

# Application of Order No. 871

as clarified by May 2021 issuance

**Order No. 871 Applies Upon Issuance of an NGA section 3 or 7 Authorization Order**

During first 30 days, Order No. 871 precludes the Commission from authorizing construction.

**A party files a qualifying rehearing request, raising issues with project construction, operation, or need. The Commission:**

**No party files a qualifying rehearing request raising issues with project construction, operation, or need:**

- Order No. 871 no longer applies.
- Commission can authorize construction, upon satisfaction of relevant conditions.

**Within 30 days, issues a merits order denying rehearing:**

- Order No. 871 no longer applies.
- Commission can authorize construction.

**Within 31 days, issues a notice stating that it will not issue a further merits order:**

- The rehearing request is deemed denied.
- Order No. 871 no longer applies.
- Commission can authorize construction.

**Within 31 days, issues a notice OR an order, stating that it will issue a further merits order:**

- Order No. 871 applies.
- For no more than 90 days after rehearing may be deemed denied, Commission cannot authorize construction.

**Issues an order granting rehearing and revoking the Authorization Order:**

- Order No. 871 no longer applies, but due to the revocation, construction cannot be authorized.
- Further proceedings are governed by the terms of the order revoking the Authorization Order.

\* This chart is intended to briefly summarize the key points of Order No. 871 in light of the Commission's typical rehearing practices, and does not modify the Order and may not be read as binding the Commission. Order No. 871 as used here refers to the Commission's regulation located at 18 C.F.R. 157.23.