

Federal Energy Regulatory Commission

§ 1b.21

§ 1b.18 Right to submit statements.

Any person may, at any time during the course of an investigation, submit documents, statements of facts or memoranda of law for the purpose of explaining said person's position or furnishing evidence which said person considers relevant regarding the matters under investigation.

§ 1b.19 Submissions.

When the Investigating Officer determines it is appropriate in the interest of the proper administration of the law, he may inform any person that a recommendation may be made to the Commission that said person be a defendant in a civil action to be brought by the Commission. In such case, said person may submit a statement of fact, argument, and/or memorandum of law, with such supporting documentation as said person chooses showing why said person should not be a defendant in any civil action brought by the Commission. The investigating officer shall inform said potential defendant of the date by which such statement may be submitted to said officer, and if such statement is submitted by such date, it shall be presented to the Commission together with any recommendation for enforcement action by the office responsible for the investigation.

§ 1b.20 Request for confidential treatment.

Any person compelled to produce documents in an investigation may claim that some or all of the information contained in a particular document(s) is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552), is information referred to in 18 U.S.C. 1905, or is otherwise exempt by law from public disclosure. In such case, the person making such claim shall, at the time said person produces the document to the officer conducting the investigation shall also produce a second copy of the document from which has been deleted the information for which the person wishes to claim confidential treatment. The person shall indicate on the original document that a request for confidential treatment is being made for some or all of the information in the document and

shall file a statement specifying the specific statutory justification for non-disclosure of the information for which confidential treatment is claimed. General claims of confidentiality are not sufficient. Sufficient information must be furnished for the officer conducting the investigation, or other appropriate official, to make an informed decision on the request for confidential treatment. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information, the person shall include a statement specifying why the information is privileged or confidential. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the Officer conducting the investigation may assume that there is no objection to public disclosure of the document in its entirety. The Commission retains the right to make the determination with regard to any claim of confidentiality. Notice of the decision by the investigating Officer or other appropriate official to deny a claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality no less than 5 days before its public disclosure.

§ 1b.21 Enforcement hotline.

(a) The Hotline Staff may provide information to the public and give informal staff opinions. The opinions given are not binding on the General Counsel or the Commission.

(b) Any person may seek information or the informal resolution of a dispute by calling or writing to the Hotline at the telephone number and address in paragraph (f) of this section. The Hotline Staff will informally seek information from the caller and any respondent, as appropriate. The Hotline Staff will attempt to resolve disputes without litigation or other formal proceedings. The Hotline Staff may not resolve matters that are before the Commission in docketed proceedings.

(c) All information and documents obtained through the Hotline Staff shall be treated as non-public by the Commission and its staff, consistent with the provisions of section 1b.9 of this part.

(d) Calls to the Hotline may be made anonymously.

(e) Any person who contacts the Hotline is not precluded from filing a formal action with the Commission if discussions assisted by Hotline Staff are unsuccessful at resolving the matter. A caller may terminate use of the Hotline procedure at any time.

(f) The Hotline may be reached by calling (202) 208-1390 or toll free (877) 303-4340, by e-mail at hotline@ferc.fed.us, or writing to: Enforcement Hotline, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

[Order 602, 64 FR 17097, Apr. 8, 1999]

PART 2—GENERAL POLICY AND INTERPRETATIONS

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS OF THE COMMISSION

Sec.

- 2.1 Initial notice; service; and information copies of formal documents.
- 2.1a Public suggestions, comments, proposals on substantial prospective regulatory issues and problems.
- 2.1b Availability in contested cases of information acquired by staff investigation.

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS UNDER THE FEDERAL POWER ACT

- 2.2 Transmission lines.
- 2.4 Suspension of rate schedules.
- 2.7 Recreational development at licensed projects.
- 2.8 Simplification of wholesale electric rate schedule filings.
- 2.9 Conditions in preliminary permits and licenses—list of and citations to “P—” and “L—” forms.
- 2.12 Calculation of taxes for property of public utilities and licensees constructed or acquired after January 1, 1970.
- 2.13 Design and construction.
- 2.15 Specified reasonable rate of return.
- 2.17 Price discrimination and anticompetitive effect (price squeeze issue).
- 2.18 Phased electric rate increase filings.
- 2.19 State and Federal comprehensive plans.
- 2.20 Good faith requests for transmission services and good faith responses by transmitting utilities.
- 2.21 Regional Transmission Groups.
- 2.22 Pricing policy for transmission services provided under the Federal Power Act.
- 2.23 Use of reserved authority in hydro-power licenses to ameliorate cumulative impacts.

- 2.24 Project decommissioning at relicensing.
- 2.25 Ratemaking treatment of the cost of emissions allowances in coordination transactions.
- 2.26 Policies concerning review of applications under section 203.

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS UNDER THE NATURAL GAS ACT

- 2.51 [Reserved]
- 2.52 Suspension of rate schedules.
- 2.55 Definition of terms used in section 7(c).
- 2.57 Temporary certificates—pipeline companies.
- 2.60 Facilities and activities during an emergency—accounting treatment of defense-related expenditures.
- 2.65 Applications for certificates of public convenience and necessity for gas transmission facilities to be installed in the off-shore southern Louisiana area.
- 2.67 Calculation of taxes for property of pipeline companies constructed or acquired after January 1, 1970.
- 2.69 [Reserved]
- 2.76 Regulatory treatment of payments made in lieu of take-or-pay obligations.
- 2.78 Utilization and conservation of natural resources—natural gas.

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

- 2.80 Detailed environmental statement.

STATEMENT OF GENERAL POLICY TO IMPLEMENT THE ECONOMIC STABILIZATION ACT OF 1970, AS AMENDED, AND EXECUTIVE ORDERS 11615 AND 11627

- 2.100–2.102 [Reserved]
- 2.103 Statement of policy respecting take or pay provisions in gas purchase contracts.
- 2.104 Mechanisms for passthrough of pipeline take-or-pay buyout and buydown costs.
- 2.105 Gas supply charges.

RULES OF GENERAL APPLICABILITY

- 2.201 [Reserved]

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS UNDER THE NATURAL GAS POLICY ACT OF 1978

- 2.300 Statement of policy concerning allegations of fraud, abuse, or similar grounds under section 601(c) of the NGPA.

STATEMENT OF INTERPRETATION UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

- 2.400 Statement of interpretation of waste concerning natural gas as the primary