



FERC Issues New Final Direct Rule Implementing Executive Order on Regulatory Sunsetting

October 9, 2025

Reading Time : **5 min**

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On October 1, 2025, the Federal Energy Regulatory Commission (FERC or the Commission) issued Order No. 914 amending certain Commission regulations to incorporate a conditional sunset date in compliance with the Trump administration's April 2025 Executive Order, "Zero-Based Regulatory Budgeting to Unleash American Energy" (the EO).

As described further [here](#), the EO directs FERC and other agencies to establish conditional sunset dates for existing regulations governing "energy production." The EO requires that each agency issue a final rule incorporating a one year sunset provision into applicable regulations. The EO further requires that each agency provide the public with the opportunity to comment on the costs and benefits of regulations subject to the sunset requirement and allows agencies to extend the sunset date for a regulation for a period not to exceed five years.

The EO was notable because it is one of the first instances in which an executive order has directed FERC, an independent agency, to take specific actions to amend its regulations. FERC historically has taken the position that its compliance with executive orders is voluntary. It also was unclear how the EO's directive would apply to FERC's regulations, an agency that has only limited jurisdiction over the production of energy.

Order No. 914 implements the EO by incorporating sunset provisions into 53 regulations that the Commission has concluded are outdated, redundant, or seldom-used regulations. Under the sunset provision, each regulation would cease to have any effect 365 days after the effective date of Order No. 914 unless the Commission determines that the deadline

should be extended after providing the public an opportunity to provide input on the costs and benefits of the regulation. Order No. 914 further provides that the amendments will become effective 45 days after the date of publication in the *Federal Register*, unless adverse comments are received within 30 days of publication. FERC concurrently issued a Notice of Proposed Rulemaking (NOPR) in the same docket to provide for consideration of any significant adverse comments submitted in response to Order No. 914. If significant adverse comments are received in response to the NOPR, then Order No. 914 would be rescinded and the NOPR would be used to commence a proceeding to consider the elimination of the regulations that FERC has proposed to sunset.

Below is a chart identifying the regulations and FERC's justification for adding a sunset provision:

Regulation to be sunset	Reason for sunset
18 C.F.R. § 2.15: Specified reasonable rate of return for computing amortization reserves for hydroelectric project licenses.	Outdated and no longer used; imposes duplicative requirements.
18 C.F.R. § 2.18: Phased electric rate increase filings.	FERC no longer received phased rate increase filings.
18 C.F.R. § 2.21: Regional Transmission Groups.	Outdated because Regional Transmission Groups have been replaced by Regional Transmission Organizations and Independent System Operators.
18 C.F.R. § 2.25: Ratemaking treatment of the cost of emissions allowances in coordination transaction.	Not needed after the transition to market-based rates for most generation facilities.

18 C.F.R. § 2.26: Policies concerning review of applications under section 203.	Duplicative of Part 33.
18 C.F.R. § 2.27: Availability of North American Energy Standards Board (NAESB) Smart Grid Standards as non-mandatory guidance.	Not needed as the standards are not mandatory.
18 C.F.R. § 2.78: Utilization and conservation of natural resources – natural gas.	Not needed now that natural gas pipelines are functionally unbundled.
18 C.F.R. § 2.103: Statement of policy respecting take or pay provisions in gas purchase contracts.	Not needed now that natural gas pipelines are functionally unbundled. Covered by 18 C.F.R. § 284.7(e).
18 C.F.R. § 2.105 Gas supply charges.	Not needed now that natural gas pipelines are functionally unbundled.
18 C.F.R. § 5.31 Transition provision.	Obsolete as it was only effective between 2003 and 2005.
18 C.F.R. § 131.50: Reports of proposals received.	Not needed as this regulation is typically waived for applicants.
18 C.F.R. § 131.52: Certificate of Concurrence.	Not needed as the sample form is informational and not a requirement. FERC will post the sample on its Website.

18 C.F.R. § 156.5(a)(9): Exhibit H-Total Gas Supply Data.	Not needed now that natural gas pipelines are functionally unbundled.
18 C.F.R. § 157.14(a)(11): Exhibit H-Total Gas Supply Data.	Not needed now that natural gas pipelines are functionally unbundled.
18 C.F.R. § 157.202(b)(9): Right-of-way Grantor Defines “right of way grantor”	Not needed as the term is not used in the Commission’s regulations outside of one instance and has a commonly understood meaning.
18 C.F.R. § 157.218: Changes in Customer Name. Requires a certificate holder to submit any customer names changes each year in its annual report.	Redundant, as information is already required under 18 C.F.R. § 154.111 (Index of customer).
18 C.F.R. § 287.101: Rules Generally Applicable to Powerplant and Industrial Fuel Use	Issued under repealed statute.
18 C.F.R. § 375.104, 375.105 Transfer of proceedings from other agencies to the Commission, Filings.	Transitional regulations after creation of the Commission and the Department of Energy; no longer needed.
18 C.F.R. § 385.101(b)(3): Rule 101 Exceptions.	Refers to 49 C.F.R. X, which the Commission no longer relies upon.

18 C.F.R. § 385.504(b)(19): Duties and powers of presiding officers (Rule 504), Powers- Rule on motions of reconsideration of an initial decision as provided in Rule 717.	Not needed as Rule 717 has been removed.
18 C.F.R. § 385.602(c)(1)(ii): Submission of settlement offers (Rule 602), Contents of Offer.	Explanatory statement requirement is not needed as they are largely duplicative of the settlement agreement itself.
18 C.F.R. § 385.902(b)-(c): Interim remedial order for immediate compliance, Order of disallowance.	Not needed as they reference orders issued pursuant to repealed regulations.
18 C.F.R. § 385.904(b): Commencement of proceeding (Rule 904).	Not needed as interim remedial orders are no longer issued.
18 C.F.R. § 385.915: Off-the-record communications.	Not needed as the broader Rule 2201 applies to all off-record communications.
18 C.F.R. § 385.1012: Off-the-record Communications (Rule 1012).	Not needed as the broader Rule 2201 applies to all off-record communications.
18 C.F.R. § 36.1(b)(1): Notice provisions applicable to applications for transmissions services under section 211 of the Federal Power Act.	Form of notice no longer needed.

18 C.F.R. § 153.20(c): Where to file paper copies of export/import applications.	Form of notice no longer needed.
18 C.F.R. § 157.6(a)(2): Requires providing a paper copy of maps and diagrams.	Form of notice no longer needed.
18 C.F.R. § 157.6(b)(7): Requires applicants to provide a form of notice for the <i>Federal Register</i> .	Form of notice no longer needed.
18 C.F.R. § 157.205(b)(5): A form of notice of the application suitable for publication in the <i>Federal Register</i> in accordance with the specifications in § 385.203(d).	Form of notice no longer needed.
18 C.F.R. § 300.10(a)(1): Application for confirmation and approval of the Rates of Federal Power Marketing Administrations.	Form of notice no longer needed.
18 C.F.R. § 366.4(b)(1), (b)(3), (c)(1), and (c)(2): FERC-65A, exemption notification, and FERC-65-B waiver notification	Notice requirements no longer needed.
18 C.F.R. § 366.7(a) and (7)(b): Procedures for obtaining exempt wholesale generator and foreign utility company status.	Forms of notice no longer needed.

18 C.F.R. § 385.203(d): Contents of pleadings and tariff or rate filings (Rule 203), Form of notice.	Form of notice no longer required.
18 C.F.R. § 385.206(b)(10): Complaints (Rule 206), Form of notice.	Form of notice no longer required.
18 C.F.R. §§ 1101-1117: Subpart K – Petitions for Adjustments Under the Natural Gas Policy Act	These 17 rules related to the adjustment provisions of the Natural Gas Policy Act that have been repealed, and thus these regulations are obsolete.

Categories



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