

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. ER23–648–000]

**Consolidated Power Co., LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of Consolidated Power Co., LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is January 5, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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://www.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.

Dated: December 16, 2022.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

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**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. PL23–1–000]

**Oil Pipeline Affiliate Committed Service**

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Proposed policy statement.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) proposes to revise its policy for evaluating whether contractual committed transportation service complies with the Interstate Commerce Act where the only shipper to obtain the contractual committed service is the pipeline's affiliate. Specifically, in addition to those factors the Commission has considered in the past, the Commission proposes to evaluate the rate and non-rate terms offered in the open season to ensure they were not structured to favor the pipeline's affiliate and to exclude nonaffiliates.

**DATES:** Initial Comments are due on or before February 13, 2023, and Reply Comments are due on or before March 30, 2023.

**ADDRESSES:** Comments, identified by docket number, may be filed in the following ways. Electronic filing through <http://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

- *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- *Hand (including courier) delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

The Comment Procedures Section of this document contains more detailed filing procedures.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:**

1. In this Proposed Policy Statement, we propose to revise our policy for evaluating whether contractual committed transportation service between oil pipelines and their affiliates complies with the Interstate Commerce Act (ICA).<sup>1</sup> As discussed below, the Commission relies upon the pipeline's holding of a public open season followed by an arm's-length transaction to conclude that the resulting contractual committed service is just and reasonable and not unduly discriminatory. However, when the only shipper to agree to a committed transportation service is the pipeline's affiliate (Affiliate-Only Committed Service), there is no arm's-length transaction to support a presumption of reasonableness and nondiscrimination. Instead, the contractual service offered in the open season may have been structured to unduly discriminate against nonaffiliates. We are concerned that our present policies are not sufficient to address these issues and

<sup>1</sup> 49 U.S.C. app. 1 *et seq.*