

Professor: Diane Neal; sdianeneal@icloud.com; diane@nealenergyconsulting.com 202-288-5567 (texting is great!) When contacting the professor please include both emails to ensure a reply.

Students will review a selection of statutes, regulations and cases in addition to viewing videos and participating in class discussion via message board. Materials will be available online or emailed to students

Professor Neal reserves the right to make changes to the syllabus as needed due to changing circumstances. Students will be notified of any changes via message board, email and Zoom meetings. Students that wish to attend in person will be able to sign up ahead of time to ensure there will be adequate opportunity for social distancing in the classroom.

- Week 1 Introduction to Pipelines
Course Introduction and overview of the gas and oil pipeline industry, pipeline construction and operations, and natural gas storage.
Reading: Pages 1-18 of INGAA Deskbook.
(<http://www.ingaa.org/File.aspx?id=6070&v=93da0a9f>) Visit ferc.gov and become familiar with the website. Review “Industry” and “Major Orders” sections.
- Week 2 History of Natural Gas and Oil Pipeline Regulation
Overview of Federal Energy Regulatory Commission (FERC) jurisdiction; the Natural Gas Act and Natural Gas Policy Act; Interstate Commerce Act, FERC Order 636; FERC 1999 Policy Statement.
Reading: FERC Order 636 (<https://www.ferc.gov/legal/maj-ord-reg/land-docs/restruct.asp>)
- Week 3 FERC Jurisdiction and Authority to Transport
Determining state vs. federal jurisdiction in gas and crude transportation. Reading: NGA Section 7 (15 USC 717f: Construction, extension, or abandonment of facilities); cases to be provided.
- Week 4 FERC Rate Design and Rate Cases and Investigation Authority
Discussion of the general terms and conditions contained in interstate pipeline tariffs and pro forma service agreements. What is required and why; Contrast with Commission definition of “material deviations”.
Reading: sample tariff and service agreement (to be provided); read Southern Star order on material deviation policy (to be provided).
- Week 5 FERC Natural Gas and Oil Pipeline Tariffs and Filings
Review sections 4 and 5 of NGA, rate design policy; contrast oil and natural gas rate differences. FERC’s ability to initiate a rate investigation to determine “just and reasonable” rates. Read Hope v. Bluefield (provided) and Viking Pipeline Order Initiating Investigation; Order on Rehearing (provided).

- Week 6 Continuation of Rate Policy discussion from Week 6.
 Read: Tuscarora Pipeline Order Initiating Investigation and Orders on rehearing from 2011 and 2016. Compare development of FERC policy between the two series of Orders. Introduce FERC Audit authority. Reading: FERC 2016 Audit Report (provided).
- Week 7 Construction of Facilities and FERC Certificates
 Certificate application process and FERC authority under NGA. Requirements of certificate application and interagency cooperation and inclusion of LNG facilities under FERC jurisdiction. Read Sec. 3 of the NGA, to be provided. Contrast with oil pipeline construction.
- Week 8 Construction of Facilities Continued, National Environmental Policy Act (NEPA)
 Discuss the role of cooperating agencies and responsibilities under NEPA; Who is involved? FERC as lead agency and EPA 2005 authority to issue deadlines to cooperating agencies. Army Corp of Engineers, “SHPO”, Clean Water Act permitting, recent legislation. Reading: Review selections from Energy Policy Act of 2005
- Week 9 Administrative Challenges to Oil and Gas Authorizations
 Basics of administrative law and FERC appeal process; Challenges to permits issued by other agencies and which are appealable. Overview of Tennessee Gas Pipeline orders and “cumulative impacts” and “connected actions” Compare to differences in challenges to oil pipeline projects. Cases be provided.
- Week 10 Restoration, Maintenance, and Operations
 What happens once the pipeline is completed? Requirements to “put back the way you found it”. Review weekly status reports to FERC (to be provided) and Sample Environmental Impact Statement. Discuss right of way easement and maintenance, land owner encroachment.
- Week 11 Land Rights and Eminent Domain
 Eminent domain authority under NGA, process of condemnation in construction of infrastructure interstate vs state. Recent developments in land owner rights-court cases to be provided (TX and WV)
- Week 12 Oil Pipeline Opposition
 Dakota Access Case Study (oil pipeline), Minisink compressor station case study (Millennium Pipeline) and Williams rejection by NY state of required permit (Constitution Pipeline)
- Week 13 Pipeline Safety
 Guest lecturer, intro to PHMSA and jurisdiction. Pipeline Safety Act and related legislation.

Week 14 Course Wrap Up/Open Discussion/Review
Will discuss exam and answer any outstanding questions.

Policies *Each week 2 students will be the subject “experts” for the session and will be expected to have read the materials and lead class discussion.*

*Final Exam **in class or online during designated final exam date and time:** TBD 6 – 8 pm; multiple choice and short answer. Open note test.*

Attendance policy: All students will be expected to either attend in-person, via Zoom or watch the recorded lectures and participate in discussions via message board. To be counted as having attended class, all students will provide a short takeaway statement of the class topic to the professor during the school week before the next class period via email. Example, if class is held on Tuesday evenings, summaries should be emailed by midnight the Monday before the next class.

Final grade based on final exam and participation. Class is available for pass/fail (S/U) option.

Office hours for Professor Neal are by appointment and may be arranged via email or text.

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

University of Houston Additional Policies Spring 2021

Face Covering Policy (for courses with a face-to-face component)

To reduce the spread of COVID-19, the University [requires face coverings](#) on campus including classrooms for both faculty and students. Face coverings must cover your mouth and nose and be worn throughout the class session. A mask with a valve is not considered an adequate face covering and should not be used, as it can expel exhaled air, increasing the risk to others. Eating or drinking during class is discouraged and is not an excuse for removing the face covering for any extended length of time. For additional information on the use of face coverings, please see [Face Covering FAQs](#). Failure to comply with the requirement to wear a face covering in class will result in your being asked to leave the classroom immediately and a disciplinary referral through the Dean of Students Office. Requests for accommodations relating to the face covering policy may be directed to the [Center for Students with Disabilities \(CSD\)](#).

Required Daily Health Self-Assessment (for courses with a face-to-face component)

Your presence in class each session means that you have completed a daily self-assessment of your health/exposure and you:

- Are NOT exhibiting any [Coronavirus Symptoms](#)
- Have NOT tested positive for COVID-19
- Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [COVID-19 Diagnosis/Symptoms Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with Disabilities](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through email, messagesboard and Zoom meetings
