

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

NOTICE TO THE PUBLIC

PROCEDURES GOVERNING RULE 602 SETTLEMENT FILINGS

(Issued October 13, 2017)

1. This Notice provides further clarification of the procedures governing certain settlement filings made with the Commission for the purpose of reducing the number of submission errors. This Notice also establishes a procedure to ensure adequate information in all relevant dockets when settlement filings are made in eTariff format within the Commission's eFiling application.
2. As previously required, all Rule 602¹ settlements and related interim rate filings in proceedings under Parts 35, 154, 284, 300, and 341 of the Commission's regulations must be eFiled in eTariff format.²
3. When a settlement and related interim rate filings are submitted in eTariff format, the filer is required to identify the specific type of filing by using a numeric code known as a Type of Filing Code (TOFC). The TOFC must be listed in the designated field when making the submission. The relevant TOFCs for Rule 602 settlement filings are:

TOFC	Description
1380	Part 35 FPA Traditional Cost of Service and Market Based Rate Program
1390	Part 35 FPA Market Based Rate Program
1400	Part 154 NGA Gas Pipelines Program
1410	Part 284 NGPA 311 Gas Pipelines Program
1420	Part 341 Oil Pipelines Program

¹ Rule 602 "applies to written offers of settlement filed in any proceeding pending before the Commission or set for hearing" 18 C.F.R. § 385.602 (2017).

² *Notice of Additional eTariff Type of Filing Codes* (Dec. 1, 2016).

4. In those instances when a settlement relates to more than one docket or the filing of a settlement generates a new root docket number, the filer is required to include all dockets in its filing description in eFiling and file an update in all the related dockets. This update must reference the docket in which the settlement was filed and the settlement's eLibrary accession number.³ This procedure also must be followed when filing motions for interim implementation of settlement rates that implicate more than one docket.

5. The below checklist is provided as additional guidance for those individuals responsible for filing settlements and interim rate filings:

- All settlement documents must be in one of the [approved electronic file formats](#) established by the Commission's Office of the Secretary (OSEC) and must comply with the following requirements:
 - All PDF documents must be run through text recognition software before submission.
 - All formulas must be submitted in spreadsheet format with the formulas preserved.
- The individual filing the settlement must be:
 - eRegistered with the Commission.
 - Listed by the regulated entity as an Agent permitted to make eTariff filings on behalf of the regulated entity.
- Software and Data Requirements Associated with eTariff XML Packages:
 - The filer must have access to eTariff XML packaging software.
 - If the proceeding was initiated through an eTariff filing, the "Filing Identifier" of that original filing must be entered as the "Associated Filing Identifier."
 - The regulated entity must have a Commission provided Company Identifier (CID).
 - *Pro forma* tariff records (preferred) or actual tariff records should be included as part of the settlement, as applicable.
 - The transmittal letter accompanying the settlement filing should state whether the corresponding tariff records are *pro forma* or not,

³ This filing can be as short as one sentence and make a statement such as: "To ensure a complete record in [Related Docket No.], [Filing Party] reports that it filed an offer of settlement which was assigned a new docket number [Settlement Docket No.], with eLibrary accession number [Number]."

and, for live tariff records, the date on which the rates become effective under the settlement.

- If actual tariff records are submitted, confirm that the submitted tariff records account for all provisions of the settlement.
- If the settlement addresses more than one proceeding or implicates docket numbers in addition to the docket number associated with the original “Filing Identifier,” all additional docket numbers must be listed in the “Filing Title/Description” field.
- eFiling Requirements:
 - The same CID must be used and associated with 1) the eRegistered filer, 2) the eFiling, and 3) the eTariff XML package.
 - If applicable, the filer should list any regulated entity co-applicants in the Commission’s eFiling system when prompted for co-applicants.
 - If applicable, the filer should list any additional eRegistered individuals or entities that should be included on OSEC’s official service list for the docket in which the filing is made.
- Related Requests for Interim Implementation of Settlement Rates Before the Chief Judge:
 - Motions for interim implementation of settlement rates and the tariff records requested for interim implementation should be filed separately from the settlement filing. When filing the tariff records requested for interim implementation, they must be filed as an eTariff package and the filer must use one of the Rule 602 settlement TOFCs listed above. Interim rate motions directed to the Chief Judge must include a statement and accompanying documentation as to how the rate proposed for interim implementation is lower than the currently effective rate.
 - If available, the eLibrary Accession Number of the settlement should be cross referenced in the transmittal letter to all interim rate motions. Do not re-file the entire settlement when filing the motion.
 - 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. For further information, please review the attachment “Online Resources Governing Rule 602 Settlement Filings.” If you have further questions, please contact Keith Pierce (202-502-8525) or Donald Gavelek (202-502-8721).

Carmen A. Cintron
Chief Administrative Law Judge

**ATTACHMENT:
ONLINE RESOURCES GOVERNING RULE 602 SETTLEMENT FILINGS**

- How to eRegister (provides individuals a means of transacting business with the Commission on behalf of themselves or another organization):
<http://www.ferc.gov/docs-filing/eregistration.asp>
- How to Obtain a Company Identifier (CID)¹ for a Regulated Entity:
<http://www.ferc.gov/docs-filing/company-reg.asp>
- List of Acceptable Electronic File Formats for Commission Filings:
<http://www.ferc.gov/docs-filing/elibrary/accept-file-formats.asp>
- Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings (eTariff XML Instructions): <http://www.ferc.gov/docs-filing/etariff/implementation-guide.pdf>
- eTariff Software Vendors:² https://naesb.org//etariff_vendors.asp
- How-To Guide on eComment, eFiling, eRegister, and eSubscription:
<http://www.ferc.gov/about/infographic-efile.pdf>
- Overview of Filing Procedures for Settlements:
<http://www.ferc.gov/CalendarFiles/20170215091558-SettlementFilingProcedures.pdf>
- eTariff General Information: <http://www.ferc.gov/docs-filing/etariff.asp>

¹ If you are unsure whether the regulated entity already has a CID, review the Commission's listing of CID's by industry at <http://www.ferc.gov/industries/industries.asp>. Do not apply for duplicative CIDs, as that may lead to serious and unpredictable regulatory consequences.

² Neither the Commission nor the North American Energy Standards Board (NAESB) test or endorse any specific eTariff XML packaging software product.

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