

Commission. I do not believe that to be the case here.

3. Today's NOI characterizes the problem as whether oil pipeline allocation methodologies sufficiently address anomalous conditions and identifies only one instance where this problem has occurred: "effects of the COVID-19 pandemic on demand for pipeline capacity to airport destinations."<sup>1</sup> The NOI does not show airlines as having raised concerns since July 2021 when certain airlines filed a request for emergency relief.<sup>2</sup> Airlines are not shy before the Commission. If there were still a problem, we would have heard from them.<sup>3</sup>

4. *Second*, while I again acknowledge that we had a particular problem with supplies of jet fuel in 2021, as a general matter, I am wary of any action wherein the Commission singles out a particular shipper category as the basis for exploring changes to its policies and tariffs.<sup>4</sup> This is especially true when, as here, we have not even made the most preliminary of showings that this shipper category is not similarly situated with other shippers, nor have we identified some other legitimate factor that justifies disparate treatment.<sup>5</sup> As commenters in response to the July 2021 request for relief stated: "All industries and shipper classes faced unprecedented demand destruction during the COVID-19 pandemic. All shippers faced challenges and choices to manage the

<sup>1</sup> *Oil Pipeline Capacity Allocation Issues and Anomalous Conditions*, 178 FERC ¶ 61,105, at P 9 (2022) (Oil Pipeline Allocation NOI).

<sup>2</sup> *Id.* P 7.

<sup>3</sup> See also Chief Administrative Law Judge, Final Status Report, Conference to Discuss Resolution of Jet Fuel Issues at the Reno-Tahoe International Airport, Docket No. AD21-16-000, at PP 2-3 (Aug. 25, 2021) ("The long-term concerns raised regarding jet fuel capacity are too speculative at this time for the parties to a find a consensual resolution in this form . . . it is determined that the participants are at an impasse regarding long term remedies . . . . Going forward, based on a general assessment of the matters at issue, the attendees and other concerned entities would be well advised to continue discussions, in their regular course of business. It seems beneficial for all entities to keep open lines of communication to identify issues or disputes before they arise, and to engage in dialogue on how to best obtain optimal commercial resolution of what they perceived to be issues in this matter."). But see *Hearing to Review Admin. of Laws Within FERC's Jurisdiction Before the S. Comm. on Energy and Nat'l Res.*, 117th Cong. (2021) (responding to Senator Cortez Masto on 2021 jet fuel shortages, "I think this issue of historical use needs to be addressed. I raised this as an issue in a technical conference we had earlier in the year. I think we need a different approach to allocating capacity because of different anomalies. And you have my commitment that we will take a look at that and hopefully act before next summer's demand peak") (statement of Richard Glick, Chairman of the Fed. Energy Regulatory Comm'n), <https://www.energy.senate.gov/hearings/2021/9/full-committee-hearing-to-review-administration-of-laws-within-ferc-jurisdiction>.

<sup>4</sup> I also note that the NOI solicits information not related to the anomalous conditions problem. *Id.* P 9, Question B.7 ("Please describe whether expansions of capacity on the pipelines serving airport destinations would help address current and future jet fuel needs.").

<sup>5</sup> See 49 App. U.S.C. 3 (1988) (prohibiting undue preference).

downturn and prepare for the upcoming period when demand will return."<sup>6</sup>

5. *Third*, I am not confident that carriers will willingly provide the information the Commission requests on destinations, nominations, and capacity awarded.<sup>7</sup> Section 15(13) of the Interstate Commerce Act prohibits common carriers from disclosing: any information concerning the nature, kind, quantity, destination, or consignee, or routing of any property tendered or delivered to such common carrier for interstate transportation, which information may be used to the detriment or prejudice of such shipper or consignee, or which may improperly disclose his business transactions to a competitor . . . .<sup>8</sup>

6. While I acknowledge the Commission attempts to strategically deploy the word "aggregate," I do not think that this maneuver is sufficient. Oil pipelines that deliver to airport destinations in many cases only have a few shippers, meaning that, even if data is "aggregated," it is not difficult to discern individual shipper data. And even so, I could imagine some shippers arguing that the information, aggregated or not, might be used to their detriment or prejudice.

For these reasons, I respectfully concur. James P. Danly, Commissioner.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP22-51-000]

#### CNG Holding 1 LLC; Notice of Petition for Declaratory Order

Take notice that on February 11, 2022, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, CNG HOLDING 1 LLC (CNG

<sup>6</sup> Pilot Travel Centers LLC, et al., Joint Motion to Intervene and Protest, Docket No. OR21-10-000, at 3 (Jul. 27, 2021); see also Chevron Products Co., et al., Response to Request for Emergency Relief under Section 1(15) of the Interstate Commerce Act, Docket No. OR 21-10-000, at 2 (Jul. 28, 2021) ("The Commission should ask whether the Request is seeking to prioritize jet fuel and those who can afford to access air travel at the expense of supplying transportation fuels that affect many more people and their daily lives as they go to work, daycare, school, and deliver goods and services in support of their communities.").

<sup>7</sup> See Oil Pipeline Allocation NOI, 178 FERC ¶ 61,105 at P 9, Question B.3 ("[P]lease provide . . . aggregate jet fuel nominations to each airport destination, and aggregate pipeline capacity awarded for jet fuel movements to each airport destination . . . ."); *id.* Question B.5 ("Regarding products other than jet fuel transported on pipelines serving airport destinations, please provide data showing how aggregate product nominations and aggregate pipeline capacity awarded for each product have changed during the COVID-19 pandemic.").

<sup>8</sup> 49 App. U.S.C. 15(13) (1988).

Holding) filed a petition for declaratory order requesting the Commission issue an order stating that CNG Holding's: (1) Proposed compressed natural gas (CNG) production facility; (2) the docks from which CNG Holding will export the CNG; and (3) CNG Holding's proposal to construct an on-site truck fueling station, a bunkering pipeline to transport end-use fuel to vessels, and provide an industrial fueling service to industrial customers in Louisiana are not subject to the Commission's jurisdiction under section 3 or section 7 of the Natural Gas Act, 15 U.S.C. 717b, 717f (2018).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern time on March 14, 2022.

*Dated:* February 17, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC22-41-000.

*Applicants:* Buckeye Plains Solar Project, LLC, Buckeye Plains II Solar Project, LLC, Pickaway County Solar Project, LLC, Pickaway County II Solar Project, LLC, Dominion Solar Projects VII, Inc.

*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of Buckeye Plains Solar Project, LLC, et al.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5135.

*Comment Date:* 5 p.m. ET 3/10/22.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG22-56-000.

*Applicants:* Corazon Energy Services, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator of Corazon Energy Services, LLC.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5144.

*Comment Date:* 5 p.m. ET 3/10/22.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2564-011; ER10-2600-011; ER10-2289-011; EL22-5-000.

*Applicants:* Tucson Electric Power Company, UniSource Energy Development Company, UNS Electric, Inc., Tucson Electric Power Company.

*Description:* Amendment to June 21, 2021 Notice of Non-Material Change in Status of Tucson Electric Power Company, et al.

*Filed Date:* 2/14/22.

*Accession Number:* 20220214-5277.

*Comment Date:* 5 p.m. ET 3/7/22.

*Docket Numbers:* ER10-2564-011; ER10-2600-011; ER10-2289-011; EL22-5-000.

*Applicants:* Tucson Electric Power Company, UniSource Energy

Development Company, UNS Electric, Inc., Tucson Electric Power Company.

*Description:* Amendment to June 21, 2021 Notice of Non-Material Change in Status of Tucson Electric Power Company, et al.

*Filed Date:* 2/15/22,

*Accession Number:* 20220215-5239.

*Comment Date:* 5 p.m. ET 3/7/22.

*Docket Numbers:* ER22-516-002.

*Applicants:* Arizona Public Service Company.

*Description:* Tariff Amendment: Service Agreement No. 396 Amendment to be effective 11/29/2021.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5096.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1066-000.

*Applicants:* Southern California Edison Company.

*Description:* Tariff Amendment: Notice of Cancellation EDP Ltr Agreement SCE and VESI 12 LLC SA No. 1133 to be effective 4/19/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5003.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1067-000.

*Applicants:* Midcontinent

Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2022-02-17\_SA 3500\_METC-Calhoun County Solar 1st Rev GIA (J857) to be effective 2/7/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5052.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1068-000.

*Applicants:* Tri-State Generation and Transmission Association, Inc.

*Description:* § 205(d) Rate Filing: Amendment to Service Agreement No. 891 to be effective 1/19/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5056.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1069-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: Bylaws Revisions to Remove Requirement that Chair of the SPP Board Serve on SPC to be effective 4/19/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5057.

*Comment Date:* 5 p.m. ET 3/10/22,

*Docket Numbers:* ER22-1070-000.

*Applicants:* California Independent System Operator Corporation.

*Description:* § 205(d) Rate Filing: 2022-02-17 EIM Implementation Agreement Cancellation-Public Service of Colorado to be effective 4/19/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5064.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1071-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: Revisions to Bylaws Preamble to Incorporate the SPP Value Proposition to be effective 4/19/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5074.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1072-000.

*Applicants:* New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

*Description:* § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): Joint 205 filing unexecuted LGIA among NYISO, NMPC, East Point (SA 2683) to be effective 2/18/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5095.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1073-000.

*Applicants:* Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: Niagara Mohawk Power Corporation submits tariff filing per 35.13(a)(2)(iii): 205 filing among NYISO, NMPC, High River unexecuted LGIA (SA 2682) to be effective 2/18/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5098.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1074-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Second Revised ISA, SA No. 1767; Queue No. AB2-102 to be effective 1/19/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5133.

*Comment Date:* 5 p.m. ET 3/10/22.

*Docket Numbers:* ER22-1075-000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2022-02-17\_SA 3781 Ameren-Pana Solar FSA (J912) to be effective 4/19/2022.

*Filed Date:* 2/17/22.

*Accession Number:* 20220217-5142.

*Comment Date:* 5 p.m. ET 3/10/22.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern