

170 FERC ¶ 61,235
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick and Bernard L. McNamee.

Texas Eastern Transmission, LP
Transcontinental Gas Pipe Line Company, LLC

Docket Nos. CP18-485-001

Texas Eastern Transmission, LP

CP18-505-001

ORDER DENYING REHEARING AND STAY

(Issued March 19, 2020)

1. On July 18, 2019, the Commission issued an order granting requests from Texas Eastern Transmission, LP (Texas Eastern), Transcontinental Gas Pipe Line Company, LLC (Transco), and Northern Natural Gas Company (Northern) to abandon pipelines and related facilities onshore and offshore of Louisiana (Abandonment Order).¹ On August 19, 2019, Peregrine Oil & Gas II, LLC (Peregrine), filed a request for rehearing and an emergency motion for stay.

2. For the reasons discussed below, the Commission denies rehearing and denies the motion for stay.

I. Background

3. On May 17, 2018, in Docket No. CP18-485-000, Texas Eastern and Transco requested authority to abandon Line 41-A-5-B and related facilities offshore of Louisiana. On May 18, 2018, in Docket No. CP18-486-000, Texas Eastern, Transco, and Northern requested authority to abandon Line 41-A-8 and related facilities offshore of Louisiana. On June 18, 2018, in Docket No. CP18-505-000, Texas Eastern requested authority to abandon its Cameron System facilities onshore and offshore of Louisiana. The history of the facilities at issue is detailed in the Abandonment Order.²

4. In their abandonment applications, the applicants explained that because gas production in the offshore area has been declining, current average daily flows equal less

¹ *Texas Eastern Transmission, LP*, 168 FERC ¶ 61,037 (2019) (Abandonment Order).

² *See id.* PP 8-11.

than 0.80% of the certificated design capacity of the Cameron System.³ Due to these low flows, Texas Eastern stated that it is unable to use conventional techniques to maintain its facilities and provide the services specified in the underlying certificates.⁴

5. In the Abandonment Order, the Commission concluded that it has no discretion to withhold abandonment with regard to Line 41-A-5-B because the line's primary function is nonjurisdictional gathering, as determined previously in *Natural Gas Pipeline Company of America (NGPL)*.⁵ With regard to Line 41-A-8 and the other Cameron System facilities, the Commission concluded that the public convenience and necessity permits abandonment based on the extremely low flows, the fact that there are no firm shippers, and the existence of feasible alternatives for moving the currently flowing gas to market.⁶

6. On August 19, 2019, Peregrine filed a combined emergency motion for stay and request for rehearing.

II. Procedural Matters

7. On September 3, 2019, Texas Eastern filed an answer to Peregrine's filing. Rules 213(a) and 713(d) of the Commission's Rules of Practice and Procedure prohibit an answer to a request for rehearing.⁷ Therefore, we reject the portion of Texas Eastern's answer that pertains to Peregrine's request for rehearing. However, because our regulations do not prohibit answers to motions for stay, we accept the portion of Texas Eastern's answer that pertains to Peregrine's emergency motion for stay.

³ Abandonment Order, 168 FERC ¶ 61,037 at PP 12, 28.

⁴ *Id.*

⁵ *Id.* P 40; *Nat. Gas Pipeline Co. of Am.*, 94 FERC ¶ 61,186, at 61,653-54 (2001) (*NGPL*) (granting Natural's request to abandon by sale its 14% interest in Line 41-A-5-B, leaving Texas Eastern and Transco as co-owners of an approximately 86% interest in Line 41-A-5-B).

⁶ Abandonment Order, 168 FERC ¶ 61,037 at PP 40, 46-47, 52. On rehearing, Peregrine does not challenge the Commission's determination with regard to Line 41-A-8.

⁷ 18 C.F.R. §§ 385.213(a)(2), 385.713(d)(1) (2019).

III. Discussion

1. Primary Function of Line 41-A-5-B

8. The Abandonment Order explained that the Commission's determination in *NGPL* that "the facility interests that Natural proposes to abandon primarily have the characteristics of gathering exempt from Commission NGA jurisdiction,"⁸ applied to the *entire* facility.⁹ In so doing, the Commission noted that "only one of the co-owners of Line 41-A-5-B was before the Commission" in *NGPL* seeking abandonment of that co-owner's fractional interest in the line. In the absence of any showing of error, the Commission "affirm[ed] our prior determination that Line 41-A-5-B is functioning primarily as a gathering facility."¹⁰ Although *NGPL* addressed the primary function of the entire facility, the Commission explained that *NGPL* addressed only the abandonment of Natural's share of the facility.¹¹ Accordingly, in the Abandonment Order, the Commission acted on the abandonment applications from the other co-owners, Texas Eastern and Transco, by explaining that because the primary function of facilities is gathering, the Commission has no discretion to withhold abandonment authorization.¹²

9. On rehearing, Peregrine states that the Commission failed to address its arguments that in *NGPL* the Commission deferred the primary function determination for the fractional interests of the other co-owners, Texas Eastern and Transco.¹³ Peregrine states that this deferral is shown by the Commission's decision in *NGPL* not to affirmatively require that the other co-owners immediately change the functionalization of the facilities in their tariffs and immediately begin reporting gathering volumes.¹⁴

⁸ *NGPL*, 94 FERC ¶ 61,186 at 61,653-54.

⁹ Abandonment Order, 168 FERC ¶ 61,037 at P 37; *So. Nat. Gas Co.*, 79 FERC ¶ 61,076, at 61,379 (1997) ("[T]he same facilities cannot simultaneously serve a jurisdictional transmission function for one owner, and a non-jurisdictional gathering function for another owner.").

¹⁰ Abandonment Order, 168 FERC ¶ 61,037 at P 37.

¹¹ *Id.* P 39.

¹² *Id.* P 40.

¹³ Peregrine August 19, 2019 Emergency Motion for Stay and Request for Rehearing at 15-19.

¹⁴ *Id.*

10. We disagree. Peregrine misunderstands the Commission's determinations in *NGPL*. In *NGPL*, the Commission linked the determination that Line 41-A-5-B has a primary function of gathering, as a matter of jurisdiction, to a requirement that Texas Eastern and Transco correct the functionalization of their facilities, as a matter of rate and accounting treatment:

The rate and accounting treatment of Natural's co-owners for their fractional interests in the same pipeline facilities is not consistent [with the result of the primary function test]. In other cases, the Commission has held that the primary function test must be consistently applied to all fractional interest owners in the same pipeline facilities. *Accordingly*, the co-owning interstate pipelines that currently functionalize their interests in the subject jointly-owned facilities as transmission should address the proper functionalization of these facilities in their next rate cases.¹⁵

* * *

(D) Functionalization of facilities held by the jurisdictional joint-interest owners will be an issue for consideration in their respective next general rate proceedings.¹⁶

Although no co-owner opposed Natural's request for non-jurisdictional determinations for its share of Line 41-A-5-B, two co-owners opposed reclassifying their facility interests from transmission to gathering.¹⁷ On this basis, Peregrine argues that the Commission's directive that functionalization of the co-owners' interest would be an issue in their *next* general rate proceedings, demonstrated the Commission's intent to defer that functionalization determination.¹⁸ To the contrary, we interpret the Commission's order as recognizing that the determination "applies to all fractional interest owners in the same pipeline facilities," and providing for the functionalization of those facilities to be addressed—consistent with that principle—in the next general rate

¹⁵ *NGPL*, 94 FERC ¶ 61,186 at 61,654 (emphasis added) (internal citations omitted).

¹⁶ *Id.* ordering para. (D).

¹⁷ *Id.* at 61,653-54.

¹⁸ Peregrine August 19, 2019 Emergency Motion for Stay and Request for Rehearing at 17.

proceeding for those co-owners.¹⁹ Peregrine does not explain its assertion that the Commission was required to demand that the co-owners immediately change the functionalization of the facility interests as a matter of rate treatment.²⁰ Nor does Peregrine, as the Commission explained in the Abandonment Order, suggest that the Commission's determination that Line 41-A-5-B is functioning primarily as a gathering facility is factually incorrect.²¹

11. Accordingly, we affirm the Commission's prior determination that Line 41-A-5-B is functioning primarily as a gathering facility, and, as such, continue to find that the Commission has no discretion under Natural Gas Act (NGA) section 7(b) to deny the abandonment of Texas Eastern's and Transco's interests in the line.²²

2. Public Convenience and Necessity

12. The Abandonment Order explained that even if Line 41-A-5-B were performing a transmission function, the extremely low flows on the line, the lack of firm shippers, and the existence of feasible alternatives for moving the currently flowing gas to market support a finding that the public convenience or necessity permits the abandonment of the

¹⁹ Peregrine asserts that because Texas Eastern has not separately stated a rate for service on Line 41-A-5-B or reported its Line 41-A-5-B volumes as gathering volumes on its Annual FERC Form No. 2, this suggests that Texas Eastern interpreted *NGPL*—until it came time for abandonment—as not addressing the jurisdictional status of its fractional interest in the line. Peregrine August 19, 2019 Emergency Motion for Stay and Request for Rehearing at 18-19. We dismiss, as outside the scope of this proceeding, suggestions that Texas Eastern has not complied with *NGPL*. In any event, the issue here is not Texas Eastern's interpretation of *NGPL*, but the Commission's interpretation of its own order.

²⁰ Courts have recognized that the Commission has wide discretion to decide whether to initiate an NGA Section 5 investigation into a pipeline's tariff rates. *E.g.*, *Gen. Motors Corp. v. FERC*, 613 F.2d 939, 944 (D.C. Cir. 1979) (“In general, an administrative agency's decision to conduct or not conduct an investigation is committed to the agency's discretion”). We remind the co-owners that information must be presented accurately in their FERC Form No. 2s.

²¹ Abandonment Order, 168 FERC ¶ 61,037 at P 38.

²² *Id.* See *Williams Gas Processing v. FERC*, 331 F.3d 1011, 1022 (D.C. Cir. 2003) (concluding that “once FERC determines that a facility is not dedicated to a jurisdictional function, it has no authority to exercise jurisdiction over that facility by denying the certificate of abandonment for that facility”).

certificate authority for Line 41-A-5-B.²³ Among other reasons, the Commission noted that although the producer-protestors have been aware that the applicants were contemplating abandonment since at least an initial outage on Line 41-A-5 and Line 41-A-5-B of its Line 41-A System in 2014,²⁴ none sought to either subscribe for firm service or acquire the Line 41-A system facilities “until Peregrine’s tepid inquiry” in 2018 about firm service.²⁵

13. On rehearing, Peregrine objects that the Commission lacked substantial evidence to conclude that Peregrine’s request to Texas Eastern on April 20, 2018, for firm service on the Line 41-A system was “tepid.”²⁶ Peregrine states that Texas Eastern was required to grant Peregrine’s request for firm service and that Texas Eastern should not be permitted to benefit from its repeated unlawful refusal to provide firm service over its certificated facilities.²⁷

14. In the Abandonment Order, the Commission explained that although continuity and stability of existing certificated service are the primary considerations in assessing an application for abandonment approval, in this case, there are no current firm shippers or even interruptible shippers on the Cameron System who oppose abandonment.²⁸ Peregrine asserts that this lack of firm and interruptible shippers does not undermine Texas Eastern’s ability to recover operation and maintenance costs because Peregrine and other producer-protestors have previously agreed to make off-tariff payments for this purpose.²⁹

15. We are not persuaded. In the Abandonment Order the Commission explained that although it did consider Peregrine’s concerns, in general, concerns voiced by parties that are not paying rates for service using capacity proposed for abandonment are afforded

²³ Abandonment Order, 168 FERC ¶ 61,037 at P 40.

²⁴ See *Peregrine Oil & Gas II, LLC v. Tex. E. Transmission, LP*, 163 FERC ¶ 61,001, at PP 10, 14-24 (discussing outages in 2014 and 2016 on Texas Eastern’s Line 41-A System).

²⁵ *Id.* P 47.

²⁶ Peregrine Emergency Motion for Stay and Request for Rehearing at 21.

²⁷ *Id.* at 20-21.

²⁸ Abandonment Order, 168 FERC ¶ 61,037 at PP 41-42.

²⁹ Peregrine Emergency Motion for Stay and Request for Rehearing at 22.

little weight.³⁰ The Commission explained that “we will not fault or second guess the producers’ business decisions” to contract for no-fee service rather than firm transportation service with attendant reservation charges, but “we also will not protect [the producers] from the risks, including the risk of potential abandonment, which their decisions entailed.”³¹ We view the producers’ decision to make off-tariff payments for operation and maintenance costs in the same way.

16. The Commission appropriately concluded that Peregrine’s request to Texas Eastern for firm service on the Line 41-A System was merely a late-submitted statement of interest. Indeed, Peregrine acknowledges that it submitted its “request” for firm service in reaction to the Commission’s decision in *High Island Offshore System, LLC*,³² authorizing abandonment over the objection of affected producers in the absence of any firm service agreements.³³ Yet Peregrine’s “request” was repeatedly qualified:

Peregrine is *interested* in *potentially* entering into [a Firm Transportation] Agreement for transportation of its gas from the East Cameron 328 “B” platform to WLA, *depending on* the rates and terms and conditions of such service. Is that [a Firm Transportation] service that Texas Eastern offers under its currently effective tariff? If not, we would ask that you file a rate schedule for such service.³⁴

Section 284.7(a)(1) of the Commission’s regulations, cited by Peregrine, requires that a jurisdictional interstate pipeline offer firm transportation service;³⁵ it does not require that the pipeline accept a “request” for service, like Peregrine’s, that does not meet the requirements for such a request in the pipeline’s Commission-approved Tariff. We further note that, subsequent to the filing of its abandonment application in Docket No. CP18-485-000, Texas Eastern filed a general NGA section 4 rate case, in Docket

³⁰ Abandonment Order, 168 FERC ¶ 61,037 at P 46.

³¹ *Id.* P 46 n.74.

³² 163 FERC ¶ 61,040 (2018). The Commission issued this order on April 19, 2018, one day before Peregrine approached Texas Eastern about firm service.

³³ Peregrine Answer, Docket No. CP18-485-000, at 3-4 (filed July 16, 2018).

³⁴ *Id.* at 3 (emphasis added).

³⁵ 18 C.F.R. § 284.7(a)(1) (2019).

No. RP19-343-000, on November 30, 2018, including a proposal to establish a gathering rate for service over Line 41-A-5-B. Peregrine and other producers protested this gathering rate as “grossly excessive” and unrelated to the cost of service.³⁶

17. Further, we continue to find that the Commission appropriately concluded that Peregrine does not suggest that it intends to subscribe to a level of firm transportation service substantially higher than the volumes it is currently flowing.³⁷ Texas Eastern explained that due to low flows on Line 41-A-5-B and the remaining Cameron System, Texas Eastern cannot use conventional maintenance techniques.³⁸ There is no evidence in the record to support a reasonable expectation that utilization of the facilities proposed for abandonment will improve above the current 0.80% of the certificated capacity of the Cameron System.³⁹ In the open-access transportation era, pipelines rely on firm shippers’ willingness to pay monthly reservation charges, whether they use all of their reserved capacity or not, to assure recovery of most of the companies’ fixed costs.⁴⁰ We do not find Peregrine’s “request” for firm service or the producers’ off-tariff payments to Texas Eastern for operation and maintenance to be compelling evidence that the facilities are needed to satisfy market demand and consumer needs. We affirm that the concerns expressed by the producers in this proceeding are not sufficient to prevent concluding that the abandonment is permitted by the public convenience or necessity.⁴¹

A. Forced Sale to Producers

18. Peregrine asserts that the Commission failed to address Peregrine’s request that if the Commission were to grant the proposed abandonments, then the Commission should impose a condition that Texas Eastern must sell such Cameron System facilities as the producer-shippers wish to acquire under commercially reasonable terms.⁴² Related to this request, Peregrine also contends that the Commission failed to consider reasonable

³⁶ Peregrine Emergency Motion for Stay and Request for Rehearing at 10.

³⁷ Abandonment Order, 168 FERC ¶ 61,037 at P 46.

³⁸ *Id.* PP 46, 50.

³⁹ *Id.* PP 46, 48.

⁴⁰ *Id.* P 42.

⁴¹ *Id.* P 46.

⁴² Peregrine Emergency Motion for Stay and Request for Rehearing at 23-24.

alternatives to the proposed abandonments, as required under the National Environmental Policy Act of 1970 (NEPA), including Peregrine's proposal for partial abandonment by sale to Peregrine and other producer-shippers.⁴³

19. The Commission does not have authority to require a pipeline company to transfer its facilities to a different party.⁴⁴ Aside from noting that the Commission has the authority to condition an order authorizing abandonment, Peregrine offers no argument to suggest that the Commission has such authority here, nor does Peregrine point to precedent where the Commission has thus conditioned such an abandonment.

20. Further, the Commission did not err in its consideration of reasonable alternatives under NEPA. The proposed abandonment of Line 41-A-5-B in Docket No. CP18-485-000 qualified for categorical exclusion from the requirement to prepare an environmental review document.⁴⁵ Peregrine does not challenge the Commission's application of the categorical exclusion here. The proposed abandonment of the remaining Cameron System facilities in Docket No. CP18-505-000 was evaluated in an Environmental Assessment (EA).⁴⁶ The Commission did not consolidate these dockets.⁴⁷ In Docket No. CP18-505-000, Peregrine did not propose the conditioned sale of Texas Eastern's facilities to the producer-shippers until Peregrine's request for rehearing. Peregrine had ample opportunity to present this information during the Commission's environmental

⁴³ *Id.* at 24-26.

⁴⁴ See, e.g., *Panhandle E. Pipe Line Corp.*, 80 FERC ¶ 61,193, at 61,769 (1997); *So. Nat. Gas Co.*, 75 FERC ¶ 61,046, at 61,176 (1996); *Panhandle E. Pipe Line Co.*, 70 FERC ¶ 61,297 at 61,875 (1995). The Commission obviously lacks this authority as to nonjurisdictional facilities. See, e.g., *NGPL*, 94 FERC ¶ 61,186, 61,651-52 (refusing to impose contract conditions on the recipient gatherer as part of abandonment by sale); *Conoco, Inc. v. FERC*, 90 F.3d 536, 552-553 (D.C. Cir. 1996) ("Because the Commission concluded that the facilities to be transferred by NorAm Gas were exempt under § 1(b) as gathering facilities . . . the Commission cannot simply assert authority over the facilities . . . by invoking other sections of the Act.") (citing *FPC v. Panhandle Eastern Pipe Line Co.*, 337 U.S. 498, 508-09 (1949)).

⁴⁵ Abandonment Order, 168 FERC ¶ 61,037 at P 53.

⁴⁶ Office of Energy Projects, Cameron System Abandonment Project Environmental Assessment (Oct. 25, 2018); *id.* at 2 (explaining that because the proposed abandonment activities for Line 41-A-5-B are entirely within federal offshore waters, that application qualifies for a categorical exclusion from NEPA review and will only be addressed in the EA's analysis of cumulative impacts).

⁴⁷ Abandonment Order, 168 FERC ¶ 61,037 at P 25.

review process. The Commission looks with disfavor on parties raising issues for the first time on rehearing that could have been raised earlier, in part because other parties are not permitted to respond to requests for rehearing.⁴⁸ For these reasons, we dismiss Peregrine's argument.

21. In any event, Peregrine's proposal that the Commission require a partial abandonment by sale to Peregrine and other producer-shippers was not a reasonable alternative. The EA set out three criteria used for developing and reviewing alternatives: "ability to meet the Project's stated objective, technical and economic feasibility and practicability, and significant environmental advantage over the proposed action."⁴⁹ The EA concluded that "[d]ue to the proposed Project involving the abandonment of existing facilities, no site alternatives or system alternatives were identified."⁵⁰ At a minimum, Peregrine's proposal fails the third criterion. Peregrine provides no information related to the "significant environmental advantage" as the third criterion. Peregrine offers no support for its statements that mandatory partial abandonment by sale to the producer-shippers would "greatly mitigate" environmental impacts because "a substantial portion" of facilities would be abandoned by sale rather than left in place or removed.⁵¹ Accordingly, the Commission did not err by excluding this proposal from the EA's evaluation of alternatives.

⁴⁸ See *Baltimore Gas & Elec. Co.*, 91 FERC ¶ 61,270, at 61,922 (2000) ("We look with disfavor on parties raising on rehearing issues that should have been raised earlier. Such behavior is disruptive to the administrative process because it has the effect of moving the target for parties seeking a final administrative decision."); *Dep't of Transp. v. Pub. Citizen*, 541 U.S. 752, 764 (2004) ("Persons challenging an agency's compliance with NEPA must 'structure their participation so that it ... alerts the agency to the [parties'] position and contentions,' in order to allow the agency to give the issue meaningful consideration.") (quoting *Vt. Yankee Nuclear Power Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 553 (1978)). See also *Tenn. Gas Pipeline Co., L.L.C.*, 162 FERC ¶ 61,167, at P 10 (2018); *Nw. Pipeline, LLC*, 157 FERC ¶ 61,093, at P 27 (2016) ("We dismiss the Cemetery's argument that EA's indirect impacts analysis was deficient because the Cemetery raises this argument for the first time on rehearing.").

⁴⁹ EA at 41.

⁵⁰ *Id.*

⁵¹ Peregrine Emergency Motion for Stay and Request for Rehearing at 25-26.

B. Emergency Stay

22. Peregrine requests that the Commission stay the Abandonment Order until the Commission has acted on rehearing and the courts have completed judicial review.⁵²

23. The Commission grants a stay when “justice so requires.”⁵³ In determining whether this standard has been met, the Commission considers several factors, including: (1) whether the party requesting the stay will suffer irreparable injury without a stay; (2) whether issuing a stay may substantially harm other parties; and (3) whether a stay is in the public interest.⁵⁴ If the party requesting the stay is unable to demonstrate that it will suffer irreparable harm absent a stay, we need not examine other factors.⁵⁵

24. To support a stay, the movant must substantiate that irreparable injury is “likely” to occur.⁵⁶ The injury must be both certain and great and it must be actual and not theoretical. Bare allegations of what is likely to occur do not suffice.⁵⁷ The movant must provide proof that the harm has occurred in the past and is likely to occur again, or proof indicating that the harm is certain to occur in the near future.⁵⁸ Further, the movant must show that the alleged harm will directly result from the action which the movant seeks to

⁵² *Id.* at 2-10.

⁵³ *See, e.g., NEXUS Gas Transmission, LLC*, 162 FERC ¶ 61,011, at P 4 (2018).

⁵⁴ Ensuring definiteness and finality in our proceedings also is important to the Commission. *See Constitution Pipeline Co.*, 154 FERC ¶ 61,092, at P 9 (2016); *Enable Gas Transmission, LLC*, 153 FERC ¶ 61,055, at P 118 (2015); *Millennium Pipeline Co., L.L.C.*, 141 FERC ¶ 61,022, at P 13 (2012).

⁵⁵ *See, e.g., Algonquin Gas Transmission, LLC*, 154 FERC ¶ 61,236, at P 8 (2016); *Transcontinental Gas Pipe Line Co.*, 150 FERC ¶ 61,183, at P 9 (2015); *Millennium Pipeline*, 141 FERC ¶ 61,022 at P 14.

⁵⁶ *See Transco.*, 150 FERC ¶ 61,183 at P 10 (citing *Wis. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985)).

⁵⁷ *Id.*

⁵⁸ *Id.*

enjoin.⁵⁹ If the party requesting the stay is unable to demonstrate that it will suffer irreparable harm absent a stay, we need not examine other factors.⁶⁰

25. Peregrine states that without a stay, oil and gas production will remain shut in until Peregrine or other producers are able to construct and place in service replacement pipeline facilities to move their natural gas to a new receipt point into the system of Stingray Pipeline Company, LLC.⁶¹ Peregrine argues that the resulting economic, environmental, and safety impacts could all be avoided if Texas Eastern agrees to, or is required to, sell the pertinent parts of its Cameron System facilities to the producers on commercially reasonable terms.⁶²

26. The only alleged harm to Peregrine that will directly result from the authorized abandonments is the economic loss if production becomes shut in. This pecuniary loss, by itself, does not suffice to show irreparable harm.⁶³ Accordingly, we need not examine the other factors and we deny the requested stay.

The Commission orders:

(A) Peregrine's request for rehearing is denied, as discussed in the body of this order.

(B) Peregrine's emergency motion for stay is denied, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁵⁹ *Id.*

⁶⁰ *Tenn. Gas Pipe Line Co., L.L.C.*, 160 FERC ¶ 61,062, at P 4 (2017).

⁶¹ Peregrine Emergency Motion for Stay and Request for Rehearing at 2-4.

⁶² *Id.* at 3-4.

⁶³ *Wis. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985).