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seeks authority to serve some or all of the markets sought in such pending application or is otherwise competitive with such pending application, the Commission will not schedule the new application for hearing until it has rendered its final decision on such pending application, except when, on its own motion, or on appropriate application, it finds that the public interest requires otherwise.

(b) Shortened procedure. If no protest or petition to intervene raises an issue of substance, the Commission may upon request of the applicant dispose of an application in accordance with the provisions of §385.802 of this chapter.


§ 157.12 Dismissal of application.

Except for good cause shown, failure of an applicant to go forward on the date set for hearing and present its full case in support of its application will constitute ground for the summary dismissal of the application and the termination of the proceedings.

[17 FR 7386, Aug. 14, 1952]

§ 157.13 Form of exhibits to be attached to applications.

Each exhibit attached to an application must conform to the following requirements:

(a) General requirements. Each exhibit must be submitted in the manner prescribed in §§157.6(a) and 385.2011 of this chapter and contain a title page showing applicant’s name, docket number (to be left blank), title of the exhibit, the proper letter designation of the exhibit, and, if of 10 or more pages, a table of contents, citing by page, section number or subdivision, the component elements or matters therein contained.

(b) Reference to annual reports and previous applications. An application may refer to annual reports and previous applications filed with the Commission and shall specify the exact pages or exhibit numbers of the filing to which reference is made, including the page numbers in any exhibit to which reference is made. When reference is made to a previous application the docket number shall be stated. No part of a rejected application may be incorporated by reference.

(c) Interdependent applications. When an application considered alone is incomplete and depends vitally upon information in another application, it will not be accepted for filing until the supporting application has been filed. When applications are interdependent, they shall be filed concurrently.

(d) Measurement base. All gas volumes, including gas purchased from producers, shall be stated upon a uniform basis of measurement, and, in addition, if the uniform basis of measurement used in any application is other than 14.73 p.s.i.a., then any volume or volumes delivered to or received from any interstate natural-gas pipeline company shall also be stated upon a basis of 14.73 p.s.i.a.; similarly, total volumes on all summary sheets, as well as grand totals of volumes in any exhibit, shall also be stated upon a basis of 14.73 p.s.i.a. if the uniform basis of measurement used is other than 14.73 p.s.i.a..


§ 157.14 Exhibits.

(a) To be attached to each application. All exhibits specified must accompany each application when tendered for filing. Together with each exhibit applicant must provide a full and complete explanation of the data submitted, the manner in which it was obtained, and the reasons for the conclusions derived from the exhibits. If the Commission determines that a formal hearing upon the application is required or that testimony and hearing exhibits should be filed, the Secretary will promptly notify the applicant that submittal of all exhibits and testimony of all witnesses to be sponsored by the applicant in support of his case-in-chief is required. Submittal of these exhibits and testimony must be within 20 days from the date of the Secretary’s notice, or any other time as the Secretary will specify. Exhibits, except exhibits F, F–1, G, G-I, and G-II, must be submitted to the Commission on electronic media as prescribed in §385.2011 of this chapter. Interveners and persons becoming

Interveners after the date of the Secretary’s notice must be advised by the applicant of the afore-specified exhibits and testimony, and must be furnished with copies upon request. If this section requires an applicant to reveal Critical Energy Infrastructure Information (CEII), as defined by §388.113(c) of this chapter, to any person, the applicant shall follow the procedures set out in §157.10(d).

(1) Exhibit A—Articles of incorporation and bylaws. If applicant is not an individual, a conformed copy of its articles of incorporation and bylaws, or other similar documents.

(2) Exhibit B—State authorization. For each State where applicant is authorized to do business, a statement showing the date of authorization, the scope of the business applicant is authorized to carry on and all limitations, if any, including expiration dates and renewal obligations. A conformed copy of applicant’s authorization to do business in each State affected shall be supplied upon request.

(3) Exhibit C—Company officials. A list of the names and business addresses of applicant’s officers and directors, or similar officials if applicant is not a corporation.

(4) Exhibit D—Subsidiaries and affiliations. If applicant or any of its officers or directors, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of any other person or organized group of persons engaged in production, transportation, distribution, or sale of natural gas, or of any person or organized group of persons engaged in the construction or financing of such enterprises or operations, a detailed explanation of each such relationship, including the percentage of voting strength represented by such ownership of securities. If any person or organized group of persons, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of applicant—a detailed explanation of each such relationship.

(5) Exhibit E—Other pending applications and filings. A list of other applications and filings under sections 1, 3, 4 and 7 of the Natural Gas Act filed by the applicant which are pending before the Commission at the time of the filing of an application and which directly and significantly affect the application filed, including an explanation of any material effect the grant or denial of those other applications and filings will have on the application and of any material effect the grant or denial of the application will have on those other applications and filings.

(6) Exhibit F—Location of facilities. Unless shown on Exhibit G or elsewhere, a geographical map of suitable scale and detail showing, and appropriately differentiating between all of the facilities proposed to be constructed, acquired or abandoned and existing facilities of applicant, the operation or capacity of which will be directly affected by the proposed facilities or the facilities proposed to be abandoned. This map, or an additional map, shall clearly show the relationship of the new facilities to the applicant’s overall system and shall include:

   (i) Location, length, and size of pipelines.
   (ii) Location and size (rated horsepower) of compressor stations.
   (iii) Location and designation of each point of connection of existing and proposed facilities with (a) main-line industrial customers, gas pipeline or distribution systems, showing towns and communities served and to be served at wholesale and retail, and (b) gas-producing and storage fields, or other sources of gas supply.

   (6-a) Exhibit F-I—Environmental report. An environmental report as specified in §§380.3 and 380.12 of this chapter. Applicant must submit all appropriate revisions to Exhibit F-I whenever route or site changes are filed. These revisions should identify the locations by mile post and describe all other specific differences resulting from the route or site changes, and should not simply provide revised totals for the resources affected.

(7) Exhibit G—Flow diagrams showing daily design capacity and reflecting operating conditions with and without proposed facilities added. A flow diagram showing daily design capacity and reflecting operating conditions with only existing facilities in operation. A second flow diagram showing daily design capacity and reflecting operating conditions...
with both proposed and existing facilities in operation. Both flow diagrams shall include the following for the portion of the system affected:

(i) Diameter, wall thickness, and length of pipe installed and proposed to be installed and the diameter and wall thickness of the installed pipe to which connection is proposed.

(ii) For each proposed new compressor station and existing station, the size, type and number of compressor units, horsepower required, horsepower installed and proposed to be installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(iii) Pressures and volumes of gas at the main line inlet and outlet connections at each compressor station.

(iv) Pressures and volumes of gas at each intake and take-off point and at the beginning and terminus of the existing and proposed facilities and at the intake or take-off point of the existing facilities to which the proposed facilities are to be connected.

(8) Exhibit G-I—Flow diagrams reflecting maximum capabilities. If Exhibit G does not reflect the maximum deliveries which applicant’s existing and proposed facilities would be capable of achieving under most favorable operating conditions with utilization of all facilities, include an additional diagram or diagrams to depict such maximum capabilities. If the horsepower, pipelines, or other facilities on the segment of applicant’s system under consideration are not being fully utilized due, e.g., to capacity limitation of connecting facilities or because of the need for standby or spare equipment, the reason for such nonutilization shall be stated.

(9) Exhibit G-II—Flow diagram data. Exhibits G and G-I shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

(i) Assumptions, bases, formulae, and methods used in the development and preparation of such diagrams and accompanying data.

(ii) A description of the pipe and fittings to be installed, specifying the diameter, wall thickness, yield point, ultimate tensile strength, method of fabrication, and methods of testing proposed.

(iii) When lines are looped, the length and size of the pipe in each loop.

(iv) Type, capacity, and location of each natural gas storage field or facility, and of each dehydration, desulphurization, natural gas liquefaction, hydrocarbon extraction, or other similar plant or facility directly attached to the applicant’s system, indicating which of such plants are owned or operated by applicant, and which by others, giving their names and addresses.

(v) If the daily design capacity shown in Exhibit G is predicated upon an ability to meet each customer’s maximum contract quantity on the same day, explain the reason for such coincidental peak-day design. If the design day capacity shown in Exhibit G is predicated upon an assumed diversity factor, state that factor and explain its derivation.

(vi) The maximum allowable operating pressure of each proposed facility for which a certificate is requested, as permitted by the Department of Transportation’s safety standards. The applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain the facilities for which a certificate is requested in accordance with Federal safety standards and plans for maintenance and inspection or shall certify that it has been granted a waiver of the requirements of the safety standards by the Department of Transportation in accordance with the provisions of section 3(e) of the Natural Gas Pipeline Safety Act of 1968. Pertinent details concerning the waiver shall be set forth.

(10) Exhibit H—Total gas supply data. A statement by applicant describing:

(i) Those production areas accessible to the proposed construction that contain sufficient existing or potential gas supplies for the proposed project; and

(ii) How those production areas are connected to the proposed construction.

(11) Exhibit I—Market data. A system-wide estimate of the volumes of gas to be delivered during each of the first 3 full years of operation of the proposed service, sale, or facilities and during the years when the proposed facilities...
are under construction, and actual
data of like import for each of the 3
years next preceding the filing of the
application, together with:

(i) Names and locations of customer
companies and municipalities, showing
the number of residential, commercial,
firm industrial, interruptible indus-
trial, residential space-heating, com-
mercial space-heating, and other types
of customers for each distribution sys-
tem to be served at retail or wholesale;
and the names and locations of each
firm and interruptible direct industrial
customer whose estimated consump-
tion totals 10,000 Mcf or more in any
calendar month or 100,000 Mcf or more
per year together with an explanation
of the end use to which each of these
industrial customers will put the gas.

(ii) Applicant’s total annual and peak
day gas requirements by classification
of service in paragraph (a)(11)(i) of this
section, divided as follows: Gas require-
ments (a) for each distribution area
where gas is sold by applicant at retail;
(b) for each wholesale customer; (c) for
all main line direct industrial cus-
tomers; and (d) company use and unac-
counted-for gas, for both the applicant
and each wholesale customer.

(iii) Total past and expected curtail-
ments of service by the applicant and
each wholesale customer proposing to
receive new or additional supplies of
gas from the project, all to be listed by
the classifications of service in para-
graph (a)(11)(i) of this section.

(iv) Explanation and derivation of
basic factors used in estimating future
requirements, including, for example:
Peak-day and annual degree-day defi-
ciencies, annual load factors of appli-
cant’s system and of its deliveries to
its proposed customers; individual con-
sumer peak-day and annual consump-
tion factors for each class of con-
sumers, with supporting historical
data; forecasted saturation of space-
heating as related to past experience;
and full detail as to all other sources of
gas supply available to applicant and
to each of its customers, including
manufacturing facilities and liquid pe-
troleum gas.

(v) Conformed copy of each contract,
letter of intent or other agreement for
sale or transportation of natural gas
proposed by the application. Indicate
the rate to be charged. If no agree-
ments have been made, indicate the
basis for assuming that contracts will
be consummated and that service will
be rendered under the terms con-
templated in the application.

(vi) A full description of all facilities,
other than those covered by the appli-
cation, necessary to provide service in
the communities to be served, the esti-
mated cost of such facilities, by whom
they are to be constructed, and evi-
dence of economic feasibility.

(vii) A copy of each market survey
made within the past three years for
such markets as are to receive new or
increased service from the project ap-
plied for.

(viii) A statement showing the fran-
chise rights of applicant or other per-
son to distribute gas in each commu-
nity in which service is proposed.

(ix) When an application requires a
statement of total peak-day or annual
market requirements of affiliates,
whose operations are integrated with
those of applicant, to demonstrate ap-
plicant’s ability to provide the service
proposed or to establish a gas supply,
estimates and data required by this
subparagraph shall also be stated in
like detail for such affiliates.

(x) When the proposed project is for
service which would not decrease the
life index of the total system gas sup-
ply by more than one year, the data re-
quired in paragraphs (a)(11) (i) to (ix),
inclusive, of this section need be sub-
mitted only as to the particular mar-
ket to receive new or additional serv-
vice.

(12) Exhibit J—Federal authorizations.
A statement identifying each Federal
authorization that the proposal will re-
quire; the Federal agency or officer, or
State agency or officer acting pursuant
to delegated Federal authority, that
will issue each required authorization;
the date each request for authorization
was submitted; why any request was
not submitted and the date submission
is expected; and the date by which final
action on each Federal authorization
has been requested or is expected.

(13) Exhibit K—Cost of facilities. A de-
tailed estimate of total capital cost of
the proposed facilities for which appli-
cation is made, showing cost of con-
struction by operating units such as
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compressor stations, main pipelines, laterals, measuring and regulating stations, and separately stating the cost of right-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, allowance for funds used during construction, and contingencies. Include a brief statement indicating the source of information used as the basis for the above estimate. If not otherwise set forth, submit data on preliminary bids, if any, for the proposed facilities and recent experienced cost data for facilities of similar character.

(14) Exhibit L—Financing. Plans for financing the proposed facilities for which the application is filed, together with:

(i) A description of the class (e.g., commercial paper, long-term debt, preferred stock) and cost rates for securities expected to be issued with construction period and post-operational sources of financing separately identified.

(ii) Statement of anticipated cash flow, including provision during the period of construction and the first 3 full years of operation of proposed facilities for interest requirements, dividends, and capital requirements.

(iii) A balance sheet and income statement (12 months) of most recent data available.

(iv) Comparative pro forma balance sheets and income statements for the period of construction and each of the first 3 full years of operation, giving effect to the proposed construction and proposed financing of the project.

(v) Any additional data and information upon which applicant proposes to rely in showing the adequacy and availability of resources for financing its proposed project.

(vi) In instances for which principal operations of the company have not commenced or where proposed rates for services are developed on an incremental basis, a brief statement explaining how the applicant will determine the actual allowance for funds used during construction (AFUDC) rate, or if a rate is not to be used, how the applicant will determine the actual amount of AFUDC to be capitalized as a component of construction cost, and why the method is appropriate under the circumstances.

(15) Exhibit M—Construction, operation, and management. A concise statement setting forth arrangements for supervision, management, engineering, accounting, legal, or other similar service to be rendered in connection with the construction or operation of the project, if not to be performed by employees of applicant, including reference to any existing or contemplated agreements therefor, together with:

(i) A statement showing affiliation between applicant and any parties to such agreements or arrangements. See Exhibit D, paragraph (a)(4) of this section.

(ii) Conformed copies of all construction, engineering, management, and other similar service agreements or contracts in any way operative with respect to construction, operation, or financing of facilities which are the subject of the application or will be applicable under system operations.

(16) Exhibit N—Revenues—Expenses—Income. When the estimated revenues and expenses related to a proposed facility will significantly affect the operating revenues or operating expenses of an applicant, there shall be submitted a system-wide statement for the last year preceding the proposed construction or service and pro forma system-wide and incremental statements for each of the first three full years of operation of the proposed facilities, showing:

(i) Gas system annual revenues and volumes of natural gas related thereto, subdivided by classes of service, and further subdivided by sales to direct industrial customers, sales to other gas utilities, and other sales, indicating billing quantities used for computing charges, e.g., actual demands, billing demands, volumes, heat-content adjustment or other determinants. In addition, if enlargement or extension of facilities is involved, the revenues attributable solely to the proposed facilities shall be stated separately, and the basis and data used in such computation shall be clearly shown.

(ii) Gas system annual operating expenses classified in accordance with the Commission’s Uniform System of Accounts for Natural Gas Companies;
§ 157.15 Requirements for applications covering acquisitions.

An application for a certificate authorizing acquisition of facilities, in addition to complying with the applicable provisions of §§157.5 through 157.14, shall include a statement showing:

(a) The exact legal name of the vendor, lessor, or other party in interest (hereinafter referred to as “vendor”) the State or other laws under which vendor was organized, location of vendor’s principal place of business, and a description of the business, operation.