

FERC Announces Changes in Enforcement Procedures

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FERC has issued a [policy statement](#) revising procedures for commencing settlement negotiations in enforcement investigations. Under these new procedures, entities facing FERC investigations may now explore settlement options with Enforcement Staff much earlier and more efficiently than before, particularly in cases in which the underlying material facts may not be in dispute. This may also help streamline negotiating a settlement with FERC after a self-report of potentially violative conduct.

This Alert Update supplements a recently issued VNF alert on FERC Enforcement trends.

<https://www.vnf.com/fy2023-ferc-actions-signal-potential-uptick-in-enforcement-actions>

Prior to these changes, FERC's Office of Enforcement staff (Enforcement) had been required to seek settlement authority from the Commissions prior to engaging in settlement negotiations with the subject of an investigation. Under the revised process, FERC Enforcement may engage in settlement negotiations without pre-review or approval by the Commission. It will remain the Commission's responsibility to determine whether a settlement of an investigation is in the public interest and should be approved.

FERC stated that modified process would address "inefficiencies that the current authorization process can present in many cases for the Commission, Enforcement and other Commission staff, and investigative subjects." The revised process, according to FERC, should allow for both FERC and investigative subjects to more quickly determine whether a settlement is attainable.

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