

Energy, Infrastructure, Project and Asset Finance

Summary of FERC Meeting Agenda

April 2014

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's April 17, 2014 meeting, pursuant to the agenda as issued on April 10, 2014. Agenda item E-9 has not been summarized as it was omitted from the agenda.

Administrative Items

A-1: Docket No. AD02-1-000

This administrative docket addresses Agency Business Matters.

A-2: Docket No. AD02-7-000

This administrative docket addresses Customer Matters, Reliability, Security and Market Operations.

Electric Items

E-1: PacifiCorp, Docket No. ER13-64-001; Deseret Generation & Transmission Cooperative, Inc., Docket No. ER13-65-001; NorthWestern Corporation, Docket No. ER13-67-001; Portland General Electric Company, Docket No. ER13-68-001; Idaho Power Company, Docket No. ER13-127-002

These dockets involve the above-named parties' second regional Order No. 1000 (*Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*) compliance filings submitted September 16, 2013. Agenda item E-1 may be an order on the compliance filings.

E-2: Southern California Edison Company, Docket No. ER14-1331-000

On February 18, 2014, Southern California Edison Company (SoCalEd) submitted an unexecuted pro forma Small Generator Interconnection Agreement (SGIA) between SoCalEd and SEPV Mission Creek, LLC (SEPV). SEPV protested the SGIA's inclusion of certain Distribution Upgrades as unjust, unreasonable and unduly discriminatory. Agenda item E-2 may be an order on the unexecuted SGIA.

E-3: DATC Path 15, LLC, Docket Nos. ER14-1332-000, EL14-33-000

On February 18, 2014, DATC Path 15, LLC submitted a revised Appendix I to its Transmission Owner Tariff to reflect a proposed rate reduction to its Base Transmission Revenue



Each month, White & Case provides brief summaries of the agenda items for the Federal Energy Regulatory Commission's monthly meeting.

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Requirement (TRR). DATC Path 15 stated that the proposed revised TRR is consistent with an Offer of Settlement filed on March 8, 2012, in Docket Nos. ER11-2909-000, et al., and reflects the recovery of the annual revenue requirement for DATC Path 15's ownership interest in the transmission service rights associated with the transmission facility upgrade in the Path 15 transmission corridor located in California. Parties filed protests and comments regarding the proposed TRR and requested hearing and settlement judge procedures. Agenda item E-3 may be an order on the proposed TRR (Docket No. ER14-1332-000) and/or an order establishing hearing and settlement judge procedures (Docket No. EL14-33-000).

E-4: Florida Power & Light Company, Docket No. ER14-354-000

On November 8, 2013, Florida Power & Light Company (FPL) submitted its Order No. 764 (*Integration of Variable Energy Resources*) compliance tariff filing. Agenda item E-4 may be an order on FPL's compliance filing.

E-5: PJM Interconnection, L.L.C., Docket No. ER14-381-000

On November 12, 2013, PJM Interconnection, L.L.C. (PJM) submitted its Order No. 764 compliance tariff filing. Agenda item E-5 may be an order on PJM's compliance filing.

E-6: Midcontinent Independent System Operator, Inc., Docket No. ER13-2233-001

On December 27, 2013, Midcontinent Independent System Operator, Inc. (MISO) submitted a revised Order No. 764 compliance tariff filing. Agenda item E-6 may be an order on MISO's compliance filing.

E-7: Southwest Power Pool, Inc., Docket No. ER13-1292-001

On November 12, 2013, Southwest Power Pool, Inc. (SPP) submitted a revised Order No. 764 compliance tariff filing. Agenda item E-7 may be an order on SPP's compliance filing.

E-8: NorthWestern Corporation, Docket Nos. ER10-1138-001, ER12-316-000

These dockets involve NorthWestern Corporation's (NorthWestern) revised tariff sheets regarding Regulation and Frequency Response Service. Specifically, NorthWestern proposed to revise its Open Access Transmission Tariff (OATT) to recover the fixed and variable revenue requirements of a particular generating station. On December 30, 2011, the revised tariff sheets were accepted in part, rejected in part and suspended pending hearing and settlement judge procedures, and an Initial Decision was issued on

September 21, 2012. Parties filed briefs on exceptions and briefs opposing exceptions in the fall of 2012. In addition, parties filed for rehearing of the December 2011 order. Agenda item E-8 may be an order on the Initial Decision and/or an order on rehearing.

E-10: California Wind Energy Association and First Solar, Inc. v. California Independent System Operator Corporation and Southern California Edison Company, Docket No. EL14-14-000

This docket involves a complaint filed in December 2013 by the California Wind Energy Association and First Solar, Inc. (Complainants) against the California Independent System Operator Corporation (CAISO) and SoCalEd alleging that a pending transfer of certain transmission assets will have unjust and unreasonable rate consequences for generators affected by the transfer. The Complainants requested that the Commission direct CAISO to retain control over the transmission assets. Agenda item E-10 may be an order on the complaint.

E-11: Arkansas Electric Cooperative Corporation v. Oklahoma Gas and Electric Company, Docket No. EL14-13-000

This docket stems from a complaint filed by Arkansas Electric Cooperative Corporation (AECC) against Oklahoma Gas and Electric Company (OG&E) over OG&E's proposed Production Formula Rate, which AECC claims is unjust and unreasonable. On February 24, 2014, OG&E filed a Joint Uncontested Offer of Settlement purporting to resolve all contested issues in the proceeding. Agenda item E-11 may be an order on the complaint and/or the Offer of Settlement.

Hydro Items

H-1: Duke Energy Carolinas, LLC, Docket No. P-2232-522

This docket involves an August 11, 2009 Petition for Declaratory Order filed by Duke Energy Carolinas, LLC (Duke) regarding a request by Duke for a new license to operate the Catawba-Wateree Hydroelectric Project and implement a Comprehensive Relicensing Agreement regarding operation of the project. Hundreds of filings have been made regarding Duke's petition and request for a new license by interested parties and federal and state agencies, and Duke has submitted supplementation information on several occasions. Agenda item H-1 may be an order on the petition and/or supplemental filings.

H-2: Idaho Power Company, Docket No. P-18-095

On August 11, 2011, Idaho Power Company (IPC), the licensee for the Twin Falls Hydroelectric Project, submitted a request to amend the definition of “peak viewing times” in Article 410 of the license to eliminate the requirement for aesthetic flows during the low visitation season (Sept. – Mar.) and reduce the number of viewing hours during the high visitation season (Apr. – Aug.). IPC submitted additional information in September 2013 pursuant to a Commission directive. Agenda item H-2 may be an order on IPC’s request.

H-3: Appalachian Power Company, Docket No. P-2210-240

This docket involves rehearing of an Order Modifying and Approving Updated Shoreline Management Plan that was initially filed by Appalachian Power Company. In particular, rehearing was granted for further consideration regarding the updated Definition of Structure that now includes an “automatic boat cover” as an example of an item considered as part of a “structure.” Agenda item H-3 may be an order on rehearing.

H-4: South Carolina Electric and Gas Company, Docket No. P-516-480

On January 14, 2014, the Commission issued a Notice Dismissing Motion to Intervene and Rejecting Request for Rehearing. The notice denied an individual intervenor status and a request for rehearing of a December 11, 2013 order in the proceeding that approved a request to convey a waterfront parcel inside the boundary of the Saluda Hydroelectric Project. Rehearing for further consideration was granted based upon the claim that the Commission erred by, first, denying the party intervenor status and thus the request for rehearing and, second, granting the request without establishing any restrictions on the future use of the parcel by another party, which it was claimed leaves other parties aggrieved by the loss of any possibility of future recreational access to the parcel under the public free access Article to the project license. Agenda item H-4 may be an order on rehearing.

H-5: Sutton Hydroelectric Company LLC, Docket No. P-12693-004

On January 24, 2014, the Commission issued an Order Denying Preliminary Permit Application regarding a request by Sutton Hydroelectric Company LLC (Sutton Hydro) for a third preliminary permit to study the feasibility of the proposed Sutton Hydroelectric Project. The project would be located at the US Army Corps of Engineers (Corps) Sutton Dam on the Elk River in Braxton County, West Virginia. The Commission denied the application on the basis that Sutton Hydro has already had six years to study the feasibility of the project and a third permit, which would effectively reserve the site for a total of nine years, would allow site banking. Advanced Hydro Solutions LLC (Sutton Hydro’s parent) filed for rehearing stating that extraordinary circumstances in play have affected the development of the project, and therefore a third permit is warranted. Agenda item H-5 may be an order on rehearing.

H-6: KC Pittsfield LLC, Docket No. P-14493-001

On February 12, 2014, the Commission denied the application of KC Pittsfield LLC to study the feasibility of its proposed Drum-Spaulding Small Hydro Project No. 14493, which would consist of three developments. In its determination, FERC found that the current application was actually a request for an extension of a previous preliminary permit granted for the same project in Docket No. P-13225 to KC Pittsfield’s affiliate, KW Sackheim, based upon the current application’s similarities in design, location and the project’s parties of interest. KC Pittsfield filed for rehearing of the February order. Agenda item H-6 may be an order on rehearing.

H-7: ECOsponsible, Inc., Docket No. CD14-15-001

On February 20, 2014, FERC issued an order rejecting a Notice of Intent to Construct a Qualifying Conduit Hydropower Facility for the proposed Caughdenoy Lock Hydro Project, located in Onondaga County, New York. FERC stated the proposed project would not generate electricity using a “conduit” and therefore rejected the notice. ECOsponsible, Inc. filed for rehearing of FERC’s finding. Agenda item H-7 may be an order on rehearing.

Certificate Items

C-1: Trunkline Gas Company, LLC, Docket No. CP12-491-001

On November 7, 2013, the Commission granted the request by Trunkline Gas Company, LLC (Trunkline) to abandon by sale to an affiliate approximately 770 miles of mainline transmission pipe and appurtenant facilities for conversion to oil pipeline service. In addition, Trunkline was authorized to abandon in place certain mainline compression facilities that would no longer be used after the pipeline facilities were abandoned. The Michigan Public Service Commission and Consumers Energy Company filed for rehearing of the November order. Agenda item C-1 may be an order on rehearing.

C-2: Transcontinental Gas Pipe Line Company, LLC, Docket No. CP13-523-000

On July 18, 2013, Transcontinental Gas Pipe Line Company, LLC (Transco) filed for a certificate of public convenience and necessity (CPCN) to construct and operate the Mobile Bay South III Expansion Project, an expansion of the southbound transportation capacity on Transco's existing Mobile Bay Lateral. Transco supplemented the initial application on several occasions. In addition, an Environmental Assessment was issued in January 2014. Agenda item C-2 may be an order on Transco's application for a CPCN.

C-3: Panhandle Eastern Pipe Line Company, LP, Docket No. CP14-32-000

On December 19, 2013, Panhandle Eastern Pipe Line Company, LP (Panhandle) filed an abbreviated application for approval to abandon by removal certain compressor units and to abandon by removal and/or in place related ancillary equipment at its Mouser Compressor Station located in Texas County, Oklahoma. Panhandle supplemented the initial application in January and February of 2014. In addition, an Environmental Assessment was issued in March 2014. Agenda item C-3 may be an order on Panhandle's request.

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