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ALERT
MARCH 2020



FERC Eases Regulatory Obligations in Response to COVID-19

On March 19, 2020, the Federal Energy Regulatory Commission ("FERC") announced several actions to ease regulatory obligations in response to COVID-19. In introducing these measures, FERC Chairman Neil Chatterjee stated: "This Commission will not be in the business of second guessing the good faith actions that companies take to keep the lights on. I'm committed to ensuring that industry can focus on continuity, safety and stability—not regulatory or enforcement matters that are not mission-critical during this crisis."

FERC's key COVID-19 response actions include:

- **Postponement of Filing Deadlines.** FERC has extended the deadline for filing forms required by FERC, non-statutory filings (e.g., compliance filings, responses to deficiency letters, rulemaking comments), and filings required by tariffs or rate schedules until May 1, 2020. This extension does not apply to FERC Form No. 6 (Annual Report of Oil Pipeline Companies), the deadline for which remains April 20, 2020.
- **Entities May Seek Waivers or Additional Time.** FERC will be receptive to requests for deadline extensions and waivers of FERC orders, regulations, tariffs and rate schedules, compliance filings, forms, and EQRs, as appropriate.
- **Office of Enforcement Will Postpone All Audit Visits and Investigative Testimony.** FERC's Office of Enforcement is postponing all previously scheduled audit site visits and investigative testimony and will be adjusting other deadlines as appropriate. Note that this postponement applies specifically to visits and testimony and, on its face, does not suggest that other aspects of Enforcement audits, investigations, and surveillance inquiries will be postponed.
- **Enforcement and Other FERC Staff Available for Consultation.** Chairman Chatterjee emphasized there will be "open lines of communication" with staff, who will be available to "provide informal guidance and advice that reasonably balances what is happening on the ground with applicable compliance requirements."

FERC appointed senior policy advisor Caroline Wozniak as its point of contact for all industry inquiries related to the impacts of COVID-19 on FERC-jurisdictional activities and stated industry members may email PandemicLiaison@ferc.gov with COVID-19 questions.

FERC and the North American Electric Reliability Corporation ("NERC") also jointly announced they are using regulatory discretion to consider COVID-19 impacts in evaluating compliance with certain Reliability Standards: [FERC/NERC Compliance Guidance](#).



David A.
Applebaum
Washington



Kenneth B.
Driver
Washington



James E.
Olson
Houston



Serena A.
Rwejuna
Washington

[Jacqueline M. Triggs](#), an associate in the Washington Office, assisted in the preparation of this Alert.

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