



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22-511-001]

Notice of Request for Extension of Time

Take notice that on December 28, 2023, Ozark Gas Transmission, LLC (Ozark) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until May 29, 2024, to complete construction and place into service the Ozark Supply Access Project (Project) located in Lawrence County, Arkansas. On September 28, 2022, the Commission issued a Notice of Request Under Blanket Authorization, which established a 60-day comment period, ending on November 28, 2022, to file protests. No protests were filed during the comment period, and accordingly the project was authorized on November 29, 2022 and by Rule should have been completed within one year.

In its 2023 Extension of Time Request, Ozark states that it was not able to complete all the work associated with the Project by the November 29, 2023, deadline. To date Ozark reported completion of the Standing Rock Compressor Station modifications¹ and the Loop Line² portions of the Project as well as progress at the Raney Compressor Station and MRT Meter Station portions of the Project.³ There was no progress reported

¹ See Ozark's Weekly Status Report No. 22 (filed June 7, 2023) under Docket No. CP22-511-000, Accession No. 20230607-503-5039.

² See Ozark's Weekly Status Report No. 25 (filed June 28, 2023) under Docket No. CP22-511-000, Accession No. 20230628-5018.

³ See Ozark's Weekly Status Report No. 51 (filed December 27, 2023) under Docket No. CP22-511-000, Accession No. 20231227-5034.

for the interconnection point with the Natural Gas Pipeline Company of America, LLC. Ozark attributes the delay to material procurement and delivery timelines still being behind schedule due to the COVID-19 pandemic. Additionally, Ozark states that obtaining approvals for final design and materials related to various elements of the new interconnection points from the other interstate pipelines has proved challenging. Finally, construction crews have experienced delays at times due to heavy rain leading to wet conditions. Accordingly, Ozark requests an extension of time until May 29, 2024, to complete construction of project facilities with in-service projected to occur at the beginning of May 2024.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Ozark's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,⁴ the Commission will aim to issue an order acting on the request within 45 days.⁵ The Commission will address all arguments relating to whether the applicant has demonstrated

⁴ Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

⁵ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

there is good cause to grant the extension.⁶ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).⁷ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.⁸ The Director of the Office of Energy Projects, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. Public access to records formerly available in the Commission's physical Public Reference Room, which was located at the Commission's headquarters, 888 First Street NE, Washington, DC 20426, are now available via the Commission's website. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (886) 208-3676 or TTY (202) 502-8659.

⁶ *Id.* at P 40.

⁷ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

⁸ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

The Commission strongly encourages electronic filings of comments in lieu of paper using the “eFile” link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS:

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Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

To file via any other courier:

Debbie-Anne Reese, Acting Secretary
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The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5 p.m. Eastern Time on **January 18, 2024**.

Dated: January 3, 2024.

Debbie-Anne Reese,

Acting Secretary.

