

# APPLICANT TO DO LIST

(December 20, 2006)

**Applicant Responsibilities – To Best Comply with FERC’s New Regulations Implementing: Section 313 of Energy Policy Act of 2005 – Coordinating the Processing of Federal Authorizations for Interstate Natural Gas Projects Under Sections 3 and 7 of the NGA and Maintaining a Complete Consolidated Record- [Order 687]**

Effective Date of Final Rule: **December 26, 2006**

## **Pre-Filing Activities**

- Prospective applicant files Pre-Filing Request at FERC, which includes a list of involved agencies already contacted and a desired schedule.
- Determine what each agency needs. Requests for federal authorizations should be complete when first tendered.
- Coordinate requests/applications with appropriate permitting agencies: concurrent or prior to FERC Section 3 or 7 applications (failure to do either may result in application being incomplete).
- *Recommended Guidance:* Bring agencies and stakeholders together to discuss project planning, be pro-active and engage all parties

*-Allow adequate time in scheduling Pre-filing activities for your specific project (your project may require more than 6 months in PF)*

*-Communicate frequently with and provide consistent information to agencies and stakeholders-be willing to do whatever it takes*

*-File all correspondences with stakeholders and agencies with Secretary of Commission*

*-Written commitments to stakeholders and agencies are recommended*

## **Application/Post-application Activities**

- File a Complete Application and Resource Reports. Include a new Exhibit “H” for Section 3 or new Exhibit “J” for Section 7 identifying:
  - a. Each federal authorization required;
  - b. the agency or officer that will issue the authorization;
  - c. date of submittal and date of requested or expected authorization; and
  - d. explanation for why any request was not yet submitted contemporaneously and the expected submission date.
- The applicant should file with consenting agencies before the Commission deems the application ready for processing and scheduling and specifies its desired schedule.
- Once a schedule is established, if an applicant seeks to make modifications to its proposal that is material to one or more federal authorization from another agency, the applicant should file an update with the Commission, describing its

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revised request.

- *Recommended Guidance: Minimize post-application changes*
  - Assist the Commission staff's EA/EIS schedule by correcting identified deficiencies*
  - File status updates with agencies and stakeholders with the Secretary of Commission, as necessary*
  - Abide by written commitments established in pre-filing*

## **Post-FERC Authorization Activities/Compliance**

- Complete any outstanding surveys or consultations necessary for OEP Director Review and Approval.
- Receive necessary federal, state and local authorizations and permits required for construction.
- Applicant's final remedy in Court: if an applicant disagrees with a permit or agency decision, or if an agency fails to meet schedule or statutory deadline, applicant can file for appeal or review agency decision in US Court of Appeals.
- FERC will certify consolidated Federal record to the Court as necessary.