on industrial land; other facilities would be constructed either within existing permanent easements or in the vicinity of other natural gas infrastructure.[126] Visual impacts during construction would be primarily attributable to exposed soils, cleared vegetation, and construction equipment, but would lessen over time as disturbed areas are reseeded and restored in accordance with the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and Forza's Revegetation

[121] *Id.* at 37.

[122] *Id.* at 31.

[123] *Id.* at 35.

[124] *Id.* at 7.

[125] *Id.* at 35.

[126] *Id.* at 26.

Plan.[127] The EA concludes that visual impacts from construction would be minor and consistent with existing landscapes.[128] We agree.

66. Regarding effects on visual resources during operation, effects would be minimal because new aboveground facilities remain consistent with surrounding existing infrastructure;[129] the new riser at Wildcat Junction would be constructed within the existing industrial footprint, and the mainline valve and Desert Ram Junction would be located adjacent to other natural gas infrastructure. There may be temporary visual effects while workspaces are revegetating, but impacts will be temporary and minimal.[130] The EA concludes, and we agree, that visual effects during operation would be less than significant.

67. The EA recommended implementation of Forza's proposed construction procedures and mitigation measures and Commission staff recommendations, which we have adopted as conditions in the appendix of this order.[131]

1. Comments on the EA

68. The Commission received comments on the EA from the Haley Family, the New Mexico Department of Wildlife, and Texas CEQ.[132] Applicants filed a response to comments on the EA from the Haley Family and New Mexico Department of Wildlife.[133] We address the comments below.

69. Following issuance of the EA, Forza also filed a letter from the New Mexico State Historic Preservation Office providing its concurrence with the eligibility and effect determinations regarding project effects on historic properties.[134] Therefore, the EA's

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[127] *Id.* at 27.

[128] *Id.* at 26-27.

[129] *Id.*

[130] *Id.*

[131] *Id.* at 43.

[132] EPA commented that it has no comments on the EA.

[133] Forza October 5, 2026 Response to EA Comments.

[134] Forza October 6, 2026 Filing.

recommended environmental condition 12 has been satisfied and is not included as an environmental condition in the appendix to this order.

a. Purpose and Need

70. The Haley Family asserts that the EA's discussion of purpose and need is inadequate because it relies solely on the applicant's description of the project's objectives and does not independently analyze whether there is an actual market need for additional natural gas transportation capacity to the Waha Hub.[135] They argue that by accepting the applicant's stated need without independent verification, the EA improperly limits consideration of reasonable alternatives, including the no-action alternative. Forza responds that the EA properly analyzed the project's need and the no-action alternative.[136]

71. NEPA provides that agencies should describe a reasonable range of alternatives to the proposed agency action (including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no-action alternative) that are technically and economically feasible and that meet the purpose and need of the proposal.[137] An agency uses the purpose and need statement to define the objectives of a proposed action and then to identify and consider reasonable alternatives. When an agency is asked to consider a specific proposal, the needs and goals of the applicant should be taken into account.[138] Where, as here, a federal agency is not the sponsor of a project, "the Federal government's consideration of alternatives may accord substantial weight to the preferences of the applicant and/or sponsor in the siting and design of the project."[139]

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[135] Haley Family September 28, 2026 Comments at 3. The Haley Family's EA comment regarding project need is a largely verbatim repetition of its comment filed in response to the application.

[136] Forza October 5, 2026 Response to EA Comments at 2. Forza's response also largely reiterates its prior responses to the Haley Family.

[137] 42 U.S.C. § 4332(2)(C)(iii); *see Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 605 U.S. 168, 181-82 (2025) (*Seven County*) (explaining that agencies are entitled to substantial deference in assessing alternatives, including what alternatives qualify as feasible).

[138] *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991); *Transcon. Gas Pipe Line Co., LLC*, 186 FERC ¶ 61,047, at P 48 (2024).

[139] *See, e.g.*, *City of Grapevine, Tex. v. Dep't of Transp.*, 17 F.3d 1502, 1506 (D.C. Cir. 1994); *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d at 199 (explaining that

72. The EA explained that the purpose of the Forza Project is to provide up to 750,000 Dth/d of firm interstate transportation service from the Delaware Basin production area to multiple delivery points near the Waha Hub in Texas.[140] Courts have found that such a statement of purpose and need for a Commission-jurisdictional natural gas pipeline project, which identifies the natural gas transportation path and required capacities, allows for a sufficiently wide range of alternatives but is narrow enough that there is not an infinite number of alternatives.[141]

73. The EA includes an assessment of the No-Action Alternative and two route alternatives, including those proposed by the Haley Family,[142] and concludes that the proposed route is the preferred alternative to meet the project's objectives.[143] The EA explicitly considered and rejected the No-Action Alternative in a manner consistent with NEPA.[144] An agency does not err by rejecting a No-Action Alternative that would not fulfill the project's purpose.[145] Because the No-Action Alternative would fail to meet the project's purpose and need, we find that the EA's discussion and rejection of the No-Action Alternative was reasonable and appropriate.[146]

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the evaluation of alternatives is "shaped by the application at issue and by the function that the agency plays in the decisional process.").

[140] EA at 1.

[141] *Sierra Club, Inc. v. U.S. Forest Serv.*, 897 F.3d 582, 599 (4th Cir. 2018) (explaining that the purpose and need statement was sufficient when "it explain[ed] where the gas must come from, where it will go, [and] how much it would deliver").

[142] EA at 37-42.

[143] *Id.* at 42.

[144] *Id.* at 37.

[145] *Ctr. for Biological Diversity v. FERC*, 67 F.4th 1176, 1182 (D.C. Cir. 2023) (holding that the Commission did not err by concisely rejecting the no-action alternative when it would not fulfill the project's purpose to commercialize natural gas from Alaska's North Slope).

[146] *See Seven County*, 605 U.S. at 181-82 (explaining that agencies are entitled to substantial deference in assessing alternatives, including what alternatives qualify as feasible).

b. Bull Run Extension

74. The Haley Family argues that the EA improperly "segments" the project by excluding review of the non-jurisdictional Bull Run Extension, which they describe as operationally interdependent with the Forza Pipeline.[147] They state that because the Forza Pipeline would terminate short of the Waha Hub, the project's stated purpose to deliver gas to multiple downstream delivery points at or near Waha cannot be met without the Bull Run Extension. As a result, they argue that the EA should have analyzed the Bull Run Extension's environmental impacts and operational relationship to the jurisdictional facilities. They contend that without evaluating the Bull Run Extension as part of the action, the EA cannot reasonably assess alternatives or determine whether the Forza Pipeline independently meets its stated purpose and need.

75. In response, Forza explains that the project is not improperly segmented because the Bull Run Extension has already been constructed, is not within the Commission's jurisdiction., and was developed to provide service to shippers other than the Forza Project Shippers[148] It further states that the Commission's analysis is consistent with recent court precedent regarding agency review of non-jurisdictional projects.[149]

76. We disagree with the Haley Family's argument. In carrying out its duties under NEPA, the Commission must focus on "the effects of the project at hand," and "need not address the effects of separate projects."[150] This principle accords with NEPA's text, which only requires consideration of the reasonably foreseeable effects "of the proposed agency action" at hand.[151] However, in some instances "projects may be [so] interrelated and close in time and place to the project at hand" that they are, in effect, "a single project within the authority of the agency," thus requiring the agency to analyze their effects together under NEPA.[152] The Supreme Court has emphasized that, when

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[147] Haley Family September 28, 2026 Comments at 7.

[148] Forza October 5, 2026 Response to EA Comments at 6, Forza January 27, 2026 Answer at 8. *See also* Applicants January 27, 2026 Answer at 8 n.30 ("Notice of construction of the Bull Run Extension was filed with the [Railroad Commission of Texas] on May 30, 2025.").

[149] Forza October 5, 2026 Response to EA Comments at 7 (citing *Seven County*, 605 U.S. 168).

[150] *Seven County*, 605 U.S. at 189, 192.

[151] 42 U.S.C. § 4332(2)(C)(i); *accord id.* § 4336(a), (b).

[152] *Seven County*, 605 U.S. at 190. To the extent the Haley Family's arguments rely on prior Council on Environmental Quality (CEQ) regulations addressing

assessing whether an agency has "defin[ed] the project at hand" in a manner that constitutes impermissible segmentation, courts "must remain deferential" to agencies' judgments.[153]

77. Contrary to the Haley Family's argument, the Commission was not required to analyze the Forza Project and the Bull Run Extension "as a single, unified project" under NEPA.[154] At the outset, we note that the Forza Project and the Bull Run Extension cannot reasonably be viewed as "a single project within the authority of the agency"[155] because the Commission has no jurisdiction over construction of the Bull Run Extension, which is an intrastate pipeline subject to the jurisdiction of the Railroad Commission of Texas.[156] In *Sierra Club v. FERC*, the court held that the Commission was not required to analyze the environmental effects associated with the construction of a non-jurisdictional pipeline that would interconnect with the jurisdictional project.[157] And even were the two projects both jurisdictional, they would still properly be treated as separate for purposes of NEPA review. Notably, the Bull Run Extension "has its own independent commercial purpose and support separate from the Bull Run Leased Capacity."[158] For that reason, the developer of the Bull Run Extension project committed

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"connected," "cumulative," and "similar" actions, or case law applying those regulations, we note that they have since been rescinded. *Cf. Appalachian Voices v. TVA*, No. 26-5836, 2026 WL 3093507, at *6 (6th Cir. Oct. 16, 2026) (cautioning against reliance on NEPA precedent grounded in now-rescinded CEQ regulations).

[153] *Seven County*, 605 U.S. at 190.

[154] Haley Family January 6, 2026 Protest at 13; *cf.* Haley Family September 28, 2026 Comments at 7 n.15 (cross-referencing January 6, 2026 Protest).

[155] *Seven County*, 605 U.S. at 190.

[156] *See* Forza October 5, 2026 Response to EA Comments at 7-8; *see also Seven County*, 605 U.S. at 188 ("[A]gencies are not required to analyze the effects of projects over which they do not exercise regulatory authority."); *Sierra Club v. FERC*, 145 F.4th 74, 89 (D.C. Cir. 2025) (applying *Seven County* to affirm that the scope of NEPA review should focus on the jurisdictional aspects of a proposed action).

[157] *Sierra Club v. FERC*, 145 F.4th at 89 ("Because FERC reasonably declined § 3 jurisdiction over the 157-mile upstream pipeline, it reasonably concluded that that pipeline was not part of a 'single project within [its] authority' as to which it had to assess environmental effects." (quoting *Seven County*, 605 U.S. at 190)).

[158] Application at 11. *See also* Forza January 27, 2026 Answer at 8 ("The intrastate Bull Run Extension is being constructed entirely independent of the Forza

to construct that project "regardless of whether the Forza Project is ultimately constructed."[159] Indeed, construction of the Bull Run Extension was approved before the filings in these matters were submitted, construction has been completed as of the date of this order, and the Bull Run Extension is expected to go into operation well before the Forza Project to meet the needs of multiple shippers.[160]

78. The Commission's obligation under NEPA was to appropriately discuss "the effects of the project at hand"—i.e., the Forza Project.[161] The EA in this case does so more than adequately,[162] and in fact discusses the Bull Run Extension in its description of environmental trends and other planned activities that may influence the environmental baseline in which the Forza Project would be constructed.[163] NEPA requires no more.

c. Air and Water Quality

79. Texas CEQ comments that Winkler County, where part of the project is located, is currently designated attainment/unclassifiable for all National Ambient Air Quality Standards and that federal general conformity requirements do not apply to the project.[164] Texas CEQ further states that its Office of Water does not anticipate significant long-term environmental impacts provided construction and waste-disposal activities comply with applicable environmental permits, statutes, and regulations. Texas CEQ also recommends that Forza use best management practices to control construction runoff

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Project and will serve a host of intrastate customers regardless of the contemplated Capacity Lease Agreement with Forza")

[159] *Id.*

[160] *See* Forza October 5, 2026 Response to EA Comments at 6-8.

[161] *Seven County*, 605 U.S. at 189-90.

[162] We note that the Capacity Lease is transactional and would not itself have any environmental effects.

[163] EA at 12. We note that NEPA does not require agencies "to delineate or analyze a conceptually separate category of 'cumulative' effects." *E. Gas Transmission & Storage, Inc.*, 195 FERC ¶ 61,218, at P 26 (2026).

[164] Texas CEQ October 2, 2026 Comments at 1.

and impacts to surface and ground water, and notes that debris and waste should be disposed of at appropriately authorized facilities.[165]

80. As stated in the EA, Forza would be responsible for obtaining and complying with all required permits,[166] and would implement its Fugitive Dust Control Plan and Spill Prevention and Response Procedures Plan to minimize potential impacts to air and water resources during construction.[167] The EA also recommends implementation of best management practices to avoid detrimental impacts on surface water and groundwater resources during construction.[168] Therefore, the EA determined the project would not significantly affect air or water resources.[169] We agree, and this order requires Forza to comply with the environmental conditions listed in the appendix to this order.

d. Wildlife

81. The New Mexico Department of Wildlife concurs with the EA's conclusion that the project would not result in significant effects on the lesser prairie-chicken due to the lack of suitable habitat in the project area.[170] It states, however, that the EA does not specify how impacts to migratory birds and other wildlife species, aside from the burrowing owl, would be minimized, and provides a detailed list of conservation recommendations related to trenching activities, wildlife escape measures, biological monitoring, migratory bird protections, and treatment of burrowing owls and prairie dogs. These measures include minimizing the amount of time trenches are open, trenching during cooler months, providing escape ramps every 90 meters, employing qualified biological monitors, conducting pre-trenching surveys for wildlife, locating trenching activities within previously disturbed areas, capping the open ends of pipes, and using silt fences around open trenches.[171]

82. In response to these comments, Forza states that these recommendations are mostly consistent with Forza's existing plans and that it will take them into consideration

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[165] *Id.*

[166] EA at 9.

[167] *Id.* at 27.

[168] *Id.* at 17.

[169] *Id.* at 19.

[170] New Mexico Department of Wildlife September 28, 2026 Comments at 1.

[171] *Id.* at 4.

when practicable.[172] Forza states that it will not conduct additional species-specific pre-construction surveys but would instead ensure that all contractors receive training that outlines the steps that should be taken if wildlife is encountered during construction.[173] Forza also states that it will not put silt fence around all open trench areas and would not cover the trench each night.[174]

83. As stated in the EA, Forza must follow the measures in the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan) and *Wetland and Waterbody Construction and Mitigation Procedures* (Procedures) to restore wildlife habitat following construction.[175] In addition, Forza would implement measures such as leaving breaks in spoil piles and the use of earthen ramps within pipeline trenches to limit impacts on wildlife.[176] The EA concludes that based upon the measures proposed by Forza, the project would not have a significant impact on any state species of interest.[177] We agree.

84. The New Mexico Department of Wildlife also recommends measures to protect migratory birds and pollinators, avoid active nest sites, and ensure that reclamation uses native seed mixes that promote habitat suitability while avoiding invasive species. These recommendations include conducting ground disturbing and vegetation clearing outside of the primary bird breeding season from April 15 to September 1, conducting nest surveys and establishing buffer zones if nests are discovered and work would occur during the breeding season, only having qualified biologists remove nests if necessary, and avoiding removing flowering plants during peak pollinator activity (March to October). The agency also states that the New Mexico Species of Greatest Conservation Need list and the federal list of Birds of Conservation Concern should be consulted.[178]

85. As described in the EA, Forza proposes to begin construction in March 2027 and anticipates that construction would last ten months to meet their planned in-service date

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[172] Forza October 5, 2026 Response to EA Comments at 21.

[173] *Id.* at 21-22.

[174] *Id.* at 21, 23.

[175] EA at 6.

[176] *Id.* at 23.

[177] *Id.* at 24.

[178] State of New Mexico Department of Wildlife September 28, 2026 Comments at 3.

of January 2028.[179] The EA identifies several Birds of Conservation Concern with the potential to occur in the project area, including the broad-tailed hummingbird, chestnut-collared longspur, ferruginous hawk, northern harrier, pectoral sandpiper, and Sprague's pipit.[180] The EA concludes that because most disturbed habitats would be allowed to return to pre-construction conditions, the project would not significantly affect wildlife species nor would it result in population-level effects on migratory birds.[181] We agree. In addition, Forza states that it would consult with the U.S. Fish and Wildlife Service if active nests are encountered during construction and would also be open to consulting with the New Mexico Department of Wildlife if nests are encountered.[182]

86. The New Mexico Department of Wildlife also comments on the importance of protecting burrowing owls, including conducting surveys before ground disturbing activities, and states that Forza should contact it and the U.S. Fish and Wildlife Service for further recommendations should burrowing owls be encountered.[183] As stated in the EA, no active burrowing owl burrows were identified in the project area. The EA further explains that if construction occurs outside the burrowing owl unoccupied season, Forza would conduct preconstruction burrowing owl surveys within 30 days of ground-disturbing activities. If occupied burrows are identified, Forza would consult with the BLM Carlsbad Field Office to determine appropriate avoidance, minimization, or mitigation measures prior to construction. The EA also discusses these mitigation measures and concludes that the project would not result in a significant effect to the burrowing owl.[184] We agree.

87. The New Mexico Department of Wildlife states that prairie dog colonies may be located in the vicinity of the project area and that wherever possible these colonies should be left undisturbed.[185] It states that any burrows that are located within the project area should be surveyed by a qualified biologists to determine if they are active or inactive. If

[179] EA at 7.

[180] *Id.* at 21.

[181] *Id.* at 20, 22.

[182] Forza October 5, 2026 Response to EA Comments at 24.

[183] New Mexico Department of Wildlife September 28, 2026 Comments at 3.

[184] EA at 23.

[185] New Mexico Department of Wildlife September 28, 2026 Comments at 4.

the burrows are active and project activities cannot be moved, the New Mexico Department of Wildlife recommends live trapping and relocation of prairie dogs.

88. The EA lists the state-listed species with the potential to occur in the project area as identified by Natural Heritage New Mexico's Sensitive Species Search and Texas Parks and Wildlife Department's Texas Natural Diversity Database,[186] and the prairie dog was not identified by state staff as present in the area. In addition, Forza did not identify any active prairie dog colonies during field surveys conducted in July 2025[187] and states that it would follow the state's recommendations if active colonies are discovered during construction.[188] We find Forza's proposed mitigation, along with the Commission's construction Plans and Procedures, to be sufficiently protective.

89. Lastly, the New Mexico Department of Wildlife comments that only native species should be used in the restoration seed mix following construction and that the mix should be designated to enhance local pollinator habitat.[189] It recommends that the seed mix and mulch be certified weed-free and that organic mulch is preferred over plastic mulch.[190] In response to the EA comments, Forza states that it would restore the project workspaces in accordance with its Exotic and Invasive Species Control Plan and the Commission's Plan and Procedures.[191] Forza also stated that it would adhere to guidance from the National Resource Conservation Service's New Mexico and Texas field offices and would adhere to their recommended seed mixes.[192] The EA explains that Forza would revegetate areas in compliance with its proposed plans and the Commission's Plan and Procedures and concludes that the project would not significantly affect vegetation.[193] We agree.

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[186] EA at 23. The state-listed species identified in the EA are: white-faced ibis, Peco pupfish, dune sagebrush lizard, Texas hornshell, dune umbrella-sedge, Texas horned lizard, and Scheer's pincushion cactus.

[187] Application at 3.

[188] Forza October 5, 2026 Response to EA Comments at 25.

[189] New Mexico Department of Wildlife September 28, 2026 Comments at 4.

[190] *Id.*

[191] Forza October 5, 2026 Response to EA Comments at 26.

[192] *Id.*

[193] EA at 20.

e. Land Use

90. The Haley Family argues that that Applicants failed to avoid or minimize adverse effects when they routed the pipeline through their ranch and imposed a 120-foot-wide construction right-of-way.[194] Forza's proposed pipeline route across the Haley Family property would be collocated with existing pipeline utilities across the entirety of the Haley properties.[195] Contrary to the Haley Family assertions, the Applicants explained that the proposed temporary construction right-of-way exceeds the Commission's recommended 75-foot-wide right-of-way because Occupational Safety and Health Administration regulations require additional space for spoil storage.[196] The EA explains that the land would be restored to pre-existing conditions following construction, consistent with revegetation requirements, and Forza would maintain a 50-foot-wide easement centered on the pipeline for operation.[197] The EA concludes, and we agree, that the project would not significantly affect land use.[198]

f. Caliche Reserves

91. The Haley Family states that the EA did not adequately analyze adverse impacts to the caliche reserves on their property or quantify the relevant impacts. According to the Haley Family, those impacts include the alleged stranding of approximately 750,000 to 800,000 cubic yards of near-surface caliche, worth roughly $1.8 million, rendering it permanently inaccessible and harming ongoing mining operations.[199] They also argue that, by failing to quantify the reserves, the Commission departed from precedent where it considered or required route change to avoid conflicts with mining operations.[200] The

[194] Haley Family January 6, 2026 Protest at 8, 16.

[195] EA at 25-26.

[196] Application, Resource Report 1, at 1-6.

[197] EA at 8, 23.

[198] *Id.* at 25-27.

[199] Haley Family September 28, 2026 Comments at 8. The Haley Family claims that with the required construction buffers, construction would result in economic losses of up to $2.96 million. *Id.* at 10.

[200] *Id.* at 8-11 (citing *Columbia Gas Transmission, LLC*, 170 FERC ¶ 61,045, PP 86–89 & app. B, Conditions 13–14 (2020); *Murray Energy Corp. v. FERC*, 629 F.3d 231, 233–35, 239–42 (D.C. Cir. 2011) (affirming mitigation condition

Haley Family claims that Commission staff was obligated to obtain additional information about the caliche reserves for analysis or direct the Applicants to investigate further.[201] They contend that if Forza does not reroute the pipeline or compensate the property owners for full damages, the Commission must deny the certificate.

92. In response, Forza states that NEPA is not the proper mechanism to seek compensation and that the Haley Family can raise that issue during any right-of-way negotiations or condemnation proceedings.[202] Forza asserts that it revised the pipeline route to avoid the existing caliche mine, and that the Haley Family's new argument that the pipeline will impact two caliche pits is inaccurate. Forza explains that the pipeline will be collocated with existing pipeline infrastructure that already bisects the caliche pits, which are thousands of feet apart.[203]

93. In the EA, staff explained that the Haley Family did not provide locations for the referenced caliche deposits, and staff could not determine the exact areal extent of overlapping project workspaces and reported caliche deposits.[204] The EA notes that Forza revised the proposed route in this area to specifically avoid a caliche mine on the Haley property and that the proposed pipeline route across the Haley Family property would be collocated with existing pipeline utilities.[205] The EA also explains that the existing pipeline constrains where caliche extraction or saltwater-disposal development could occur, and therefore collocation is a practical location for the project to minimize effects on any future caliche mining operations. The EA also notes Forza's use of subsurface bores to maintain access across caliche operation access roads, with collocation along existing pipeline utilities.[206] While the project may prevent access to additional caliche deposits adjacent to the existing pipeline rights-of-way, the additional inaccessible area would be less than a new right-of-way corridor. Given Forza's proposed mitigation measures to minimize effects to the caliche mining operations, the EA concluded that the project would not significantly affect access to mineral resources

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requiring plan to protect pipeline integrity without impacting mining and otherwise reroute)).

[201] Haley Family September 28, 2026 Comments at 9.

[202] Forza October 5, 2026 Response to EA Comments at 12.

[203] *Id.*

[204] EA at 14.

[205] *Id.*

[206] *Id.*

and, while caliche extraction operations would be affected, the effects would not be significant.[207] We agree. In any event, the Commission cannot require the payment of damages.[208]

g. Water Well Access

94. The Haley Family asserts that the EA failed to analyze impacts to their water wells and saltwater disposal wells.[209] They filed exhibits depicting the locations of numerous wells, ponds, and caliche pits, asserting that there are eight water wells and two saltwater disposal wells close to the pipeline route.[210] The Haley Family claims that the EA's conclusion that access to wells would not be limited is based on an "unverified assumption" about the distance of the wells to the right-of-way and that the Commission must evaluate impacts on wells now that it has the information that the Haley Family filed in their exhibits.

95. In response, Forza states that it conducted a survey of the entire right-of-way and did not identify any wells on the Haley Family property within 400 feet of the project area; it asserts that the closest well is at least 1,000 feet away.[211] Forza adds that it will offer pre- and post-construction testing for active water supply wells that are discovered within 150 feet of construction space, and that it will offer testing outside of that area on an individual basis. Forza also offers to compensate owners for impacts to wells if any are impaired during construction.

96. The EA identifies wastewater wells from public datasets and notes that the wells referenced by the Haley Family appear to be more than 400 feet from workspaces. The EA finds that access to wells would be maintained because Forza will cross access roads with subsurface boring, and the deeper groundwater zones where the injection wells

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[207] *Id.*

[208] *See, e.g.*, *Columbia Gas Transmission Corp.*, 128 FERC ¶ 61,050, at P 47 (2009) (explaining that compensation for property and mineral rights is a private contractual matter over which the Commission does not have jurisdiction); *Arlington Storage Co., LLC*, 125 FERC ¶ 61,306, at PP 41, 43 (2008) (explaining that the Commission has no jurisdiction over landowners' real property or damages claims nor over landowner valuation claims).

[209] Haley Family September 28, 2026 Comments at 11.

[210] *Id.*, Ex. 2.

[211] Forza October 5, 2026 Response to EA Comments at 14-15.

terminate would not be affected by shallow trenching.[212] The EA accordingly concludes that disposal well operations and future development would not be significantly affected.[213] We agree. The Haley Family's exhibits filed in response to the EA show wells and caliche pits in the area, and none appear to be within 400 feet of the project workspace. This is consistent with the EA's finding.[214] Given the distance of the wells, and Forza's proposed mitigation, we find that the EA adequately assessed impacts to water wells, and no further analysis is required.

h. Ranching and Livestock

97. The Haley Family argues that a 120-foot-wide construction easement will result in impacts to ranching activities on their property. Specifically, the Haley Family argues that the project would affect grazing, livestock management, and the carrying capacity of the pastures at their ranch because the construction right-of-way would widen an already disturbed area created by prior pipelines and past pipeline corridors have not successfully revegetated.[215] They further assert that the construction right-of-way would be unusable while the trench is open, requiring them to move livestock and monitor pasture access.[216]

98. As explained in the EA, the pipeline would include a 6.4-mile-long right-of-way on the Haley Family property, and land impacts would involve a 120-foot-wide temporary construction easement and a 50-foot-wide permanent easement.[217] The entirety of the 6.4 miles of right-of-way on Haley Family property lands would be collocated with an existing pipeline corridor.[218] The project's collocation within and adjacent to the existing pipeline corridor would reduce new land disturbance during construction.[219] Disturbed areas would be restored in accordance with the Commission's Plan and Forza's Revegetation Plan to promote revegetation and minimize long-term

[212] EA at 18.

[213] *Id.* at 14.

[214] Haley Family September 28, 2026 Comments, Ex. 2.

[215] Haley Family September 28, 2026 Comments at 13.

[216] *Id.* at 25.

[217] EA at 25. *See* Application at 1-6.

[218] EA at 25-26.

[219] *Id.* at 26.

effects on rangeland productivity.[220] The EA therefore concludes that ranching operations would not be significantly affected. We agree. As described in the EA, construction impacts would be temporary and Forza would be required to phase construction, ensure access around the work area, and restore the land upon completion.[221] In addition, we note that the Commission's Plan requires project proponents to develop specific procedures in coordination with landowners to allow for livestock movement and protection during construction.[222]

99. The Haley Family also expresses concern that construction activities could restrict livestock access to water, asserting that in this arid region a single well may support thousands of acres and that even temporary obstruction of access could necessitate water hauling or herd reductions.[223] The EA notes that Forza would install temporary cattle crossings and provide earthen ramps within the trench to minimize obstructions to livestock.[224]

100. In addition, the Haley Family states that the presence of construction crews, equipment, and vehicle traffic would require them to undertake increased monitoring of gates and fencing, reducing their ability to perform other ranch operations.[225] The EA states that Forza will be required to coordinate closely with landowners regarding access, gate control, and construction traffic patterns consistent with the Commission's Plan and Procedures, which would minimize disruptions and allow ranch operations to continue during construction.[226]

101. Finally, the Haley Family raises concerns about livestock safety, including the risk that animals could fall into open trenches or become trapped within the construction area.[227] As stated in the EA, Forza would install temporary cattle crossings and earthen

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[220] *Id.* at 27.

[221] *Id.* at 25.

[222] Section III.F.3 of the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan*.

[223] Haley Family September 28, 2026 Comments at 13.

[224] EA at 26.

[225] Haley Family September 28, 2026 Comments at 16.

[226] EA at 26.

[227] Haley Family September 28, 2026 Comments at 13.

escape ramps at appropriate intervals, as well as implement trench-inspection procedures, to ensure animals can cross safely and avoid entrapment during construction.[228] Accordingly, the EA concludes that ranching operations would not be significantly affected. We agree.

i. Invasive Species

102. The Haley Family argues that Forza's invasive species plan is vague and does not address species-specific measures, specifically for the African Rue (a toxic invasive weed), or the landowners' right to object to certain pesticides.[229] They also assert that the Commission should require a more specific plan that includes monitoring, remediation, and enforcement measures, and that the Commission should require Forza to compensate the landowners for any costs they incur for remediation.

103. Forza responds that the measures included in the Invasive Species Control Plan would apply to African Rue within the right-of-way.[230] In addition, Forza states that the existing easement agreements do not restrict the use or type of herbicides, and that Forza will continue to complete any required right-of-way maintenance to control invasive species following construction and restoration activities in a prompt manner.[231]

104. As explained in the EA, Forza is required to implement its Exotic and Invasive Species Control Plan and the Commission's Plan, which include measures pertaining to cover-crop seeding, topsoil salvage, prompt revegetation, and monitoring.[232] The EA states that, in accordance with Forza's Exotic and Invasive Species Control Plan, the applicant would sow a cover crop along all exposed soil surfaces to prevent a suitable growing substrate for exotic/invasive species from developing and would maintain native plant seed banks by removing topsoil from excavation areas in certain agricultural areas and storing it to the side for replacement once construction is complete. The Commission's Plan includes post-construction monitoring and reporting measures, specifically to conduct follow-up inspections to correct problems and address landowner

[228] EA at 25.

[229] Haley Family September 28, 2026 Comments at 14-16. The Haley Family claims that pipeline construction on their land has introduced Old Man's Beard, Yellow Star Thistle, and African Rue, and that controlling the species costs over $4,000 per year. *Id.* at 14.

[230] Forza October 5, 2026 Response to EA Comments at 17.

[231] *Id.* at 16.

[232] EA at 6, 20.

concerns.[233] The EA concludes that these measures are acceptable and the project would not significantly affect vegetation.[234] We agree. Regarding the Haley Family's request for compensation, we note that the Commission has no authority to impose monetary damages or to otherwise require pipeline developers to compensate landowners for property damage.[235]

j. Security

105. The Haley Family avers that the location of the pipeline will lead to increased security concerns and attract criminal activity including trespassing.[236] They argue that the EA did not adequately address security, trespass, or vandalism concerns.[237] The Haley Family asserts that escalating security/trespass risks along existing utility corridors on the property would be exacerbated by the project[238] and that Commission precedent confirms that heightened security measures may be appropriate where there are concrete, evidence-based security concerns.[239] They assert that the Commission should require Forza to address the pattern of fence and gate breaches and to propose access and security measures. In response, Forza states that it is committed to coordinating with landowners on access and will implement the Commission's security and monitoring practices.[240]

106. The EA addresses unauthorized access under Special Land Uses, noting that construction areas would be secured and restored to pre-construction conditions and that Forza would coordinate with landowners regarding gates and access controls and implement standard security and monitoring practices.[241] Thus, the EA concludes that

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[233] *Upland Erosion Control, Revegetation, and Maintenance Plan* at 17.

[234] EA at 20.

[235] *See supra* note 208.

[236] Haley Family January 6, 2026 Protest at 5.

[237] Haley Family September 28, 2026 Comments at 16-17.

[238] *Id.* at 17.

[239] *Id.* at 17-18 (citing *E. Gas Transmission & Storage, Inc.*, 195 FERC ¶ 61,218 at PP 40-45, and *Dominion Transmission, Inc.*, 135 FERC ¶ 61,239, at PP 59-62 & app., Environmental Condition 24 (2011)).

[240] Forza October 5, 2026 Response to EA Comments at 19.

[241] EA at 26.

effects related to unauthorized access would not be significant.[242] We agree. Further, to presume that the location of the pipeline would lead to increased crime on the Haley Family property would be speculative.

2. Environmental Analysis Conclusion

107. 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 Forza'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.[243]

108. Compliance with the environmental conditions appended to our orders is integral to ensuring that the environmental effects of approved projects are consistent with those anticipated by our environmental analysis. 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 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 effects resulting from project construction and operation.

IV. Conclusion

109. We find that the Applicants have demonstrated a need for the Forza Project, which will enable Forza to provide up to 750,000 Dth/d of firm transportation service. Further, the project will not have adverse impacts on existing 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 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

[242] *Id.*

[243] We are not making a significance determination regarding GHG effects for the reasons discussed in *supra* note 115.

and necessity requires approval of the Forza Project, subject to the conditions in this order.

110. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. This does not mean, however, 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.[244]

111. Where landowners subject to eminent domain intervene and protest a certificate proceeding, and the certificate holder has not acquired all necessary property interests, the Commission presumptively stays its NGA section 7(c) certificate orders during the 30-day rehearing period.[245] Where the landowners file timely requests for rehearing, the stay remains in place pending Commission resolution of rehearing requests, up until 90 days following the date that rehearing requests may be deemed denied under NGA section 19(a).[246] Because affected landowners intervened and protested in this proceeding and Forza has not yet acquired all necessary property interests, we stay the certificate per Commission policy as described above. Forza may move to lift the stay based on a showing of significant hardship,[247] and the Commission would seek to act expeditiously on any such motion.[248]

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[244] *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).

[245] *See Limiting Authorizations to Proceed with Constr. Activities Pending Rehearing*, Order No. 871-B, 175 FERC ¶ 61,098, at PP 43-51 (2021); *see also Removal of Reguls. Limiting Authorizations to Proceed with Constr. Activities Pending Rehearing*, 193 FERC ¶ 61,014, at P 46 (2025) (stating that the Commission will continue the presumptive stay policy established in Order No. 871-B).

[246] Order No. 871-B, 175 FERC ¶ 61,098 at P 43.

[247] *Id.* P 51.

[248] As the Commission stated in Order No. 871-B, we note again that "a commitment by the pipeline developer not to begin eminent domain proceedings until the

112. 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 Forza authorizing it to construct and operate the Forza Project, as described and conditioned herein, and as more fully described in the application and subsequent filings by the applicant, including any commitments made therein.

(B) The certificate authority issued in Ordering Paragraph (A) is stayed during the 30-day rehearing period and pending Commission resolution of any timely requests for rehearing filed by landowners, up until 90 days following the date that a request for rehearing may be deemed to have been denied under NGA section 19(a). If no request for rehearing is filed by landowners, the stay will automatically lift following the close of the 30-day period for seeking rehearing.

(C) The certificate authority in Ordering Paragraph (A) is conditioned on Forza's:

(1) completion of 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) compliance 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;

(3) compliance with the environmental conditions listed in the appendix of this order.

(D) Forza shall file a written statement affirming that it has executed firm contracts for the capacity levels and terms of service represented in its signed precedent agreements, prior to commencing construction.

(E) A blanket transportation certificate is issued to Forza under Subpart G of Part 284 of the Commission's regulations.

Commission issues a final order on any landowner rehearing requests will weigh in favor of granting such a motion." *Id.*

(F) A blanket construction certificate is issued to Forza under Subpart F of Part 157 of the Commission's regulations.

(G) A certificate of public convenience and necessity is issued to Forza authorizing it to acquire capacity for the Forza Project via the Capacity Lease.

(H) A limited jurisdiction certificate of public convenience and necessity is issued to Bull Run authorizing it to lease capacity to Forza and operate the leased capacity, as described herein.

(I) Forza shall notify the Commission within 10 days of the date of the acquisition of the capacity leased from Bull Run.

(J) The Commission grants Bull Run waiver, with respect to the leased capacity, of all filing and accounting requirements that might otherwise apply to an NGA pipeline.

(K) Forza's initial recourse rates, F&L percentage, and *pro forma* tariff are approved, as conditioned above. Forza must file revised tariff records, at least 30 days but not more than 60 days before the in-service date of the proposed facilities, consistent with the modifications discussed in the body of this order.

(L) Within three months after its first three years of actual operation, Forza must file a cost and revenue study to justify its existing cost-based firm and interruptible recourse rates. The study should be filed through the eTariff portal using Filing Code 585. In addition, Forza is advised to include as part of the eFiling description a reference to Docket Nos. CP26-34-000.

(M) Forza 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 Forza. Forza shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

By the Commission.

(S E A L)

Carlos D. Clay,
Deputy Secretary.

Appendix

Environmental Conditions

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

1. Forza 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. Forza must:

    a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
    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 impact resulting from Project construction and operation.

3. **Prior to any construction**, Forza shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EI), 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 locations shall be as shown in the EA. **As soon as they are available, and before the start of construction**, Forza 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.

Forza's exercise of eminent domain authority granted under Natural Gas Act (NGA) section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. Forza's right of eminent domain granted under NGA section 7(h) does not authorize it to increase the size of its natural gas pipeline to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. Forza 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 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**, Forza shall file an Implementation Plan with the Secretary for review and

written approval by the Director of OEP, or the Director's designee. Forza must file revisions to the plan as schedules change. The plan shall identify:

a. how Forza 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 Forza 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, 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 Forza 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 Forza's organization having responsibility for compliance;
g. the procedures (including use of contract penalties) Forza will follow if noncompliance occurs; and
h. for each discrete facility, a Gantt or 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. Forza shall employ at least one EI for the Project. The EI 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. 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;

e. a full-time position, separate from all other activity inspectors; and
f. responsible for maintaining status reports.

8. Beginning with the filing of its Implementation Plan, Forza 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 Forza'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 EI(s) 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 Forza from other federal, state, or local permitting agencies concerning instances of noncompliance, and Forza's response.

9. Forza 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, Forza must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

10. Forza must receive written authorization from the Director of OEP, or the Director's designee, **before placing the Project facilities 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**, Forza 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 Forza 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.