

Code of Federal Regulations  
Subchapter W - Revised General Rules  
Subpart C - Delegations  
18 C.F.R. § 375.306 (1991)

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Section 375.306 of the Federal Energy Regulatory Commission's Regulations contains certain limited delegations of authority by the Commission to the Oil Pipeline Board. The Commission has authorized the Oil Pipeline Board to:

(a) Dispose of rate filings filed under section 15(7) of the Interstate Commerce Act (ICA) by: (1) declining to suspend and investigate the filing; or (2) suspending and investigating the rate filings; or (3) discontinuing a proceeding where the proposed rate has been cancelled, but only prior to the submission of evidence in the proceeding.

(b) Issue valuation reports pursuant to section 19(a) of the ICA in matters which do not involve the taking of testimony at a public hearing.

(c) Act on matters arising under section 4 of the ICA which concern long and short haul charges where the oil pipeline is in competition with water transportation routes.

(d) Grant special permission or other permissible waivers of rules for filing tariffs under section 6(3) of the ICA. Section 6(3) requires thirty days notice to the Commission and public before a proposed rate filing can become effective.

(e) Act on matters arising under section 6(6) of the ICA. This section relates to the form and manner in which tariffs required to be filed shall be published, filed, and posted.

(f) Act on matters arising under sections 20(1), 20(2), 20(3), 20(4), and 20(5) of the ICA. These sections relate to reports, records and accounts which oil pipeline carriers are required to keep and which are subject to inspection by the Commission or its agents at any time. These matters include the prescription of a uniform system of accounts, rates, depreciation and forms for the keeping of these accounts.

(g) Act on matters arising under section 20(11) of the ICA. That section concerns the liability of the initial and delivery carrier for a loss, the limitation of that liability, and the notice and filing of a claim for a loss; but only insofar as these matters relate to applications for authority to establish released rates and ratings that have not involved the taking of testimony at a public hearing, or the submission of evidence by opposing parties.

(h) Determine whether the investigation of suspended tariff schedules should be set for oral hearing before an Administrative Law Judge.

(i) Certify to the full Commission any matter which it believes the Commission should consider.

(j) Deny or accept, in whole or in part, petitions for waiver of annual charges.

## Subchapter W—Revised General Rules

### [¶ 28,500]

#### Part

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### **Part 375—The Commission**

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## Sec.

- 375.301 Purpose.
- 375.302 Delegations to the Secretary.
- 375.303 Delegations to the Chief Accountant.
- 375.304 Delegations to the Chief Administrative Law Judge.
- 375.305 Delegations to the Solicitor.
- 375.306 Delegations to the Oil Pipeline Board.
- 375.307 Delegation to the Director of the Office of Pipeline and Producer Regulation.
- 375.308 Delegations to the Director of the Office of Electric Power Regulation.
- 375.309 Delegations to the General Counsel.
- 375.310 Delegations to the Director of the Office of Economic Policy.
- 375.311 Delegations during emergency conditions.
- 375.312 Delegations to the Director of the Division of Public Information.
- 375.313 Delegations to the Executive Director.
- 375.314 Delegations to the Director of the Office of Hydropower Licensing.

AUTHORITY: Omnibus Budget Reconciliation Act of 1986, 42 U.S.C. 7178; Electric Consumers Protection Act of 1986, 16 U.S.C. 791a note; Department of Energy Organization Act, 42 U.S.C. 7101-7532, E.O. 12009, 3 CFR 1978 Comp., p. 142; Administrative Procedure Act, 5 U.S.C. 551-557; Federal Power Act, 16 U.S.C. 791-828c, as amended; Natural Gas Act, 15 U.S.C. 717-717w, as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 *et seq.*, as amended.

**Subpart A—General Provisions****[¶ 28,501]****§ 375.101 The Commission.**

(a) *Establishment.* The Federal Energy Regulatory Commission is an independent regulatory commission within the Department of Energy established by section 401 of the DOE Act.

(b) *Offices.* The principal office of the Commission is at 825 North Capitol Street, N.E., Washington, D.C. 20426. Regional offices are maintained at Atlanta, Ga., Chicago, Ill., Fort Worth, Texas, New York, N.Y.; and San Francisco, Calif.

(c) *Hours.* Unless the Chairman otherwise directs, the offices of the Commission are open each day, except Saturdays, Sundays, and Holidays, from 8:30 a.m. to 5:00 p.m.

(d) *Sessions.* The Commission may meet and exercise its powers at any place in the United States. The time and place of meetings of the Commission are announced in advance as provided in § 375.204.

(e) *Quorum.* A quorum for the transaction of business consists of at least three members present.

(f) *Action by Commissioners or representatives.* The Commission may, by one or more of its members or by such agents as it may designate, conduct any hearing, or other inquiry necessary or appropriate to its functions, except that nothing in this paragraph supersedes the provisions of section 556, of Title 5, United States Code relating to Administrative Law Judges.

.01 45 F.R. 21216 (April 1, 1980).

.05 *Historical record.*—Subsection (a), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Sections 0.1, 0.2, and 3.2.

Subsection (b), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 0.4(a), the first sentence of Section 1.1(a)(2), and Section 3.6(a).

Subsection (c), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 1.1(b).

Subsection (d), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 1.1(c).

Subsection (e), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 1.1(d).

Subsection (f), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 1.1(e).

**[¶ 28,502]****§ 375.102 Custody and authentication of Commission records.**

(a) *Custody of official records.* (1) The Secretary shall have custody of the Commission's seal, the minutes of all action taken by the Commission, the transcripts, electronic recordings, or minutes of meetings closed to public observation, its rules and regulations, and its administrative orders.

(2) The Executive Director shall have custody of records of the Commission except records designated in paragraph (a)(1) of this section.

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(b) *Authentication of Commission action.* All orders and other actions of the Commission shall be authenticated or signed by the Secretary or the Secretary's designee.

.01 45 F.R. 21216 (April 1, 1980).

Subsection (b), appearing in 45 F.R.

.05 *Historical record.*—Subsection (a), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 1.2(a).

21216 (4/1/80), effective 3/28/80, was derived from Section 1.2(b).

### [¶ 28,503]

#### § 375.103 Official seal.

The Commission hereby prescribes as its official seal, judicial notice of which shall be taken pursuant to section 401(e) of the DOE Act, the imprint illustrated below and described as follows:

A circle, the outside border of which shall consist of two concentric circles enclosing the words "Department of Energy" and "Federal Energy Regulatory Commission." Within the inner circle shall appear a stylized eagle with head facing to its right. Its body shall be in the shape of a tapered shield, widest at the top, consisting of nine vertical stripes. The top of the shield contains five equally-spaced light color stars representing the five members of the Commission appointed by the President under Title IV of the DOE Act. Identical stylized wings appear on either side of the shield, each incorporating twenty stylized feathers protruding from a solid color wing-like shape. Below the eagle shall appear five squares, arranged in a horizontal line. Each of these squares shall contain a circle representing an area of the Commission's responsibility. The first square at the left of the line shall include a stylized representation of a pipeline; the second square shall represent a hydroelectric power facility; the third, and center square, shall represent a natural gas flame; the fourth square shall represent a drilling rig; the fifth square shall represent a stylized lightning bolt.



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.01 45 F.R. 21216 (April 1, 1980).

.05 *Historical record*.—Section 375.103  
originated in 45 F.R. 21216 (4/1/80),  
effective 3/28/80.

[¶ 28,504]

§ 375.104 Transfer of proceedings from other agencies to the Commission.

(a) *Transfer of pending proceedings.* Pursuant to the authorization provided in section 705(b)(2), and the provisions of section 705(b)(1) of the DOE Act, all proceedings and applications pending at the time such Act took effect, before any department, agency, commission, or component thereof, the functions of which have been transferred to the Commission by the Act, have been transferred in accordance with the joint regulations issued by the Commission and the Secretary of Energy on October 1, 1977. Those joint regulations appear as an appendix to this section.

(b) *Substitution of Commission for other agencies in court proceedings.* Pursuant to section 705(e) of the DOE Act, the Commission authorizes the Solicitor of the Commission to file the appropriate pleadings to substitute the Commission for the Interstate Commerce Commission or the Federal Power Commission as necessary in any pending court litigation, responsibility for which is transferred to the Commission.

.01 45 F.R. 21216 (April 1, 1980).

effective 3/28/80, was derived from Section

.05 *Historical record*.—Section 375.104, 0.3.

appearing in 45 F.R. 21216 (4/1/80).

[¶ 28,504A]

Appendix to § 375.104

**Part 1000—Transfer of Proceedings to the Secretary of Energy and the Federal Energy Regulatory Commission**

§ 1000.1 Transfer of proceedings.

(a) *Scope.* This part establishes the transfer of proceedings pending with regard to those functions of various agencies which have been consolidated in the Department of Energy and identifies those proceedings which are transferred into the jurisdiction of the Secretary and those which are transferred into the jurisdiction of the Federal Energy Regulatory Commission.

(b) *Proceedings transferred to the Secretary.* The following proceedings are transferred to the Secretary:

(1) All Notices of Proposed Rulemaking, pending and outstanding, which have been proposed by the Department of Energy;

(2) All Notices of Inquiry which have been issued by the Department of Energy;

(3) All Requests for Interpretations which have been filed pursuant to 10 CFR Part 205, Subpart F, and on which no interpretation has been issued, with the Office of General Counsel of the Department of Energy;

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(4) All Applications for Exception Relief which have been filed pursuant to 10 CFR Part 205, Subpart D, and on which no final decision and order has been issued, with the Office of Exceptions and Appeals of the Department of Energy;

(5) All petitions for special redress, relief or other extraordinary assistance which have been filed pursuant to 10 CFR Part 205, Subpart R, and on which no order has been issued, with the Office of Private Grievances and Redress of the Department of Energy;

(6) All appeals from Remedial Orders, Exception Decisions and Orders, Interpretations issued by the Office of General Counsel; and other agency orders which have been filed pursuant to 10 CFR Part 205, Subpart H, and on which no order has been issued prior to October 1, 1977, with the Office of Exceptions and Appeals of the Department of Energy;

(7) All applications for modification or rescission of any DOE order or interpretation which have been filed pursuant to 10 CFR Part 205, Subpart J, and on which no order has been issued prior to October 1, 1977, with the Office of Exceptions and Appeals of the Federal Energy Administration;

**Note.**—For a document relating to procedures for natural gas import and export proceedings see 42 FR 61856, Dec. 7, 1977.

(8) All applications for temporary stays and stays which have been filed pursuant to 10 CFR Part 205, Subpart I, and on which no order has been issued, with the Office of Exceptions and Appeals of the Department of Energy;

(9) All applications which have been filed with the Office of Regulatory Programs of the Department of Energy and on which no final order has been issued;

(10) All investigations which have been instituted and have not been resolved by the Office of Compliance of the Department of Energy;

(11) All Notices of Probable Violation which have been issued prior to October 1, 1977, by the Office of Compliance of Department of Energy;

(12) All Notices of Proposed Disallowance which have been issued prior to October 1, 1977, by the Office of Compliance of Department of Energy;

(13) All Prohibition Orders which have been issued pursuant to 10 CFR Part 303 and as to which no Notice of Effectiveness has been issued;

(14) From the Department of the Interior:

(i) The tentative power rate adjustments for the Central Valley Project, California, proposed on September 12, 1977 (42 FR 46619; September 16, 1977).

(15) From the Interstate Commerce Commission:

(i) Ex Parte No. 308 (Sub-No. 1)—Investigation of Common Carrier Pipelines.

(16) From the Federal Power Commission:

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## (i) Cases:

- (A) Northwest Pipeline Corporation, Docket No. CP75-340.
- (B) Midwestern Gas Transmission Co., Docket No. CP77-458, *et al.*
- (C) St. Lawrence Gas Company, Docket No. G-17500.
- (D) U.S.D.I. Bonneville Power Administration, Docket No. E-9563.
- (E) U.S.D.I. Southwestern Power Administration, Docket No. E-7201.
- (F) U.S.D.I. Southeastern Power Administration, Docket No. E-6957.
- (G) Tenneco InterAmerica, Inc., Docket No. CP77-561.

## (ii) Applications:

(A) Maine Public Service Co., Docket No. E-6751, (ERA Docket No. IE-78-1).

(B) Northern States Power Co., Docket No. E-9589, (ERA Docket No. IE-78-2).

(C) Arizona Public Service Co., Docket No. IT-5331, (ERA Docket No. IE-78-3).

(D) Niagara Mohawk Power Corp., Docket No. E-7022, (ERA Docket No. IE-77-6).

(E) Maine Public Service Co., Docket No. IT-6027, (ERA Docket No. PP-12).

(F) Boise Cascade, Docket No. E-7765, (ERA Docket No. PP-52).

(G) Bonneville Power Administration, Docket No. IT-5959, (ERA Docket No. PP-10).

(H) EPR—Oregon (Geothermal Steam Leases).

(I) EPR—Utah (Geothermal Steam Leases).

(J) EPR—Idaho (Geothermal Steam Leases).

(K) EPR—Oregon (Geothermal Steam Leases).

(L) EPR—Idaho (Geothermal Steam Leases).

## (iii) Rulemakings:

(A) Implementation of Sections 382(b) and 382(c) of the Energy Policy and Conservation Act of 1975. Docket No. RM77-3.

## (B) New Form Nos.:

151, Docket No. RM76-19.

153, Docket No. RM76-27.

154, Docket No. RM76-33.

156, Docket No. RM76-32.

157, Docket No. RM76-21.

158, Docket No. RM76-31.

159, Docket No. RM76-23.

160, Docket No. RM76-20.

161. Docket No. RM76-26.

162. Docket No. RM76-34.

155. Docket No. RM76-28.

163. Docket No. RM76-30.

164. Docket No. RM76-25.

(C) Procedures for the Filing of Federal Rate Schedules Docket No. RM-77-9.

(iv) Project withdrawals and power site revocations:

(A) Project 1021, 1226, 1606, and 1772—(Wyoming)—U.S. Forest Service (Applicant).

(B) Project Nos. 1021, 1226, 1606, and 1772—(Wyoming)—U.S. Forest Service (Applicant).

(C) Project Nos. 220 and 691—(Wyoming)—Cliff Gold Mining Co. (Applicant for P-691) The Colowyo Gold Mining Co. (Applicant for P-220).

(D) Project No. 1203—(Wyoming)—F.D. Foster (Applicant).

(E) Project No. 1241—(Wyoming)—F.B. Hommel (Applicant).

(F) Project No. 847—(Oregon)—H.L. Vorse (Applicant).

(G) Project No. 907—(Colorado)—S.B. Collins (Applicant).

(H) Project No. 941—(Colorado)—Marian Mining Company (Applicant).

(I) Project Nos. 347 and 418—(Colorado)—Jones Brothers (Applicant for P-347) Frank Gay et al. (Applicant for P-418).

(J) Project Nos. 373, 521, 937, 1024, 1415, 1546, 1547, and 1025—( )—U.S. Forest (Applicant).

(K) Project No. 163—(Colorado)—James F. Meyser and Edward E. Drach (Applicants).

(L) Project Nos. 385, 445, 506, 519, 1220, 1296, 1418, 1519, 1576, 1615, 1616, 1618, 1678, 1682, and 1750—(Colorado)—U.S. Forest Service (Applicant).

(M) DA-117—(Alaska)—Bureau of Land Management (Applicant).

(N) Project No. 114—(Alaska)—Elizabeth H. Graff et al. (Applicant).

(O) DA-222—(Washington)—Bureau of Land Management (Applicant).

(P) DA-562—(Oregon)—U.S. Geological Survey (Applicant).

(Q) DA-601—(Idaho)—Bureau of Land Management (Applicant).

(R) DA-509—(Colorado)—Fed. Highway Admin. (Applicant).

(S) DA-616—(Idaho)—U.S. Forest Service (Applicant).

(T) DA-1—(South Carolina)—U.S. Forest Service (Applicant).

(U) DA-1116—(California)—U.S. Geological Survey (Applicant).

(V) DA-154—(Arizona)—U.S. Geological Survey (Applicant).

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(W) DA-1098—(California)—Merced Irrigation District (Applicant).

(c) *Proceedings transferred to the Commission.* There are hereby transferred to the jurisdiction of the Federal Energy Regulatory Commission the following proceedings:

(1) From the Interstate Commerce Commission:

(i) Ex Parte No. 308—Valuation of Common Carrier Pipelines.

(ii) I&S 9164—Trans Alaska Pipeline System—Rate Filings (including I&S 9164 (Sub-No. 1), NOR 36611, NOR 36611 (Sub-No. 1), NOR 36611 (Sub-No. 2), NOR 36611 (Sub-No. 3), NOR 36611 (Sub-No. 4)).

(iii) I&S 9089—General Increase, December 1975, Williams Pipeline Company.

(iv) I&S 9128—Anhydrous Ammonia, Gulf Central Pipeline Company.

(v) NOR 35533 (Sub-No. 3)—Petroleum Products, Southwest & Midwest Williams Pipeline.

(vi) NOR 35794—Northville Dock Pipeline Corp. et al.

(vii) NOR 35895—Inexco Oil Company v. Belle Fourche Pipeline Co. et al.

(viii) NOR 36217—Department of Defense v. Interstate Storage & Pipeline Corp.

(ix) NOR 36423—Petroleum Products Southwest to Midwest Points.

(x) NOR 36520—Williams Pipeline Company—Petroleum Products Midwest.

(xi) NOR 36553—Kerr-McGee Refining Corporation v. Texoma Pipeline Co.

(xii) Suspension Docket 67124—Williams Pipeline Co.—General Increase.

(xiii) Valuation Docket 1423—Williams Pipeline Company (1971-1974 inclusive).

(2) To remain with the Commission until forwarding to the Secretary:

The following proceedings will continue in effect under the jurisdiction of the Commission until the timely filing of all briefs on and opposing exceptions to the initial decision of the presiding Administrative Law Judge, at which time the Commission shall forward the record of the proceeding to the Secretary for decision on those matters within his jurisdiction:

(i) *El Paso Eastern Co., et al., Docket No. CP 77-330, et al.*

(ii) *Tenneco Atlantic Pipeline Co., et al., Docket No. CP 77-100, et al.*

(iii) *Distrigas of Massachusetts Corp., et al., Docket No. CP 70-196, et al.*

(iv) *Distrigas of Massachusetts Corp., et al., Docket No. CP 77-216, et al.*

(v) *Eascogas LNG, Inc., et al., Docket No. CP 73-47, et al.*

(vi) *Pacific Indonesia LNG Co., et al.*, Docket No. CP74-160, *et al.*, (except as provided in paragraph (c)(3) of this section).

(3) The Amendment to Application of Western LNG Terminal Associates, filed on November 11, 1977, in *Pacific Indonesia LNG Co., et al.*, FPC Docket No. CP74-160, *et al.*, ERA Docket No. 77-001-LNG, is transferred to the jurisdiction of the Commission until timely filing of all briefs on and opposing exceptions to the Initial Decision of the presiding Administrative Law Judge on that Amendment, at which time the Commission shall forward a copy of the record of that proceeding to the Secretary of Energy for decision on those matters within his jurisdiction. (If the Commission waives the preparation of an initial decision, the Commission will forward a copy of the record after completion of the hearing, or after the timely filing of any briefs submitted to the Commission, whichever occurs later.)

(d) *Residual clause.* All proceedings (other than proceedings described in paragraphs (b) and (c) of this section) pending with regard to any function of the Department of Energy, the Department of the Interior, the Department of Commerce, the Department of Housing and Urban Development, the Department of Navy, and the Naval Reactor and Military Applications Programs which is transferred to the Department of Energy (DOE) by the DOE Organization Act, will be conducted by the Secretary. All proceedings (other than proceedings described in paragraphs (b) and (c) of this section) before the Federal Power Commission or Interstate Commerce Commission will be conducted by the Federal Energy Regulatory Commission.

(Department of Energy Organization Act, Pub. L. 95-91; EO 12009, 42 FR 46267)

[42 FR 55534, Oct. 17, 1977, as amended at 43 FR 21434, May 18, 1978; 43 FR 21658, May 19, 1978]

(b) *Filings in connection with functions transferred to the Commission.* All persons required to file periodic or other reports with any agency or commission whose functions are transferred under such Act to the Commission shall file such reports which relate to those transferred functions with the Secretary. The Commission hereby continues in effect all previously-approved forms for making periodic or other reports.

(c) *Where to make filings.* All filings of documents with the Commission shall be made with the Secretary. The address for filings to be made with the Secretary is: Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., N.E., Washington, D.C. 20426. Where a document to be filed with the Secretary is hand-delivered, it shall be submitted to Room 3110, 825 North Capitol Street, N.E., Washington, D.C. 20426. Documents received after regular business hours are deemed to have been filed on the next regular business day.

.01 45 F.R. 21216 (April 1, 1980).

.05 *Historical record.*—The Appendix originated in 45 F.R. 21216 (4/1/80), effective 3/28/80.

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[¶ 28,505]

## § 375.105 Filings.

(a) *Filings in pending proceedings.* All filings in proceedings referred to in § 375.104 shall be made with the Secretary.

.01 45 F.R. 21216 (April 1, 1980).

.05 *Historical record.*—Subsection (a), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 0.4(c).

Subsection (b), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 0.4(b).

Subsection (c), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Sections 0.4(b), (d), (e), (f), (g), and (i), and 1.2(c).

[The next page is 21,023.]

(a) The Commission authorizes the Chief Administrative Law Judge, and the Administrative Law Judge designated to preside at a particular hearing, to exercise the power granted to a Presiding Officer by the Commission's rules of practice and procedure, particularly Part 385, particularly § 385.504 of this chapter.

(b) The Chief Administrative Law Judge is further authorized to designate presiding officers for proceedings under Subparts I and J of Part 385 of this chapter, who shall have all the authorities and duties vested in presiding officers by those rules and other applicable rules in conducting proceedings pursuant to sections 503(c) and 504(b)(1) of the Department of Energy Organization Act, 42 U.S.C. 7193(c) and 7194(b)(1) (1982).

(c) The Chief Administrative Law Judge is further authorized to deny or grant, in whole or in part, petitions for waivers of fees prescribed in §§ 381.303 and 381.304 of this chapter in accordance with § 381.106 of this chapter.

**Section 375.304, appearing in 50 F.R. 48181 (11/22/85), effective 11/13/85, read as follows until its amendment in 53 F.R. 16058 (5/5/88), effective 4/5/88:**

**§ 375.304 Delegations to the Chief Administrative Law Judge.**

(a) The Commission authorizes the Chief Administrative Law Judge, and the Adminis-

trative Law Judge designated to preside at a particular hearing, to exercise the power granted to a Presiding Officer by the Commission's rules of practice and procedure, particularly Part 385, particularly § 385.504 of this chapter.

(b) For those proceedings pending under Subpart E of Part 385, the Chief Administrative Law Judge may consolidate for hearing two or more proceedings on any or all issues, sever two or more proceedings or issues in a proceeding, and extend any close-of-record date ordered by the Commission in a proceeding.

(c) The Chief Administrative Law Judge is further authorized to designate presiding officers for proceedings under Subparts I and J of Part 385 of this chapter, who shall have all the authorities and duties vested in presiding officers by those rules and other applicable rules in conducting proceedings pursuant to sections 503(c) and 504(b)(1) of the Department of Energy Organization Act, 42 U.S.C. 7193(c) and 7194(b)(1) (1982).

(d) The Chief Administrative Law Judge is further authorized to deny or grant, in whole or in part, petitions for waivers of fees prescribed in §§ 381.303 and 381.304 of this chapter in accordance with § 381.106 of this chapter.

**[¶ 28,535]**

**§ 375.305 Delegations to the Solicitor.**

The Commission authorizes the Solicitor or the Solicitor's designee to:

(a) File with the appropriate court of the United States a certified list of the materials comprising the record of any proceeding which involves the Commission;

(b) Retain appropriate materials; and

(c) Deliver such materials to the court as required.

.01 45 F.R. 79024 (November 28, 1980).

.05 *Historical record.*—Section 375.305, appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 3.5(d).

The introductory sentence to Section 375.305, appearing in 45 F.R. 21216

(4/1/80), effective 3/28/80, read as follows until its amendment in 45 F.R. 79024 (11/28/80), effective 11/21/80:

The Commission authorizes the Solicitor, or in the Solicitor's absence, the Solicitor's designee to:

**[¶ 28,536]**

**§ 375.306 Delegations to the Oil Pipeline Board.**

The Commission authorizes the Oil Pipeline Board to:

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(a) Act on all matters arising out of Section 15(7) of the Interstate Commerce Act, 49 U.S.C. 15(7), including but not limited to the authority (i) initially to dispose of these matters, by declining to suspend a rate or a classification, rule or practice and ordering an investigation; (ii) to suspend and institute investigations into rates, fares, charges, and practices; and (iii) prior to the submission of evidence, to discontinue any proceeding when the proposed rate, classification, rule or practice has been cancelled.

(b) Issue valuation reports pursuant to Section 19(a) of the Interstate Commerce Act, 49 U.S.C. 19a, in matters which do not involve taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Act on matters arising under section 4 of the Interstate Commerce Act, 49 U.S.C. 4, except proceedings made the subject for formal hearing, or matters arising from general increase proceedings.

(d) Grant special permission or other permissible waivers of rules regarding tariffs or schedules under section 6(3) of the Interstate Commerce Act, 49 U.S.C. 6(3), including authorization for the cancellation of suspended tariffs or schedules that have not involved taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(e) Act on matters arising under section 6(6) of the Interstate Commerce Act, 49 U.S.C. 6(6), related to the prescription of regulations concerning the form and manner in which tariffs required to be filed shall be published, filed, and posted, including the institution of rulemaking proceedings for the purpose of prescribing new or changed regulations, except matters involving taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(f) Act on matters arising under sections 20(1), 20(2), 20(3), 20(4) and 20(5) of the Interstate Commerce Act, 49 U.S.C. 20(1), (2), (3), (4), (5), including prescription of a uniform system of accounts, rates of depreciation for property, and forms for accounts, records, and memoranda kept by oil pipeline carriers.

(g) Act on matters arising under section 20(11) of the Interstate Commerce Act, 49 U.S.C. 20(11), insofar as they relate to applications for authorization to establish released rates and ratings that have not involved taking testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(h) Determine whether the investigation of suspended tariff schedules should be set for oral hearing before an Administrative Law Judge or handled under the modified procedure as described at Rules 1404 through 1414.

(i) Certify to the full FERC any matter which the Oil Pipeline Board believes should be passed upon by the Commission.

(j) Deny or accept, in whole or part, petitions for waiver of annual charges prescribed in § 382.203 of this chapter in accordance with the standard set forth in § 382.105 of this chapter.

.01 Subsections (a)-(g), 45 F.R. 21216 (April 1, 1980); subsection (h), 49 F.R. 21701 (May 23, 1984); subsection (i), 45 F.R. 21216 (April 1, 1980); subsection (j), 52 F.R. 21263 (June 5, 1987).

.05 *Historical record.*—Section 375.306, appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was derived from Section 3.5(e).

Subsection (h), appearing in 45 F.R. 21216 (4/1/80), effective 3/28/80, was amended in 49 F.R. 21701 (5/23/84), effective 6/22/84, by removing the words "49 CFR 1100.43 to 1100.52" and inserting in their place, the words "Rules 1404 through 1414".

Subsection (j) newly originated in 52 F.R. 21263 (6/5/87), effective 7/6/87.

### [¶ 28,537]

#### § 375.307 Delegation to the Director of the Office of Pipeline and Producer Regulation.

The Commission authorizes the Director of the Office of Pipeline and Producer Regulation or the Director's designee to:

(a) Take appropriate action on the following types of uncontested applications for authorizations and uncontested amendments to applications and authorizations and impose appropriate conditions:

(1) Applications or amendments requesting authorization for the construction or acquisition and operation of facilities that have a construction or acquisition cost of less than \$5,000,000;

(2) Abbreviated applications and amendments thereto, pursuant to § 157.7(b), (c), (d), (e), and (g) of this chapter, including requests for waiver of single project and annual cost limits as prescribed in §§ 157.7(b)(1), (c), (d), and (g) of this chapter;

(3) Applications by a pipeline for the abandonment of pipeline gas purchase facilities with a construction cost of less than \$1,000,000 or for the deletion of delivery points. This authority shall be exercised only if the producer servicing the jurisdictional pipeline has received Commission approval to abandon service to the pipeline or if the producer servicing the jurisdictional pipeline has demonstrated that the gas involved is not subject to section 7(b) of the Natural Gas Act by operation of section 601(a)(1) (A) or (B) of the Natural Gas Policy Act of 1978;

(4) Applications to abandon pipeline or producer facilities or services (other than budget applications) involving a specific customer or customers, if such customer or customers have agreed to the abandonment;

(5) Applications for temporary and permanent certificates (and for amendments thereto) for the transportation, exchange or storage of natural gas, provided that the estimated cost of construction of the certificate applicant's related facility is less than \$5,000,000 as provided in § 375.307(a)(3) of this chapter;

(6) Blanket certificate applications by interstate pipelines and local distribution companies served by interstate pipelines filed pursuant to §§ 284.221 and 284.224 of this chapter;

(7) Applications for temporary certificates pursuant to § 157.17 of this chapter;

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