

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. IC24-22-000]

COMMISSION INFORMATION COLLECTION ACTIVITIES (FERC-537);
COMMENT REQUEST; EXTENSION

(September 18, 2024)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-537 (Gas Pipeline Certificates: Construction, Acquisition, and Abandonment). The Commission will submit this request for comment to the Office of Management and Budget (OMB) for review. No comments were received on the 60-day notice.

DATES: Comments on the collection of information are due [**INSERT DATE 30 days after date of publication in the Federal Register**].

ADDRESSES: Send written comments on FERC-537 (1902-0060) to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Numbers in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC24-22-000) by one of the following methods:

Electronic filing through <https://www.ferc.gov>, is preferred.

- Electronic Filing: Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
 - o Mail via U.S. Postal Service Only: Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, N.E., Washington, DC 20426.
 - o Hand (including courier) delivery: Deliver to: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain. Using the search function under the “Currently Under Review” field, select Federal Energy Regulatory Commission; click “submit,” and select “comment” to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: <https://www.ferc.gov>. For user assistance, contact FERC Online Support by e-mail at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at

<https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION: Kayla Williams may be reached by e-mail at DataClearance@FERC.gov, and telephone at (202) 502-6468.

SUPPLEMENTARY INFORMATION:

Title: FERC-537: *Gas Pipeline Certificates: Construction, Acquisition, and Abandonment*

OMB Control No.: 1902-0060

Type of Request: Three-year extension of the FERC-537 information collection requirements with no changes to the reporting requirements.

Abstract: The FERC-537 information collection is in place for the Commission to carry out its responsibilities under section 7 of the Natural Gas Act (NGA). Section 7 of the NGA¹ requires natural gas companies to obtain Commission approval before constructing, extending, or abandoning facilities or service. The Commission reviews and analyses the information filed under the FERC-537 to determine whether to approve or deny the requested authorization. After reviewing the supplied information, the Commission may grant a request to construct or extend pipeline facilities or service by issuing a certificate of public convenience and necessity. If the Commission failed to collect these data, it would lose its ability to review relevant information to determine whether the requested certificate should be authorized.

¹ 15 U.S.C. § 717f.

The Commission implements section 7 of the NGA under regulations at 18 CFR Part 157.

The data generally required to be submitted in a certificate filing consists of identification of the company and responsible officials, factors considered in the location of the facilities, and the impact on the area for environmental considerations. As applicable to the specific request, applicants may provide:

- Flow diagrams showing the design capacity for engineering design verification and safety determination;
- Cost of proposed facilities, plans for financing, and estimated revenues and expenses related to the proposed facility for accounting and financial evaluation; or
- Existing and proposed storage capacity and pressures and reservoir engineering studies for requests to increase storage capacity.

Applications for an order authorizing abandonment of facilities or service must contain a statement providing in detail the reasons for the requested abandonment and must contain exhibits listed at 18 CFR 157.18, as well as an affidavit showing the consent of existing customers. With some exceptions, such applications also must include an environmental report.

Applicants filing in accordance with 18 CFR Part 157, subpart A (either for a certificate or for abandonment) generally must make a good-faith effort to provide notice of the application to all affected landowners, towns, communities, and government agencies.

Certain self-implementing construction and abandonment programs do not require the filing of applications. However, those types of programs do require the filing of annual reports, so many less significant actions can be reported in a single filing/response and less detail would be required. Additionally, requests for an increase of pipeline capacity must include a statement that demonstrates compliance with the Commission's Certificate Policy Statement by making a showing that the cost of the expansion will not be subsidized by existing customers and that there will not be adverse economic impacts to existing customers, competing pipelines or their customers, nor to landowners and to surrounding communities.

Type of Respondents: Jurisdictional natural gas companies.

*Estimate of Annual Burden:*² The Commission estimates the annual public reporting burden for the information collection as:

FERC-537 (Gas Pipeline Certificates: Construction, Acquisition, and Abandonment)³

² Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. Refer to 5 CFR 1320.3 for additional information.

³ Changes to estimated number of respondents were based on average number of respondents over the past three years.

| | Number of Respondents (1) | Annual Number of Responses per Respondent (2) | Total Number of Responses (1)*(2)=(3) | Average Burden & Cost Per Response⁴ (4) | Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5) | Cost per Respondent (\$) (5)÷(1)⁵ |
|---|--------------------------------------|--|--|---|--|---|
| 18 CFR 157.5-.11 (Interstate Certificate and Abandonment Applications) | 31 | 1.39 | 43 (rounded) | 500 hrs.; \$50,000 | 21,500 hrs.; \$2,150,000 | \$69,355 |
| 18 CFR 157.53 (Pipeline Purging/Testing Exemptions) | 1 | 1 | 1 | 50 hrs.; \$5,000 | 50 hrs.; \$5,000 | \$5,000 |
| 18 CFR 157.201-.209; 157.211; 157.214-.218 (Blanket Certificates Prior to Notice Filings) | 30 | 2.125 | 63.75 | 200 hrs.; \$20,000 | 12,750 hrs.; \$ 1,275,000 | \$42,500 |
| 18 CFR 157.201-.209; 157.211; 157.214-.218 (Blanket Certificates – Annual Reports) | 176 | 1 | 176 | 50 hrs.; \$5,000 | 8,800hrs.; \$880,000 | \$5,000 |
| 18 CFR 284.11 (NGPA Section 311 Construction – Annual Reports) | 75 | 1 | 75 | 50 hrs.; \$5,000 | 3,750 hrs.; \$375,000 | \$5,000 |

⁴ The estimates for cost per response⁴ are derived using the following formula: Average Burden Hours per Response * \$100.00/hour = Average cost/response. The figure is the 2024 FERC average hourly cost (for wages and benefits) of 100.00 (and an average annual salary of \$207,786/year). Commission staff is using the FERC average salary because we consider any reporting requirements completed in response to the FERC-537 to be compensated at rates similar to the work of FERC employees.

⁵ Each of the figures in this column are rounded to the nearest dollar.

| | | | | | | |
|---|----|------|--------------------------|-----------------------|------------------------------------|----------|
| 18 CFR 284.8 ⁶ (Request for Waiver of Capacity Release Regulations) | 31 | 1.39 | 43 (rounded) | 10 hrs.; \$1,000 | 430 hrs.; \$43,000 | \$1,390 |
| 18 CFR 284.13(e) and 284.126(a) (Interstate and Intrastate Bypass Notice) | 2 | 1 | 2 | 30 hrs.; \$3,000 | 60 hrs.; \$6,000 | \$3,000 |
| 18 CFR 284.221 (Blanket Certificates) | 1 | 1 | 1 | 100 hrs.; \$10,000 | 100 hrs.; \$10,000 | \$10,000 |
| 18 CFR 284.224 (Hinshaw Blanket Certificates) | 2 | 1 | 2 | 75 hrs.; \$7,500 | 150 hrs.; \$15,000 | \$7,500 |
| 18 CFR 157.5-.11; 157.13-.20 (Non-facility Certificate or Abandonment Applications) | 11 | 1.36 | 15 | 75 hrs.; \$7,500 | 1,125 hrs.; \$112,500 | \$10,227 |
| Project based Labor wages | 22 | 1 | 22 | 15 hrs. \$1,500 | 330 hrs. \$33,000 | \$1,500 |
| TOTAL | | | 444 (rounded) | | 49,045hrs.; \$4,539,000 | |

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the

⁶ A Certificate Abandonment Application would require waiver of the Commission's capacity release regulations in 18 CFR 284.8; therefore this activity is associated with Interstate Certificate and Abandonment Applications.

collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Debbie-Anne A. Reese,
Acting Secretary.