



NEWS RELEASE

June 9, 2020

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Docket No. RM20-15

FERC Provides Additional Landowner Protections in Project Rehearing Cases

The Federal Energy Regulatory Commission (FERC) took another critical step today in its efforts to protect stakeholders, including landowners, by amending its regulations, ensuring that construction of an approved natural gas project cannot proceed until the Commission acts on a request for rehearing.

Today's instant final rule builds on actions initiated by FERC Chairman Neil Chatterjee over the past year to protect the public's access to the Commission's process for considering projects under sections 3 and 7 of the Natural Gas Act.

In September 2019, the Chairman pledged that FERC would strive to act on landowner-related gas project rehearing requests within 30 days, reducing the use of tolling orders in those cases. In February 2020, the Chairman announced the creation of a new Rehearing section within FERC's Office of the General Counsel to help ensure that rehearing requests are considered as quickly as possible.

Chairman Chatterjee said the new rule builds on those previous efforts, reinforcing FERC's commitment to transparency and fairness to the public and to improve procedural protections for landowners.

"The Commission has undertaken a number of initiatives to improve affected landowners' access to a fair and transparent process and today's effort is another important step forward," Chatterjee said. "These are complex issues, with a diverse array of stakeholder input, but I remain firmly committed to doing what we can to make the FERC process as fair, open, and transparent as possible for all those affected while the Commission thoroughly considers all issues."

FERC considers applications for natural gas pipeline and liquefied natural gas projects under the Natural Gas Act. In recent years, these proceedings have seen increased interest and participation by an array of stakeholders, including landowners, community members, non-governmental organizations, property rights advocates, and governmental entities. Importantly, all FERC orders fully consider each stakeholder concern raised during the proceeding.

The Commission's process includes provisions for rehearing. The often-complex proceedings sometimes require more than 30 days, and in such instances the Commission issues tolling orders that grant additional time to consider the requests and resolve these intricate matters.

Today's rule states that even if a project has all other certifications and permissions to begin construction, it must wait to do so until the Commission either acts on the rehearing request or the 30-day time limit passes with no requests for rehearing.

It takes effect within 30 days of publication in the *Federal Register*. However, to further underscore the Commission's efforts to enhance landowner participation in these matters, FERC will not authorize construction to proceed pending rehearing before that time.