

majority declined to consider or, in fact, even mention. For example, one party suggested the imposition of a requirement that pipelines demonstrate that affiliate rates are aligned with those of competing pipelines or other modes of transportation.²⁶ Why not include seemingly reasonable alternatives for comment if you persist in your belief—despite the lack of evidence—that affiliate abuses are widespread in the industry? If the Commission is concerned that a carrier is offering non-market rates to its affiliate, a showing that the rate is consistent with market would seem to address the concern and do so far less invasively and without violating our own regulations.

9. It is a mistake for the majority to repropose a policy shown to have irreparable vulnerabilities under the APA and a near certain chilling effect on investment. The Commission has the benefit of an existing record. Rather than ignoring it, the Commission should have made use of that record to determine whether there is a problem at all and, if there is, use it to determine what additional evidence needs to be gathered, what policy goals it seeks to achieve, and what is the best, least invasive, and most defensible course of action. The Commission should not rush a policy only to have go back and fix known errors.

For these reasons, I respectfully dissent.

James P. Danly,
Commissioner.

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY
COMMISSION**

Oil Pipeline Affiliate Committed Service

Docket No. PL23–1–000

CHRISTIE, Commissioner, *concurring*:

1. I concur in order to put this draft policy statement out for further review and comment.

2. I fully agree that transactions between corporate affiliates are not arms-length transactions. In the regulated energy and utility field, such transactions raise a distinct threat of the exercise of market power. So affiliate transactions certainly require a higher level of scrutiny than those between unaffiliated entities.

3. That is a simple proposition, but this draft statement is not simple, and takes many pages and paragraphs to describe what it is requiring of regulated entities and affiliates, what and which degrees of scrutiny will be applied, when and where, and how the safe-

harbor mechanisms will work. The devil is always in the details and whether this lengthy proposed new policy statement has got all the details right remains to be seen, as well as whether a new policy statement is even necessary or preferable to a case-by-case approach. I take seriously the points raised in Commissioner Danly's dissent, particularly on the history of this policy statement and its apparent predecessors.

4. I am willing, however, to put it out for comment and look forward to the comments that may come in from affected parties, including pipeline operators and shippers both affiliated and unaffiliated.

For these reasons, I respectfully concur.

Mark C. Christie,

Commissioner.

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DEPARTMENT OF ENERGY

**Federal Energy Regulatory
Commission**

[Docket No. ER23–646–000]

**Wagon Wheel Wind Project Holdings
LLC; Supplemental Notice That Initial
Market-Based Rate Filing Includes
Request for Blanket Section 204
Authorization**

This is a supplemental notice in the above-referenced proceeding of Wagon Wheel Wind Project Holdings LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is January 5, 2023.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic

service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: December 16, 2022.

Debbie-Anne A. Reese,
Deputy Secretary.

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DEPARTMENT OF ENERGY

**Federal Energy Regulatory
Commission**

[Docket No. ER23–645–000]

**Wagon Wheel Wind Project, LLC;
Supplemental Notice That Initial
Market-Based Rate Filing Includes
Request for Blanket Section 204
Authorization**

This is a supplemental notice in the above-referenced proceeding of Wagon Wheel Wind Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

²⁶ Association of Oil Pipelines December 14, 2020 Initial Comments, Docket No. PL21–1–000, at 33.