

192 FERC ¶ 61,216
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: David Rosner, Chairman;
Lindsay S. See and Judy W. Chang.

Certification of New Interstate Natural Gas Facilities Docket Nos. PL18-1-000
PL18-1-001

ORDER TERMINATING PROCEEDING

(Issued September 12, 2025)

1. On February 18, 2022, the Federal Energy Regulatory Commission (Commission) issued an updated policy statement intended to explain how the Commission’s approach to considering applications to construct new interstate natural gas transportation facilities under section 7 of the Natural Gas Act (Updated Certificate Policy Statement)¹ would differ going forward from the approach described in the policy statement on the topic issued in 1999, *Certification of New Interstate Natural Gas Pipeline Facilities* (1999 Certificate Policy Statement).² On March 24, 2022, the Commission issued an order making the Updated Certificate Policy Statement a draft policy statement, invited further comment, and stated that the Commission would not apply the draft policy statement to pending applications, or to applications filed before the Commission issues any final guidance in the docket.³ On August 21, 2025, pursuant to Section 403 of the Department of Energy Organization Act,⁴ the Secretary of Energy (Secretary) proposed to the Commission a statement of policy of general applicability to rescind the draft Updated Certificate Policy Statement.⁵ For the reasons discussed below, we terminate the draft Updated Certificate Policy Statement proceeding.

¹ *Certification of New Interstate Nat. Gas Facilities*, 178 FERC ¶ 61,107 (2022).

² 88 FERC ¶ 61,227 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000).

³ *Certification of New Interstate Nat. Gas Facilities*, 178 FERC ¶ 61,197, at P 2 (2022).

⁴ 42 U.S.C. 7173.

⁵ 42 U.S.C. 7173(a).

I. Background

2. On April 19, 2018, the Commission issued a Notice of Inquiry (2018 NOI)⁶ seeking information to help the Commission explore whether, and if so how, it should revise its approach for determining whether proposed projects are consistent with the public convenience and necessity, as set forth in the 1999 Certificate Policy Statement. The 2018 NOI included a background section discussing the legal standards and historical context that informed the creation of the 1999 Certificate Policy Statement, how the Commission's evaluations under the policy statement and the National Environmental Policy Act (NEPA) had evolved, and the circumstances that had changed since 1999.⁷ The Commission identified and sought input on four general areas for examination in the 2018 NOI: (1) the reliance on precedent agreements to demonstrate need for a proposed project; (2) the potential exercise of eminent domain and landowner interests; (3) the Commission's evaluation of alternatives and environmental effects under NEPA and the Natural Gas Act; and (4) the efficiency and effectiveness of the Commission's certificate processes.

3. In response to the 2018 NOI, the Commission received more than 3,000 comments from stakeholders including landowners; tribal, federal, state, and local government officials; non-governmental organizations; consultants, academic institutions and think tanks; natural gas producers, Commission-regulated companies, local distribution companies, and industry trade organizations; electricity generators and utilities; and others.

4. On February 18, 2021, the Commission issued a new Notice of Inquiry (2021 NOI),⁸ seeking comments to build upon the existing record established by the 2018 NOI, including modifying specific questions asked in the 2018 NOI and adding new questions. The Commission received over 35,000 comments and approximately 150 unique comment letters from a wide range of stakeholders.

5. After issuing the draft Updated Certificate Policy Statement in 2022 and soliciting further input from stakeholders, the Commission received numerous additional comments.⁹

⁶ *Certification of New Interstate Nat. Gas Facilities*, 163 FERC ¶ 61,042 (2018) (2018 NOI).

⁷ *Id.* PP 5-50.

⁸ *Certification of New Interstate Nat. Gas Facilities*, 174 FERC ¶ 61,125 (2021) (2021 NOI).

⁹ On September 2, 2025, the Commission issued a notice soliciting public

II. Discussion

6. The Commission developed an extensive record over the course of the draft Updated Certificate Policy Statement proceeding. The Commission thoroughly reviewed that record, including comments filed in response to the September 2, 2025 notice, and has gained additional experience in applying the 1999 Certificate Policy Statement on a case-by-case basis in many proceedings raising a wide array of issues and arguments regarding how the Commission can best discern what is required by the public convenience and necessity. We conclude that the topics addressed in this proceeding are better considered on a case-by-case basis, according to the facts and the issues raised in individual cases, as the Commission has done following the issuance of the draft Updated Certificate Policy Statement. We believe that the 1999 Certificate Policy Statement, as subsequently applied by the Commission,¹⁰ continues to provide the appropriate framework for reviewing proposed natural gas projects in a legally durable manner, pursuant to the Natural Gas Act and consistent with judicial precedent, as it has for over 25 years. Therefore, we are now withdrawing the draft Updated Certificate Policy Statement and closing the proceeding.

The Commission orders:

The *Certification of New Interstate Natural Gas Facilities* proceeding is terminated.

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

comment on the Secretary's proposal. The Commission received approximately 20 comments from a wide range of stakeholders including regulated pipeline companies, shippers, state government officials, non-governmental organizations, and individuals. Some commenters support termination of the proceeding, arguing that doing so will provide more certainty to stakeholders, while other commenters oppose such action, claiming that the 1999 Certificate Policy Statement is in need of updating.

¹⁰ See, e.g., *Transcon. Gas Pipe Line Co., LLC*, 192 FERC ¶ 61,184, at PP 22-45 (2025); *Transcon. Gas Pipe Line Co.*, 190 FERC ¶ 61,048, at PP 25-73, 96-101, *order on reh'g*, 192 FERC ¶ 61,134, at PP 34-99, 107-116 (2025).