

# CORONAVIRUS

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## FERC Issues Guidance and Regulatory Relief in Connection with Coronavirus Response

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On March 19, 2020, the Federal Energy Regulatory Commission (“FERC” or “Commission”) announced several regulatory responses to the coronavirus pandemic and FERC Chairman Neil Chatterjee held a press conference to discuss the agency’s initiatives. The Chairman emphasized the capabilities of the Commission and its staff to work in a timely manner throughout the pandemic response, while striving to provide necessary flexibility to regulated entities.

The Chairman named Caroline Wozniak, a Senior Policy Advisor in the Office of Energy Market Regulation, as the point of contact for all energy industry inquiries related to the impacts of COVID-19. Members of the regulated community may e-mail [PandemicLiaison@FERC.gov](mailto:PandemicLiaison@FERC.gov) with questions for Commission staff.

Chairman Chatterjee clarified that the Commission will provide regulated entities with flexibility when needed, but emphasized the Commission is fully functioning and will try not to delay decisions. Chairman Chatterjee also stated his goal is to issue certain rehearing orders involving pipeline certificate projects challenged by affected landowners within 30 days, consistent with guidance from the Chairman issued on January 31, 2020.

The Commission issued a notice extending the deadlines for certain non-statutory filings that are due on or before May 1, 2020, including compliance filings, responses to

deficiency letters, rulemaking comments, and Commission forms. However, the Commission has not extended the filing deadline for FERC Form No. 6 (Annual Report of Oil Pipeline Companies), which remain due on April 20, 2020. According to the Commission, entities may seek extension requests for any other deadlines or other forms of relief and the Commission will work to address these requests in a timely manner.

Chairman Chatterjee further stated the Commission is examining additional efforts to relieve some burdens on regulated entities. The Chairman stated that FERC’s Office of Enforcement has postponed all scheduled audit site visits and investigative testimony. Additionally, the Office of Enforcement will work with entities on a case by case basis in considering grants of extensions and waivers of compliance filings, forms and electric quarterly reports. Further, the Commission and the North American Electric Reliability Corporation (“NERC”) announced a joint effort to relieve bulk electric system operators from certain compliance requirements so the operators can focus their resources on safety and reliability of energy infrastructure. The Commission is working closely with other federal agencies to address issues that have arisen, and possibly will arise, from the COVID-19 public health emergency.

Additionally, any technical conferences scheduled through May 2020 will be shifted to conference call, WebEx, or postponed. The FERC.gov calendar will be updated to reflect the new schedules. With respect to administrative litigation, the Chief Administrative Law Judge has postponed one hearing originally scheduled to begin on April 7, and will make case-by-case determinations on other approaching hearings.

Commissioner Glick issued a statement<sup>1</sup> in which he observed that, in light of the changing markets, FERC must focus on determining whether liquefied natural gas (“LNG”) facilities will actually be built when it is evaluating whether to approve the projects. In his press conference, Chairman Chatterjee took a different approach, emphasizing his belief that, despite recent market uncertainties, the United States will continue to be a net gas exporter and that investment

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1. FERC Commissioner Glick Statement on COVID-10 & FERC Orders, [ferc.gov/CalendarFiles/20200319133030-Glick-031920.pdf](https://www.ferc.gov/CalendarFiles/20200319133030-Glick-031920.pdf) (Mar. 19, 2020).

in and demand for LNG facilities and exports will remain strong.

FERC will be posting regular updates to its website, FERC.gov, where further information can be found.

Blank Rome’s [Coronavirus \(“COVID-19”\) Task Force](#) is continuing to monitor the COVID-19 crisis and will provide further updates for the energy industry as they become available.

**For more information, please contact:**

**Mark R. Haskell**  
202.420.2654 | [mhaskell@blankrome.com](mailto:mhaskell@blankrome.com)

**Brett A. Snyder**  
202.420.2656 | [bsnyder@blankrome.com](mailto:bsnyder@blankrome.com)

**Lamiya Rahman**  
202.420.2662 | [lahman@blankrome.com](mailto:lahman@blankrome.com)

**Jane Thomas**  
202.420.2577 | [jthomas@blankrome.com](mailto:jthomas@blankrome.com)