



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM19-15-002; AD16-16-002]

Qualifying Facility Rates and Requirements

Implementation Issues Under the Public Utility Regulatory Policies Act of 1978;

Notice of Revised Procedural Schedule for the Environmental Assessment for

Qualifying Facility Rates and Requirements Implementation Issues under the

Public Utility Regulatory Policies Act of 1978

On July 16, 2020, the Federal Energy Regulatory Commission (Commission) issued Order No. 872,¹ approving certain revisions to its regulations implementing sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).² On September 5, 2023, the U.S. Court of Appeals for the Ninth Circuit (Ninth Circuit) remanded Order No. 872, without vacatur, based on its finding that, pursuant to the National Environmental Policy Act (NEPA),³ the Commission must prepare an environmental assessment (EA) analyzing the potential impacts of the rule on climate change and air quality.⁴

¹ *Qualifying Facility Rates & Requirements; Implementation Issues Under the Pub. Util. Regul. Policies Act of 1978*, Order No. 872, 172 FERC ¶ 61,041, *order on reh'g*, Order No. 872-A, 173 FERC ¶ 61,158 (2020), *aff'd in part and remanded in part sub nom. Solar Energy Indus. Ass'n v. FERC*, 80 F.4th 956 (9th Cir. 2023) (*Solar Energy*).

² 16 U.S.C. 796(17)–(18), 824a-3.

³ 42 U.S.C. 4321 *et seq.*; *see also* 18 CFR pt. 380 (2024) (Commission's regulations implementing NEPA).

⁴ *Solar Energy*, 80 F.4th at 996-97.

On September 24, 2024, Commission staff issued a notice of intent to prepare an EA, which included an anticipated schedule for issuing the EA and a comment period.

By this notice, Commission staff is updating the procedural schedule⁵ and setting forth a revised schedule for completion of the EA. The revised schedule is shown below.

Schedule for Environmental Review

Issuance of EA	June 30, 2025
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End of Public Comment Period	July 30, 2025
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If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the progress.

The Commission strongly encourages electronic filing. Please file using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number RM19-

⁵ The unique identification number for documents relating to this environmental review is EAXX-19-20-000-1726219809.

15-002. Comments emailed to Commission staff are not considered part of the Commission record.

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

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, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Additional information about the final rule is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC website (www.ferc.gov). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (i.e., RM19-15), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: December 18, 2024.

Debbie-Anne A. Reese,

Secretary.

