

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/3/2017 8:24:25 PM
Subject: Official: FERC will take 'appropriate action' on DOE pricing rule within 60 days

By Darius Dixon

10/03/2017 04:22 PM EDT

FERC intends to act on the Energy Department's resiliency pricing rulemaking proposal within the 60 days Energy Secretary Rick Perry directed last week, FERC General Counsel James Danly told lawmakers this afternoon. But his comments left plenty of room for interpretation.

"Right now, the commission is internally reviewing the notice of proposed rulemaking that was put forward by the secretary," Danly told members of a Senate Energy and Natural Resources subcommittee, while noting that FERC has already requested comments on the proposal.

"We're reviewing the options that are available and we are in the process of building the record by soliciting these comments and reply comments," he said. "Once they're assembled, we're going to review them and take the appropriate action within the 60-day timeframe established by the NOPR."

The law that Perry is using to initiate the rulemaking at FERC directs regulators to take "final action" within a reasonable timeframe, but it's unclear what FERC might consider a final action. Similarly, Danly's phrase "appropriate action" could represent a number decisions by FERC.

WHAT'S NEXT: FERC has asked for comments on the proposal to be submitted by Oct. 23 and for reply comments by Nov. 7. DOE has also not yet published its proposal in the Federal Register, which will kick off the 60-day countdown clock.

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