

E&E Energywire

Glick: 'Great sense of urgency' to reform pipeline approvals

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The head of the Federal Energy Regulatory Commission is feeling pressure to "move as quickly as possible" to reform how the agency reviews natural gas pipeline projects following a major courtroom loss.

The U.S. Court of Appeals for the District of Columbia Circuit slammed the commission last week for its overreliance on so-called precedent agreements to show there is a need to build a proposed pipeline. Such agreements demonstrate that customers are ready to reserve capacity on a given line.

"I think there is a great sense of urgency in the aftermath of the decision in the D.C. Circuit," FERC Chair Richard Glick (D) told E&E News last week following the ruling.

The court took issue with FERC's approval of the Spire STL pipeline because the agency largely based the demand for the project on a single precedent agreement with an affiliated retail utility, Spire Missouri.

In granting a certificate for the project, FERC ignored "record evidence of self-dealing," the D.C. Circuit said, and had not seriously weighed the risks and benefits of the 65-mile pipeline that's now operating from Illinois to Missouri ([***Energywire***](#), June 23).

The decision to ax FERC's approval of the Spire STL pipeline comes as the independent agency has reopened a review of its 1999 Certificate Policy Statement, which lays out guidelines for determining if a project is in the public interest.

Glick did not give a timeline for revising the policy but noted the court ruling "put a spotlight" on how the agency considers the need for a natural gas pipeline.

"Clearly we need to update the policy statement, and my goal is to get it out, hopefully soon," he said.

The commission will also look at other concerns like greenhouse gas emissions, Glick said.

"The input from the D.C. Circuit is if you don't make your decisions legally durable, you will cause a lot of problems for the pipeline developer and other stakeholders, and you need to do it right the first time," he said.

"So that's my goal for the entire [notice of inquiry] proceeding, that we're pursuing our job," Glick added.

Public participation office

The independent agency is also moving forward with getting its new Office of Public Participation up and running. The office will coordinate assistance to members of the public in the path of projects under FERC's jurisdiction, including natural gas pipelines — an initiative that community groups and some legal experts say is badly needed at the agency.

FERC recently put out a call for applications for the director post at the new office. The agency is aiming to identify candidates by the beginning of October, and then the director will be chosen by majority vote among the commissioners, Glick said.

The office will work to reach out to "affected parties" who may not have the resources to follow FERC proceedings and inform them on how they can potentially become involved as intervenors, according to the chairman.

The office's purview would include a full range of proceedings at the commission under the Federal Power Act and the Natural Gas Act, he added.

The chairman said FERC is still working out the specifics of who will be the focus of the new office's outreach.

"It's still in the preliminary stages," Glick said. "Once we have a director up and running, we'll be able to define a little further who the 'public' might be."