

Energy, Infrastructure, Project and Asset Finance

Summary of FERC Meeting Agenda

January 2014

In This Issue...

- Administrative Items
- Electric Items
- Gas Item
- Certificate Item

Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's January 16, 2014, meeting, pursuant to the agenda as issued on January 9, 2014. Agenda items E-6, E-7 and E-8 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. AD13-9-000

This administrative docket is the Hydropower Regulatory Efficiency Act of 2013.

A-4: Docket No. AD14-5-000

This administrative docket addresses recent weather effects on the Bulk Power System.

Electric Items

E-1: ISO New England Inc., Docket No. ER14-329-000

This docket involves ISO New England Inc.'s (ISO NE) November 5, 2013, Informational Filing for Qualification in the Forward Capacity Market for the 2017-2018 Capacity Commitment Period. Parties filed comments and/or protests on determinations set forth in the Informational Filing. Agenda item E-1 may be an order on the Informational Filing.



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-2: Frequency Response and Frequency Bias Setting Reliability Standard, Docket No. RM13-11-000

On July 18, 2013, the Commission issued a Notice of Proposed Rulemaking (NOPR) proposing to approve Reliability Standard BAL-003-1 (Frequency Response and Frequency Bias Setting) submitted by the North American Electric Reliability Corporation (NERC). The proposed Reliability Standard sets forth the amount of frequency response needed for continued reliable operations in each Balancing Authority within an Interconnection. Agenda item E-2 may be a Final Order.

E-3: Reliability Standard for Geomagnetic Disturbance, Docket No. RM14-1-000

On November 14, 2013, NERC submitted proposed Reliability Standard EOP-010-1 (Geomagnetic Disturbance Operations), as well as the associated implementation plan, Violation Risk Factors and Violation Severity Levels. Agenda item E-3 may be an NOPR stemming from the proposed Reliability Standard.

E-4: North American Electric Reliability Corporation, Docket No. RD13-12-000

On September 18, 2013, NERC and the Texas Reliability Entity, Inc. (TRE) filed for approval of proposed Regional Reliability Standard BAL-001-TRE-01, Primary Frequency Response in the ERCOT Region, as well as the associated implementation plan, Violation Risk Factors and Violation Severity Levels. The filing was noticed on September 23, 2013, and no comments were received. Agenda item E-4 may be an order on the proposed Reliability Standard.

E-5: Ohio Power Company and AEP Generation Resources, Inc., Docket No. EC13-26-001

On April 29, 2013, the Commission issued an Order Conditionally Authorizing Disposition of Jurisdictional Facilities conditionally allowing for an internal corporate reorganization to separate Ohio Power Company's generation and power marketing businesses from its transmission and distribution businesses. The parties notified the Commission that the transaction closed on December 31, 2013. One party filed for rehearing or clarification regarding whether the transfer price of the assets was consistent with the Federal Power Act. Agenda item E-5 may be an order on rehearing.

E-9: Rail Splitter Wind Farm, LLC v. Ameren Services Company and Midwest Independent Transmission System Operator, Inc., Docket No. EL12-11-001

This docket involves a complaint filed by Rail Splitter Wind Farm, LLC (Rail Splitter) in which Rail Splitter alleged that Ameren Services Company's (Ameren) assessment of a monthly carrying charge pursuant to a Facilities System Agreement (FSA) is unjust, unreasonable and unduly discriminatory. Rail Splitter's complaint alleged that the monthly carry charge set forth in the FSA is a result of Ameren selecting Option 1 under Attachment FF of the Midwest Independent Transmission System Operator, Inc.'s (MISO) Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff) (in order to recover network upgrade costs initially funded by Rail Splitter), which was ultimately found in another proceeding to be unjust, unreasonable and unduly discriminatory and was ordered to be removed from the MISO Tariff effective March 22, 2011. Rail Splitter requested that Ameren be ordered to refund all amounts collected in excess of the just and reasonable charge under the FSA dating back to March 22, 2011. On January 17, 2013, the Commission denied the relief sought by Rail Splitter and found that the *Mobile-Sierra* presumption does not apply to the FSA. Rail Splitter and Ameren filed for rehearing. Agenda item E-9 may be an order on rehearing.

E-10: Kansas Municipal Energy Agency v. Sunflower Electric Power Corporation, Mid-Kansas Electric Company, LLC, Southwest Power Pool, Inc., Docket No. EL13-84-001

On September 30, 2013, the Commission dismissed a complaint filed by Kansas Municipal Energy Agency (KMEA) against Sunflower Electric Power Corporation (Sunflower), Mid-Kansas Electric Company, LLC, and Southwest Power Pool, Inc. (SPP) alleging that Sunflower improperly registered certain load and city-owned generation of members of KMEA into the SPP integrated marketplace without proper authorization thereby blocking KMEA from registering as the Market Participant responsible for managing the load and resources. In dismissing the complaint, the Commission determined that the dispute is contract related and for the state court to decide. KMEA filed for rehearing of the Commission's finding. Agenda item E-10 may be an order on rehearing.

Gas Item

G-1: Portland Natural Gas Transmission System, Docket No. RP13-874-001

In May 2013, Portland Natural Gas Transmission System (PNGTS) filed revised tariff sections in order to update and restructure the creditworthiness determinations and financial assurances provisions located in the General Terms and Conditions of its FERC Gas Tariff. The Commission accepted the tariff records but required that PNGTS submit a compliance filing explaining whether the existing tariff definition of “present value” applies to its proposed determination of creditworthiness methodology or explain why the existing definition is inapplicable to the proposed tariff and submit a revised definition and/or applicable tariff modification. PNGTS submitted the compliance filing on June 17, 2013. Agenda item G-1 may be an order on the compliance filing.

Certificate Item

C-1: Dominion Transmission, Inc. and Tennessee Gas Pipeline Company, L.L.C., Docket No. CP13-545-000

On September 6, 2013, Dominion Transmission, Inc. and Tennessee Gas Pipeline Company, L.L.C. filed an abbreviated application for an order approving abandonment of a previously authorized capacity lease agreement. Agenda item C-1 may be an order on the abbreviated application.

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