FERC Engaging the Public

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FERC: The Agency

- Independent federal regulatory agency
  - NGA grants FERC the authority to regulate “transportation of natural gas in interstate commerce”
  - Decisions are subject to review by federal courts
  - Regulates natural gas in interstate commerce (incl. siting)
  - Consists of 5 Commissioners appointed by President and confirmed by the Senate
What Doesn’t FERC Regulate

- Pipeline safety standards
- Natural gas producers
- Local natural gas distribution or gathering pipelines
- LNG intrastate commerce
- Intrastate pipelines
- Siting of oil, oil products, and natural gas liquids pipelines
FERC’s Natural Gas Program

- Evaluate applications for facilities to import, export, transport, store, or exchange natural gas or abandon service
- Environmental review
- Authorize siting, construction, and operation of facilities
- Conduct compliance inspections
- Outreach to stakeholders
  - FERC and project sponsors
FERC’s Project-Specific Outreach
* denotes public engagement opportunities

- **Pre-filing (front-loaded)**
  - Notice of Intent
  - Attendance at Open Houses and conducting Scoping Sessions*
  - Site visits*
  - Interagency and other meetings*

- **Application**
  - Public notifications (Notice of Application/Schedule)
  - Landowner notification requirements (18 CFR § 157.6)
  - Environmental documents / comment sessions*

- **Post-Decision/Certificate**
  - Landowner Helpline
  - Compliance inspections
Best Practices for Outreach Programs

- Highlight importance of outreach
- Improve the review process
- Increasing public interest/involvement
- Industry requests for guidance
- Project sponsor engagement versus agency engagement
Engagement
Trials, Tribulations, Successes, Results

- Staff/time/availability
- Ex-parte regulations at FERC
- Scoping meetings vs sessions, site visits
- Difficult discussions (proponents of process)
- Examples of a project success
- Early engagement and consistency
Safety and FERC

• DOT sets safety standards, not FERC through siting process
• Recent court decision continues to affirm pipeline safety responsibility is with DOT (City of Oberlin, OH vs. FERC)
  • FERC reference to applicant statement of compliance with DOT standards is sufficient
  • Recognizes there is no DOT minimum requirement for siting next to buildings; acknowledges class location
  • References the 1993 Memorandum of Understanding Between DOT and FERC Regarding Natural Gas Transportation Facilities