

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Chief Administrative Law Judge's
Notices to the Public

Docket No. AD20-12-000

NOTICE TO THE PUBLIC

MOTIONS TO PLACE INTERIM SETTLEMENT RATES INTO EFFECT

(Issued June 15, 2022)

1. Pursuant to sections 375.307(a)(1)(iv) and 375.307(a)(7)(v) of the Commission's regulations,¹ the Chief Judge has delegated authority to rule on motions to place interim settlement rates into effect for electric and gas matters.² Pursuant to this authority, the Chief Judge provides the following guidance.³
2. Addressing the Motion for Interim Rates: Requests to place settlement rates into effect on an interim basis must be made by separate motion addressed to the Chief Judge.⁴ The filing party is instructed not to make such requests within the tariff filing or

¹ 18 C.F.R. § 375.307(a)(1)(iv), (a)(7)(v) (2021).

² Note that the Chief Judge does not possess delegated authority to act on interim rates in oil matters filed with respect to the Interstate Commerce Act. *Compare* 18 C.F.R. § 375.307(a)(1)(iv) (delegating interim rate motions under Federal Power Act to the Chief Judge) *and* 18 C.F.R. § 375.307(a)(7)(v) (delegating interim rate motions under Natural Gas Act to the Chief Judge) *with* 18 C.F.R. § 375.307(a)(10) (no delegation to Chief Judge under Interstate Commerce Act).

³ This Notice supersedes the previous notice issued on May 29, 2020. *See Notice to the Public: Motions to Place Interim Settlement Rates into Effect* (May 29, 2020).

⁴ Additionally, a motion to place interim settlement rates into effect must also be filed through eTariff. *See Notice to the Public: Procedures Governing Rule 602 Settlement Filings* (Oct. 13, 2017), available at <https://cms.ferc.gov/sites/default/files/2020-05/notice-to-the-public-ProceduresGoverningRule602SettlementFilings.doc>; *Notice of Additional eTariff Type of Filing Codes* (Dec. 1, 2016) available at <https://cms.ferc.gov/sites/default/files/2020->

as part of the settlement transmittal letter. The Chief Judge will not act on requests contained within other documents.

3. Effective Dates: The motion must state the proposed effective date for the interim rates. The filer must also verify that there are no other previous tariff filings with later effective dates, which may potentially supersede the interim rate tariff record(s).

4. Required Analysis: The motion for interim settlement rates must specifically demonstrate that the interim rate is in fact lower. To do this, the redlined tariff changes must be attached to the motion and the motion must state which page(s) show the rate. Additionally, if the lower settlement rates include some rate components or inputs that have increased, the motion should clearly demonstrate that the overall effect of all changed components or inputs results in a lower interim rate. If the appropriate analysis is not provided, the filing party may be directed to supplement their filing. The motion should also contain provisions addressing the timing of refunds or re-billings in the event the settlement is not approved.

5. Docket Numbers and eFiling: When filing motions for interim implementation of settlement rates that implicate more than one docket, the motion must include all dockets in its filing description in eFiling and an update must be filed in all related dockets. The updates must reference the docket in which the settlement was filed and the settlement's eLibrary accession number.⁵ Filers should not re-file the entire settlement when filing a motion for interim rates. Interim rate filings must reference the "Associated Filing Identifier" used when making the settlement filing, or if one was not used, the "Filing Identifier" of the settlement itself.⁶

6. When filing the tariff records requested for interim implementation, the records must be filed as an eTariff package and the filer must use one of the Rule 602 settlement Type of Filing Codes (TOFC) listed below.⁷ Although the below TOFC descriptions denote "ALJ Settlement" and "ALJ Settlement Modification," please note that these

[05/SettlementFilingCodes.pdf](#).

⁵ *Notice to the Public: Procedures Governing Rule 602 Settlement Filings*, at P 4.

⁶ *Id.* at P 5.

⁷ *See id.*; *Notice to the Public: Procedures Governing Rule 602 Settlement Filings; Notice to the Public: Additional eTariff Type of Filing Code (TOFC) for Modifications to Pending Rule 602 Settlement Filings* (April 19, 2018), available at <https://cms.ferc.gov/sites/default/files/2020-05/notice-to-the-public-New-eTariff-TOFC.docx>.

codes also should be used for interim rate filings and modifications, respectively, filed in accordance with the instructions herein.

TOFC	Description	Program	Category
1380	ALJ Settlement	E (Part 35 FPA Traditional Cost of Service and Market Based Rate Program)	Compliance
1390	ALJ Settlement	M (Part 35 FPA Market Based Rate Program)	Compliance
1400	ALJ Settlement	G (Part 154 NGA Gas Pipelines Program)	Compliance
1460	ALJ Settlement Modification	E (Part 35 FPA Traditional Cost of Service and Market Based Rate Program)	Report
1470	ALJ Settlement Modification	M (Part 35 FPA Market Based Rate Program)	Report
1480	ALJ Settlement Modification	G (Part 154 NGA Gas Pipelines Program)	Report

SO ORDERED

Carmen A. Cintron
Chief Administrative Law Judge