

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

Waiver of Tariff Requirements            )            Docket No. PL20-7-000

**MOTION OF THE JOINT ASSOCIATIONS  
FOR EXTENSION OF TIME TO SUBMIT COMMENTS AND  
REQUEST FOR SHORTENED COMMENT PERIOD**

Pursuant to Rule 212 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure,<sup>1</sup> Advanced Energy Economy (“AEE”), the American Wind Energy Association (“AWEA”), the Edison Electric Institute (“EEI”), the Electric Power Supply Association (“EPSA”), the Interstate Natural Gas Association of America (“INGAA”), the Natural Gas Supply Association (“NGSA”), and the Solar Energy Industries Association (“SEIA”), on behalf of their respective members (collectively, the “Joint Associations”), respectfully submit this motion for an additional 14 days, until June 18, 2020, to submit initial comments and two weeks thereafter, until July 2, 2020, to file reply comments in response to the Proposed Policy Statement on Waiver of Tariff Requirements and Petitions or Complaints for Remedial Relief.<sup>2</sup> Joint Associations also request a shortened comment period on this motion.

AEE is a national organization of businesses making the energy we use secure, clean, and affordable. AEE and its state and regional partner organizations, which are active in 27 states across the country, represent more than 100 companies and organizations that span the advanced energy industry and its value chains. AEE promotes the interests of its members by engaging in policy advocacy at the federal, state, and regional levels, by convening groups of CEOs to

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<sup>1</sup> 18 C.F. R. § 385.212 (2018).

<sup>2</sup> *Waiver of Tariff Requirements*, Proposed Policy Statement on Waiver of Tariff Requirements and Petitions or Complaints for Remedial Relief, Docket No. PL20-7-000 (May 21, 2020) (“Policy Statement”).

identify and address cross-industry issues, and by conducting targeted outreach to key stakeholder groups and policymakers.

AWEA is a national trade association representing a broad range of entities with a common interest in encouraging the expansion and facilitation of wind energy resources in the United States. AWEA's more than 1,000 member companies include wind turbine manufacturers, component suppliers, project developers, project owners and operators, financiers, researchers, utilities, marketers, customers, and others.

EI is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for about 220 million Americans and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than 7 million jobs in communities across the United States. EI's members are committed to providing affordable and reliable electricity to customers now and in the future.

EPSA is the national trade association representing competitive power suppliers in the U.S. EPSA members provide reliable and competitively priced electricity from environmentally responsible facilities using a diverse mix of fuels and technologies. EPSA seeks to bring the benefits of competition to all power customers. EPSA's participation in this pleading represents the position of EPSA as an organization, but not necessarily the views of any particular member with respect to any issue.

INGAA is a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry in the United States. INGAA's 26 members represent the vast majority of interstate natural gas transmission pipeline companies in the U.S. INGAA's members, which operate approximately 200,000 miles of interstate natural gas pipelines, serve as an indispensable link between natural gas producers and consumers. Its

members' interstate natural gas pipelines are regulated by the Commission pursuant to the Natural Gas Act, 15 U.S.C. §§ 717 et seq.

Founded in 1965, the NGSA represents integrated and independent energy companies that produce, transport and market domestic natural gas and is the only national trade association that solely focuses on producer-marketer issues related to the downstream natural gas industry. NGSA's members trade, transact and invest in the U.S. natural gas market in a range of different manners. NGSA members transport and/or supply billions of cubic feet of natural gas per day on interstate pipelines to FERC-jurisdictional entities and could be greatly impacted by the outcome of this proceeding.

SEIA is the national trade association of the U.S. solar energy industry, which now employs more than 250,000 Americans. SEIA works with its member companies to build jobs and diversity, champion the use of cost competitive solar in America, remove market barriers and educate the public on the benefits of solar energy.

The Joint Associations' members are regulated by and file tariffs and other agreements with the Commission. They participate in wholesale electric and gas markets, request either electric or natural gas transmission service, and/or conduct other critical business under such tariffs and agreements. Accordingly, the Joint Associations' members will be affected by the new procedures for waiver of tariff requirements and requests for remedial relief outlined in the proposed Policy Statement.

## **I. NOTICE AND COMMUNICATIONS**

All notices and communications with respect to this proceeding should be directed to the representatives listed below:

Jeffery S. Dennis  
Managing Director and General Counsel  
Advanced Energy Economy  
1000 Vermont Ave. NW, Third Floor  
Washington, D.C. 20005  
202.380.1950  
[jdennis@ae.net](mailto:jdennis@ae.net)

Gene Grace  
General Counsel  
American Wind Energy Association  
1501 M St., N.W., Ste. 1000  
Washington, D.C. 20005  
(202) 383-2500  
[ggrace@awea.org](mailto:ggrace@awea.org)

Lopa Parikh  
Senior Director, Federal Regulatory Affairs  
Edison Electric Institute  
701 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
202-508-5098  
[lparikh@eei.org](mailto:lparikh@eei.org)

Nancy Bagot  
Senior Vice President  
Electric Power Supply Association  
1401 New York Ave, NW, Suite 950  
Washington, D.C. 20005  
[nbagot@epsa.org](mailto:nbagot@epsa.org)

Joan Dreskin  
Sr. VP & General Counsel  
Interstate Natural Gas Association of America  
20 F Street, N.W. Suite 450  
Washington, D.C. 20001  
[jdreskin@ingaa.org](mailto:jdreskin@ingaa.org)  
202-216-5928

Casey Gold  
Director, Regulatory Affairs  
Natural Gas Supply Association  
900 17<sup>th</sup> Street NW, Suite 500  
Washington, D.C. 20006  
[cgold@ngsa.org](mailto:cgold@ngsa.org)

Katherine Gensler  
Vice President of Regulatory Affairs  
Gizelle Wray  
Manager of Regulatory Affairs and Counsel  
Solar Energy Industries Association  
1425 K Street NW, Suite 1000  
Washington, DC 20005  
(202) 682-0556  
kgensler@seia.org  
gwrap@seia.org

The Joint Associations request waiver of 18 C.F.R. § 203.(b)(3) to permit more than three persons to receive communications in this proceeding.

## **II. MOTION FOR EXTENSION OF TIME**

Based on comments during the May 21, 2020 Commission Open Meeting, Joint Associations understand the importance of this issue to the Commissioners. Commissioner Danly, for example, observed that the policy statement “marks a potential return to fundamentals” and encouraged all interested parties to file comments. The Joint Associations appreciate this interest in hearing from stakeholders, but have concerns that the two weeks provided to file comments is insufficient to allow interested parties to assess the impacts of a Policy Statement that proposes such fundamental and potentially far-reaching changes to the long-established process used by the Commission to grant waivers or other remedial relief to regulated entities.

The proposed policy changes are likely to impact different business units within the Joint Associations’ member companies in a variety of ways. For example, for regulated public utilities, the proposed policy changes would have impacts on their administration of tariffs, interconnection queues, and other Commission-jurisdictional processes and transactions that will take time to assess. Entities that do business with regulated public utilities, including purchasing wholesale power supplies and transmission service, or participating in Regional

Transmission Organization/Independent System Operator (“RTO/ISO”) markets, may face new compliance challenges and the prospect of significant changes in how RTOs/ISOs administer the tariffs and processes that govern participation in their markets.

Assessing all of the potential impacts of the proposed policy changes will require members of the Joint Associations to consult with multiple business units and individuals. Given the impact of COVID-19 on various aspects of the energy industry and the Joint Associations’ members ability to conduct such a review, additional time is required to coordinate and provide meaningful input to the Commission. As the Commission has recognized, the impacts of this pandemic on the industries it regulates warrants additional regulatory flexibility, especially with respect to non-statutory deadlines.<sup>3</sup>

Given the two-week comment and one-week reply period, the Joint Associations recognize that this is an issue of importance to the Commission. Accordingly, the Joint Associations are asking for a limited extension of two additional weeks for initial comments and two weeks to review submitted comments and file reply comments. This motion is not made for purposes of delay, but rather to ensure that stakeholders have an opportunity to review and provide meaningful input on a change in process that will have significant impacts on their daily operations.

### **III. REQUEST FOR SHORTENED ANSWER PERIOD**

Given the impending date for initial comments, pursuant to 18 C.F.R. § 385.213(d)(1)(i), the Joint Associations request that the Commission shorten the time period for answers to two business days after this filing (June 2, 2020) and respectfully request action on this motion as soon as possible thereafter. The American Gas Association, the American Public Power

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<sup>3</sup> See, e.g., *Business Continuity of Energy Infrastructure*, 171 FERC ¶ 61,007 (2020).

Association and the National Rural Electric Cooperative Association have indicated that they do not object to this request.

#### IV. CONCLUSION

WHEREFORE, for the foregoing reasons, the Joint Associations respectfully request that the Commission grant this motion to provide until June 18, 2020 to file initial comments and July 2, 2020 to file reply comments in response to the proposed Policy Statement and provide for a shortened comment period to respond to this motion.

Respectfully submitted,

<p><i>/s/ Jeffery S. Dennis</i></p> <hr/> <p>Jeffery S. Dennis Managing Director and General Counsel Advanced Energy Economy 1000 Vermont Ave. NW, Third Floor Washington, D.C. 20005 202.380.1950 <a href="mailto:jdennis@ae.net">jdennis@ae.net</a></p>	<p><i>/s/ Lopa Parikh</i></p> <hr/> <p>Lopa Parikh Senior Director, Federal Regulatory Affairs Edison Electric Institute 701 Pennsylvania Ave., N.W. Washington, D.C. 20004-2696 <a href="mailto:lparikh@eei.org">lparikh@eei.org</a> 202-508-5098</p>
<p><i>/s/ Gene Grace</i></p> <hr/> <p>Gene Grace General Counsel American Wind Energy Association 1501 M St., N.W., Ste. 1000 Washington, D.C. 20005 (202) 383-2500 <a href="mailto:ggrace@awea.org">ggrace@awea.org</a></p>	<p><i>/s/ Nancy Bagot</i></p> <hr/> <p>Nancy Bagot Senior Vice President Electric Power Supply Association 1401 New York Ave, NW, Suite 950 Washington, D.C. 20005 <a href="mailto:nbagot@epsa.org">nbagot@epsa.org</a></p>

<p><i>/s/ Joan Dreskin</i></p> <hr/> <p>Joan Dreskin  Sr. VP &amp; General Counsel  Interstate Natural Gas Association of America  20 F Street, N.W. Suite 450  Washington, D.C. 20001  <a href="mailto:jdreskin@ingaa.org">jdreskin@ingaa.org</a>  202-216-5928</p>	<p><i>/s/ Casey Gold</i></p> <hr/> <p>Casey Gold  Director, Regulatory Affairs  Natural Gas Supply Association  900 17<sup>th</sup> Street NW, Suite 500  Washington, D.C. 20006  <a href="mailto:cgold@ngsa.org">cgold@ngsa.org</a></p>
<p><i>/s/ Katherine Gensler</i></p> <hr/> <p>Katherine Gensler  Vice President of Regulatory Affairs  Gizelle Wray  Manager of Regulatory Affairs and Counsel  Solar Energy Industries Association  1425 K Street NW, Suite 1000  Washington, DC 20005  (202) 682-0556  <a href="mailto:kgensler@seia.org">kgensler@seia.org</a>  <a href="mailto:gwrap@seia.org">gwrap@seia.org</a></p>	