

by §380.3 of this chapter and need not supply additional documentation of the pre-filing collaborative process with its application. The applicant will file with the Commission the results of any studies conducted or other documentation as directed by the Commission, either on its own motion or in response to a motion by a party to the proceeding.

(6) Pursuant to the procedures approved, the participants will set reasonable deadlines requiring all resource agencies, Indian tribes, citizens' groups, and interested entities to submit to the applicant requests for scientific studies or alternative route analyses during the pre-filing collaborative process. Additional requests for studies may be made to the Commission after the filing of the application only for good cause shown.

(7) During the pre-filing collaborative process the Commission may require deadlines for the filing of preliminary resource agency recommendations, conditions, and comments, to be submitted in final form after the filing of the application.

(f) If the potential applicant or any resource agency, Indian tribe, citizens' group, or other entity participating in the pre-filing collaborative process can show that it has cooperated in the process but that a consensus supporting the use of the pre-filing collaborative process no longer exists and that continued use of that process would not be productive, the participant may petition the Commission for an order directing the use by the potential applicant of appropriate procedures to complete its pre-filing process. No such request will be accepted for filing unless the participant submitting it certifies that the request has been served on all other participants. The request must recommend specific procedures that are appropriate under the circumstances.

(g) The Commission staff may participate in the pre-filing collaborative process (and in discussions contemplating initiating a collaboration) and assist in the integration of this process and the environmental review process in any case. Commission staff positions are not binding on the Commission.

(h) A potential applicant for gas facilities is not precluded by these regulations from filing an application with the Commission at any time, even if the pre-filing collaborative process for the proposed facilities has not been completed.

[Order 608, 64 FR 51221, Sept. 22, 1999]

Subparts B–C [Reserved]

Subpart D—Exemption of Natural Gas Service for Drilling, Testing, or Purging from Certificate Requirements

AUTHORITY: Natural Gas Act, as amended, 15 U.S.C. 717 *et. seq.*, Energy Supply and Environmental Coordination Act, 15 U.S.C. 791 *et. seq.*, Federal Energy Administration Act, 15 U.S.C. 761 *et. seq.*, Natural Gas Policy Act of 1978, Pub. L. 95–621, 92 Stat. 3350, Department of Energy Organization Act, Pub. L. 95–91, E.O. 12009, 42 FR 46267.

§ 157.53 Testing.

(a) Construction and operation of facilities necessary to render direct natural gas service for use in the testing and purging of new natural gas pipeline facilities are exempted from the certificate requirements of section 7(c) of the Natural Gas Act, when the construction and operation of such facilities are conducted in accordance with paragraph (b) of this section.

(b) Operations undertaken to render direct natural gas service shall be terminated upon the completion of the purging or testing of the pipeline facilities. Persons undertaking any construction or operation of facilities or service under this section shall file an original and two copies of an annual statement, by February 1 of each year, describing their activities hereunder.

[43 FR 56544, Dec. 1, 1978, as amended at 60 FR 53065, Oct. 11, 1995]

Subpart E—Optional Certificate and Abandonment Procedures for Applications for New Service Under Section 7 of the Natural Gas Act

SOURCE: Order 436, 50 FR 42488, Oct. 18, 1985, unless otherwise noted.

§ 157.100

§ 157.100 General.

This subpart establishes optional procedures whereby any eligible applicant may obtain, for the purpose of providing new service, a certificate authorizing the following activities subject to the Commission's jurisdiction:

- (a) The transportation of natural gas;
- (b) Sales of natural gas;
- (c) The construction and operation of natural gas facilities;
- (d) The acquisition and operation of natural gas facilities; and
- (e) Conditional pre-granted abandonment of such activities and facilities upon termination of its contractual obligations to provide the services.

§ 157.101 Definitions.

(a) *Statutory terms.* Any term defined under the Natural Gas Policy Act of 1978 (NGPA) means the same under this subpart as under the NGPA.

(b) *Subpart E definitions.* For purposes of this subpart:

(1) *Eligible applicant* means any natural gas company or person that will be a natural gas company upon completion of any proposed construction or extension of natural gas facilities.

(2) *New service* means a service for which the applicant for a certificate under this subpart does not have certificate authority. If a contract for service provided under a certificate issued pursuant to this subpart or subpart A of this part is renegotiated to provide for an increase in existing service or an additional kind of service, only the additional increment of service or the different service qualifies as "new service."

(3) *Qualifying facility* means a facility or a portion of a facility that will be used solely to provide new service.

§ 157.102 Contents of application and other pleadings.

(a) *General contents.* (1) Any application, amendment thereto, exhibits, and other submissions required under this subpart must be submitted in the manner prescribed in §§ 157.6(a) and 157.14(a) of this part and must contain all information necessary to advise the Commission fully concerning the transportation, sales and other services, and facilities, construction, extension, or acquisition and operation for which a cer-

tificate and conditional pregranted abandonment authorization is requested.

(2) Except as otherwise provided in paragraph (b) of this section, any application under this subpart must conform to the requirements of subpart A of this part. Section 157.11 does not apply to applications under this subpart.

(b) *Specific contents.* (1) Any application under this subpart must contain:

(i) A statement plainly requesting that the application be considered under the optional procedures of this subpart;

(ii) A statement that the applicant agrees to comply with all terms and conditions specified in § 157.103 of this chapter;

(iii) All exhibits required under § 157.14, except for the information required by § 157.14(a) (10), (11) and (18), unless the application is filed under § 157.7;

(iv) If the proposed new service would be provided to a customer that is located in the service area of a local distribution company, a statement that the applicant has served a copy of this application on that local distribution company and the local distribution company's appropriate state regulatory agency;

(v) An environmental report as specified in § 380.3 and § 380.12 of this chapter. Applicant must submit all appropriate revisions to the environmental report whenever route or site changes are filed. These revisions must identify and describe the specific differences resulting from the route or site changes. Revised totals for the resources affected will not be sufficient; and

(vi) A statement of the rates to be charged for the proposed new service, including *pro forma* copies of the rate schedule to be included in the effective tariff, a statement explaining fully how the proposed rate was derived, showing clearly whether the proposed rate results from negotiation, cost-of-service determination, competitive factors or others, and explaining the bases for the findings and conclusions of any related studies. Any rate filed under this paragraph for new service must comply with the conditions set forth in § 157.103.