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FERC Extends Certain Filing Deadlines and Takes Other Actions in Response to the Impacts of COVID-19

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On March 19, 2020, the Federal Energy Regulatory Commission (FERC or Commission) issued a [Notice Granting Extension of Time](#) (Notice) in order to address the potential that some entities may not be able to meet existing deadlines due to steps they must take to meet the emergency conditions presented by the Novel Coronavirus Disease (COVID-19). In this Notice, the Commission has extended, until May 1, 2020, the deadlines for most non-statutory filings required by the Commission. The Commission also will allow entities to request expedited action on waivers and other extensions needed as operators of electric, gas and hydroelectric facilities manage the challenges presented by COVID-19.

In addition, Chairman Neil Chatterjee named Caroline Wozniak, a Senior Policy Advisor in the Office of Energy Market Regulation, as the Commission's point of contact for all industry inquiries related to COVID-19. Entities can email PandemicLiaison@ferc.gov to receive prompt responses to their questions from FERC staff. FERC also established a [landing page](#) on its website to provide regular updates and additional contact information.

Extended Deadlines

The Commission extended, to May 1st, filing deadlines for the following categories:

- filings required by entities' tariffs or rate schedules;
- other non-statutory submissions required by the Commission (e.g., compliance filings, responses to deficiency letters, and rulemaking comments);
- annual forms required by the Commission, except that oil pipeline companies must submit FERC Form No. 6, Annual Report of Oil Pipeline Companies (which is due April 20, 2020 so that FERC can begin its Five-Year Review of the Oil Pipeline Index); and
- all pending, uncontested motions for extensions in individual Commission proceedings.

Importantly, deadlines for filings, such as requests for rehearing, that are established by either the Natural Gas Act or the Federal Power Act are not extended because the Commission has no authority to modify those filing timeframes.

Below is a table of the reporting forms for which filing deadlines are extended to May 1, 2020 by the Commission's Notice, organized by industry.

Industry	Form No.	Original Deadline	New Deadline
Electric Utilities	Form No. 715: Annual Transmission Planning and Evaluation Report	April 1	May 1
Electric Utilities	Form No. 1: Annual Report of Major Electric Utility	April 18	May 1
Electric Utilities	Form No. 1-F: Annual Report of Non-major Electric Utility	April 18	May 1

Electric Utilities	FERC-730: Report of Transmission Investment Activity	April 18	May 1
Electric Utilities	Form No. 561: Interlocking Directorates	April 30	May 1
Gas Pipelines	Form No. 2: Major Natural Gas Pipeline Annual Report	April 18	May 1
Gas Pipelines	Form No. 2A: Non-Major Natural Gas Pipeline Annual Report	April 18	May 1
Oil Pipelines	FERC Form No. 6: Annual Report of Oil Pipeline Companies.	April 20	April 20

Expedited Actions and Waivers

Independent of the extensions listed above, FERC also will allow entities to seek expedited actions on waivers and other extensions, including:

- waivers of the requirements in Commission orders, regulations, tariffs and rate schedules;
- extensions for other types of filings, such as interventions, protests, or answers; and
- further extensions and waivers of compliance filings, forms and electronic quarterly reports (EQRs are presently due April 30).

With respect to requests of such waivers or extensions, entities also may seek waivers as to the required form of such filings, including the requirements for sworn declarations.

The Commission stated that it will act expeditiously on such requests. Although entities must still demonstrate “good cause” for waivers, [Chairman Chatterjee stated](#) separately that the Commission will not second guess company actions. He emphasized the Commission’s goal of being “flexible and responsive.” The Commission’s news release further states that it wants industry to focus on “continuity, safety and stability—not regulatory or enforcement matters that are not mission-critical during this crisis.”

Status of Commission’s Hearings and Other Meetings

The Commission also has made the following changes in response to COVID-19:

- technical conferences will either be conducted via WebEx or postponed;
- all hearings are postponed until the Office of Administrative Litigation can reschedule them. Chief Administrative Law Judge Cintron has postponed at least one hearing, pursuant to her authority to extend procedural time standards under 18 C.F.R. § 375.304(b)(1)(v);
- settlement conferences will be conducted by telephone;
- oral arguments will be heard via WebEx; and
- all previously scheduled Office of Enforcement audit site visits and investigative testimony are postponed.

Changes to Reliability Reporting and Audits

FERC also [announced](#), jointly with the North American Electric Reliability Corporation (NERC), that for the period of March 1, 2020 to December 31, 2020, effects of COVID-19 will be considered an acceptable basis for non-compliance with requirements to obtain and maintain personnel certification under Reliability Standard PER-003-2, and that Regional Entities will postpone on-site audits, certifications and other on-site activities until at least July 31, 2020.

FOR MORE INFORMATION

Van Ness Feldman is continuing to monitor all developments at the Commission. Please contact [Joe Nelson](#), [Susan Olenchuk](#), [Julia Wood](#), [Michael Diamond](#), or [Jacob Cunningham](#) with any questions.

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