

Energy, Infrastructure, Project and Asset Finance

Summary of FERC Meeting Agenda

April 2015

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's April 16, 2015 meeting, pursuant to the agenda as issued on April 9, 2015. Agenda Items E-9, E-10 and E-14 have not been summarized as they were 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.

A-3: Docket No. AD15-12-000

This docket addresses Transmission Investment Metrics.

Electric Items

E-1: Communications Reliability Standards (Docket No. RM14-13-000).

On May 14, 2014, the North American Electric Reliability Corporation (NERC) filed a petition requesting approval of proposed Reliability Standards COM-001-2 (Communications) and COM-002-4 (Operating Personnel Communications Protocols). Agenda Item E-1 may be an order on NERC's petition.

E-2: Electronic Filing Protocols for Commission Forms (Docket No. AD15-11-000).

Agenda Item E-2 is a new docket related to electronic filing protocols for FERC forms.

E-3: Real Power Balancing Control Performance Reliability Standard (Docket No. RM14-10-000).

On April 2, 2014, NERC filed a petition requesting approval of proposed Reliability Standard BAL-001-2 (Real Power Balancing Control Performance). Agenda Item E-3 may be an order on NERC's petition.



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

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E-4: Standards for Business Practices and Communication Protocols for Public Utilities (Docket No. RM05-5-024).

On September 18, 2014, FERC issued a final rule revising its regulations to incorporate by reference (with certain exceptions) Version 003 of the Standards for Business Practices and Communication Protocols for Public Utilities adopted by the Wholesale Electric Quadrant of the North American Energy Standards Board. Several parties sought rehearing of the final rule. Agenda Item E-4 may be an order on rehearing.

E-5: Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance Reliability Standard (Docket No. RM15-9-000).

On December 18, 2014, NERC filed a petition requesting approval of proposed Reliability Standard PRC-005-4 (Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance). Agenda Item E-5 may be an order on NERC's petition.

E-6: Disturbance Monitoring and Reporting Requirements Reliability Standard (Docket No. RM15-4-000).

On December 15, 2014, NERC filed a petition requesting approval of proposed Reliability Standard PRC-002-2 (Disturbance Monitoring and Reporting Requirements). Agenda Item E-6 may be an order on NERC's petition.

E-7: Grand River Dam Authority (Docket No. AD15-6-000).

On February 19, 2015, the Grand River Dam Authority (GRDA) submitted a request to the Environmental Protection Agency (EPA) for a one-year extension to comply with the National Emissions Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units. GRDA states the one-year extension is necessary to allow coal-fired Unit No. 1 at the Grand River Energy Center located near Chouteau, Oklahoma, to continue to operate for an additional year while the construction of a new, highly efficient natural gas-fired combined cycle combustion turbine is completed as a replacement for Unit No. 1. Concurrently with its request to EPA, GRDA also made an informational filing with the Commission to allow FERC to comment on its pending request before the EPA. Agenda Item E-7 may be an order commenting on GRDA's request before the EPA.

E-8: New England Power Company (Docket No. ER15-418-001).

On November 17, 2014, New England Power Company d/b/a National Grid (NEP) submitted an amendment to the formula rates for integrated facilities services (IFA Amendment) under NEP's FERC Electric Tariff. On January 15, 2015, Commission Staff informed NEP that the IFA Amendment filing was deficient and identified information needed for the Commission to process the IFA Amendment filing. On February 18, 2015, NEP filed a response to Commission Staff's January 15 information request. Agenda Item E-8 may be an order on the IFA Amendment.

E-11: Virginia Electric and Power Company (Docket No. QM15-1-000).

On October 31, 2014, as amended on February 11, 2015, Virginia Electric and Power Company (Dominion Virginia Power) submitted an application pursuant to section 210(m) of the Public Utility Regulatory Policies Act of 1978 to terminate its mandatory purchase obligation under section 292.310 of the Commission's regulations to enter into new contracts or obligations to purchase energy and capacity with respect to each of nine 4.99 MW net capacity qualifying facilities owned by Community Energy Solar, LLC located in North Carolina. Numerous parties filed motions to intervene and comments. Agenda Item E-11 may be an order on Dominion Virginia Power's application.

E-12: Consumers Energy Company (Docket No. ER15-910-000).

On January 23, 2015, Consumers Energy Company (Consumers) submitted an application requesting that the Commission approve the reclassification by the Michigan Public Service Commission of certain facilities from distribution to transmission under Order No. 888's Seven Factor Test. Several parties filed motions to intervene in the proceeding. Agenda Item E-12 may be an order on Consumers' application.

E-13: Wolverine Power Supply Cooperative, Inc. (Docket No. ER15-976-000).

On February 4, 2015, Wolverine Power Supply Cooperative, Inc. (Wolverine) submitted an application to approve the reclassification of certain transmission facilities and include the revenue requirements associated with such facilities in the Michigan Joint Zone for rate recovery purposes under the Midcontinent Independent System Operator, Inc. (MISO) Tariff. Numerous parties filed motions to intervene. Agenda Item E-13 may be an order on Wolverine's application.

E-15: PJM Interconnection, L.L.C., Duke Energy Ohio, Inc. and Duke Energy Kentucky, Inc. (Docket Nos. ER12-91-008, ER12-92-008).

On October 14, 2011, Duke Energy Ohio, Inc. and Duke Energy Kentucky, Inc. (collectively, the Duke Companies) jointly filed proposed modifications to the PJM Interconnection, L.L.C. (PJM) Open Access Transmission Tariff in connection with the Duke Companies' move from the MISO Regional Transmission Organization (RTO) to the PJM RTO. The Duke Companies also proposed modifications to other related PJM agreements. American Municipal Power, Inc. (AMP) and Indiana Municipal Power Agency (IMPA) protested the filing by raising various issues, including the Duke Companies' treatment of the costs related to their transition to PJM, and their proposal to still use the MISO-wide rate of return on equity (ROE) of 12.38 percent their proposed ROE in PJM. On April 5, 2012, the Duke Companies filed a settlement agreement with the Commission that resolved all issues in the case between the Duke Companies and IMPA. On April 24, 2012, FERC issued an order that accepted in part and rejected in part the Duke Companies' October 14, 2011 filing, established hearing and settlement judge procedures for the Duke Companies' ROE, and approved the settlement agreement between the Duke Companies and IMPA. On May 24, 2012, the Duke Companies filed a request for rehearing of the Commission's April order. On February 4, 2013, the Duke Companies submitted another settlement to resolve the remaining issues in the case with AMP. On September 19, 2013, the Commission rejected the settlement. On October 18, 2013, AMP filed for rehearing of the September order rejecting settlement. On October 30, 2014, after further settlement discussions, the Duke Companies filed, on behalf of themselves and the active parties in the proceedings, an executed settlement agreement and related documents that resolve all issues in the case. On December 10, 2014, the Presiding Administrative Law Judge certified the settlement to the Commission as uncontested. Agenda Item E-15 may be an order on the certification of uncontested settlement.

E-16: San Francisco Bay Area Rapid Transit District v. Pacific Gas and Electric Co. (Docket No. EL15-30).

On December 12, 2014, San Francisco Bay Area Rapid Transit Co. (BART) filed a complaint under Sections 206 and 306 of the FPA against Pacific Gas and Electric Company (PG&E) requesting FERC to compel PG&E to continue providing electronic tags (e-Tags). The complaint alleges the e-Tags are needed so PG&E can transmit electricity across the California-Oregon border for delivery to BART in the San Francisco area. According to BART, without the e-Tags, PG&E will be unable to transmit electricity to BART in violation of a network transmission service agreement between the two parties. Agenda Item E-16 may be an order on the complaint.

E-17: New York Independent System Operator, Inc. (Docket Nos. ER13-102-005,-006).

On July 17, 2014, FERC issued an order accepting tariff revisions filed by New York Independent System Operator, Inc. (NYISO). FERC ordered NYISO to submit certain tariff revisions following its April 18, 2013 order on NYISO's Order No. 1000 regional transmission planning obligations. Now certain parties, including the New York State Public Service commission, have filed requests for rehearing of the FERC's July 17, 2014 order, arguing FERC should have rejected the tariff revisions because they failed to satisfy the April 18, 2013 order. Agenda Item E-17 may be an order on the requests for rehearing.

E-18: Michigan Electric Transmission Company, LLC (Docket No. EC12-15-001).

On April 5, 2012, FERC issued an order authorizing six transactions in which Michigan Electric Transmission Company, LLC (METC) acquired certain facilities from Consumers. After METC filed its application requesting authorization for the transaction, Consumers intervened, requesting FERC clarify whether one of the six proposed transactions required FERC approval and, if so, whether approval was previously granted in an order in Docket No. EC02-23. FERC's April 12 order did not address Consumers' questions. Consumers then filed a request for rehearing seeking to have FERC address those issues. Agenda Item E-18 may be an order on the request for rehearing.

E-19: Astoria Generating Company L.P., et al. (Docket Nos. EL11-42-001, ER12-2414 et seq.).

On June 22, 2012, FERC issued an order on a complaint filed against NYISO regarding NYISO's implementation of buyer-side market power mitigation provisions. Following that decision, several parties requested clarification and rehearing on certain discrete aspects of the order. In addition, NYISO submitted certain compliance filings containing tariff revisions as required by FERC's June 22 order. Agenda Item E-19 may be an order on the requests for clarification and rehearing and/or NYISO's compliance filing.

E-20: Astoria Generating Company, L.P., TC Ravenswood, LLC v. New York Independent System Operator, Inc. (Docket No. EL11-50-001).

On September 10, 2012, FERC issued an order on a complaint brought by Astoria Generating Co., L.P. (Astoria) and TC Ravenswood, LLC against NYISO regarding NYISO's implementation of its buyer-side mitigation rules. On October 10, 2012, Astoria and TC Ravenswood filed a request for clarification or rehearing regarding certain mitigation exemption tests. Agenda Item E-20 may be an order on the request for clarification or rehearing.

E-21: Southwest Power Pool, Inc. (Docket Nos. ER13-366-004, -005, ER13-367-002).

On July 18, 2013, FERC issued an order accepting Southwest Power Pool, Inc.'s (SPP) compliance filings submitted in response to the transmission planning and cost allocation requirements of Order No. 1000. Following requests for rehearing, on October 16, 2014, FERC issued an order granting in part and denying in part rehearing and directed further compliance filings. In response to the order on rehearing, LS Power Transmission, LLC requested rehearing of the October 16 order. In addition, SPP also submitted a compliance filing and proposed tariff revisions in accordance with FERC's order. Agenda Item E-21 may be an order on the request for rehearing and/or SPP's proposed revised tariffs.

Miscellaneous Item

M-1: Coordination of the Scheduling Processes of Interstate Natural Gas Pipelines and Public Utilities (Docket No. RM14-2-000).

On March 20, 2014, the Commission, as part of a series of orders to revise its regulations in 18 C.F.R. §284.12 to better coordinate the scheduling of natural gas and electricity markets in light of increased reliance on natural gas for electric generation, issued a Notice of Proposed Rulemaking to revise the operating day and scheduling practices used by interstate pipelines to schedule natural gas transportation service. Agenda Item M-1 may be an order relating to the proposed rule.

Gas Item

G-1: Cost Recovery Mechanisms for Modernizations of Natural Gas Facilities (PL15-1-000).

On November 20, 2014, the Commission issued a proposed policy statement to explain the standards the Commission would require interstate natural gas pipelines to satisfy in order to establish simplified mechanisms, such as trackers or surcharges, to recover costs associated with replacing old and inefficient compressors and leak-prone pipes and performing other infrastructure improvements and upgrades to enhance the efficient and safe operation of their pipelines. Agenda Item G-1 may be an order on the proposed policy statement.

Hydro Item

H-1: Sabine River Authority of Texas; Sabine River Authority, State of Louisiana (P-2305-044).

On August 29, 2014, the Commission issued a new license for the Toledo Bend Project, FERC Project No. 2305 (Project). On September 29, 2014, co-licensees Sabine River Authority of Texas and Sabine River Authority, State of Louisiana sought rehearing or clarification of the license order for the Project. On October 27, 2014, the Commission granted rehearing for further consideration. Agenda Item H-1 may be an order on the request for rehearing of the license order.

Certificate Items

C-1: Enable Gas Transmission, LLC (CP14-503-000).

On June 20, 2014, Enable Gas Transmission, LLC (EGT), pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), and EGT's blanket certificate issued in Docket Nos. CP82-384-000 and CP82-384-001, submitted a request to install a new pipeline lateral of approximately 16.2 miles of 24-inch diameter pipeline located in McClain and Grady Counties, Oklahoma. Agenda Item C-1 may be an order on EGT's Application under Blanket Certificate.

C-2: Southwest Supply Header, LLC (CP14-87-001).

On February 14, 2014, pursuant to Section 7(c) of the Natural Gas Act, Southeast Supply Header, LLC (SESH) submitted an Abbreviated Application for a Certificate of Public Convenience and Necessity for its proposed expansion project that consists of an increase in design capacity on the SESH mainline by 45,000 dekatherms per day and the installation of a new booster compressor station and related piping, and other appurtenant facilities, in Copiah County, Mississippi. Agenda Item C-2 may be an order on SESH's application.

C-3: Atmos Energy Corporation v. America Midsteam (Midla), LLC (RP14-638-000); American Midsteam (Midla), LLC (CP14-125-000, CP14-126-000, RP14-689-000, RP14-689-001, RP14-1049-000, RP14-1049-001, RP14-1049-002 (not consolidated)).

On December 11, 2014, Midla, on behalf of itself and other supporting parties, submitted for Commission approval an offer of settlement that would resolve all the issues in the above dockets. These proceedings are: (1) Docket No. RP14-638-000, in which Atmos Energy Corp. filed a complaint against Midla;

(2) Docket No. CP14-125-000, in which Midla requested authorization to abandon its mainline facilities (including laterals); (3) Docket No. CP14-126-000, in which Midla requested authorization to abandon the remaining parts of its system, namely, the T-32 and Baton Rouge Systems on the northern and southern parts of Midla's system by transfer to Mid-Louisiana Gas Transmission, LLC, an affiliate of Midla; (4) Docket No. RP14-689-000, et al., in which Midla sought, and the Commission conditionally granted, approval of two non-conforming agreements with two Entergy entities; and (5) Docket No. RP14-1049-000 et al., in which Midla sought, and the Commission conditionally granted, approval of the authorization for Midla to obtain off-system capacity on upstream and downstream pipelines. Agenda Item C-3 may be an order on the offer of settlement.

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