

Energy, Infrastructure, Project and Asset Finance

# Summary of FERC Meeting Agenda

March 2012

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*Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's March 15, 2012 meeting, pursuant to the agenda as issued on March 8, 2012. Agenda items E-10, E-11, E-13, E-23, E-24, E-30 and E-31 have not been summarized as they were omitted from the agenda.*

## Administrative Items

### A-1: (Docket No. AD02-1-000)

This administrative item will address Agency Business Matters.

### A-2: (Docket No. AD02-7-000)

This administrative item will address Customer Matters, Reliability, Security and Market Operations.

## Electric Items

### E-1: New York Independent System Operator, Inc. (Docket No. ER12-718-000)

On December 30, 2011, the New York Independent System Operator, Inc. (NYISO) and PJM Interconnection, L.L.C. (PJM) filed a revised Joint Operating Agreement (JOA) addressing market-to-market (M2M) provisions to be set forth in NYISO's Open Access Transmission Tariff. FERC ordered NYISO to implement M2M coordination to improve efficient energy transfers across the seams between NYISO and its neighbors in a prior proceeding. NYISO also proposed to revise its Market Administration and Control Area Services Tariff to remove a congestion management compliance program that will be superseded by the M2M provisions in the JOA. The PSEG Companies (PSEG) filed a protest arguing that the M2M proposal would artificially distort prices for PJM generation resources and create another seam. Certain transmission owners, the Indicated New York Transmission Owners, submitted comments stating the M2M should address M2M entitlements for transmission more sufficiently. Agenda item E-1 may be an order on the JOA and NYISO's proposed tariff revisions.



Each month, White & Case provides brief summaries of the agenda items for the Federal Energy Regulatory Commission's monthly meeting. For questions relating to any of these matters, please do not hesitate to contact any of the lawyers listed below:

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### **E-2: Exelon Corporation, Constellation Energy Group, Inc. (Docket Nos. EC11-83-000, -001)**

On May 20, 2011, Exelon Corporation (Exelon) and Constellation Energy Group, Inc. (CEG) filed a Joint Application for Authorization of Disposition of Jurisdictional Assets and Merger Under Sections 203(a)(1) and 203(a)(2) of the Federal Power Act (Proposed Transaction). The proposed merger and disposition will be effectuated by the merger of CEG with a wholly owned subsidiary of Exelon, with CEG continuing as the surviving subsidiary of Exelon. Numerous parties intervened, and several filed comments and protests. On March 9, 2012, FERC issued an order conditionally authorizing the Proposed Transaction.

### **E-3: North American Electric Reliability Corporation (Docket Nos. RC11-6-000, RC12-1-000, RC12-2-000, RC12-6-000, RC12-7-000)**

On September 30, 2011, the North American Electric Reliability Corporation (NERC) filed a “Petition Requesting Approval of New Enforcement Mechanisms and Submittal of Initial Informational Filing Regarding NERC’s Efforts to Refocus Implementation of Its Compliance Monitoring and Enforcement Program” in Docket No. RC11-6-000. NERC proposed a new enforcement mechanism, which it calls the “Find, Fix, Track and Report” or “FFT” approach, for resolving possible violations that pose lesser risk to the reliability of the Bulk Power System and that have been remediated. Instead of filing a full Notice of Penalty for each such violation, NERC proposed to file violations that qualify for an FFT approach in a summary spreadsheet for FERC to process. NERC filed its initial FFT with the Petition. Numerous parties intervened, and many submitted comments. NERC has proceeded to file FFTs in the subsequent months in the other listed dockets. Agenda item E-3 may be an order on NERC’s proposed revised enforcement mechanism.

### **E-4: Transmission Planning Reliability Standards (Docket No. RM12-1-000)**

On October 19, 2011, NERC filed a petition seeking FERC approval of revised Reliability Standard TPL-001-2 – Transmission System Planning Performance Requirements, along with associated definitions and an implementation plan for the proposed Reliability Standard. NERC also sought to retire four existing reliability standards (TPL-001-1 – System Performance Under Normal (No Contingency) Conditions (Category A); TPL-002-1b – System Performance Following Loss of a Single Bulk Electric System Element (Category B); TPL-003-1a – System Performance Following Loss of Two or More Bulk Electric System Elements (Category C); and TPL-004-1 – System Performance

Following Extreme Events Resulting in the Loss of Two or More Bulk Electric System Elements (Category D)), along with the withdrawal of two pending Reliability Standards (TPL-005-0 – Regional and Interregional Self-Assessment Reliability Reports; and TPL-006-0.1 – Data from the Regional Reliability Organization Needed to Assess Reliability). NERC stated that the proposed new Reliability Standard established important transmission planning performance requirements to plan the Bulk Electric System reliably in response to potential contingencies. NERC also explained that the new proposed Reliability Standard subsumes and/or supersedes the Reliability Standards that NERC asked to be abandoned or withdrawn. Agenda item E-4 may be an order on NERC’s petition.

### **E-5: Transmission Planning Reliability Standards (RM11-18-000)**

On March 31, 2011, NERC filed a petition seeking FERC approval of four revised Reliability Standards (TPL-001-1 – System Performance Under Normal (No Contingency) Conditions (Category A); TPL-002-1b – System Performance Following Loss of a Single Bulk Electric System Element (Category B); TPL-003-1a – System Performance Following Loss of Two or More Bulk Electric System Elements (Category C); and TPL-004-1 – System Performance Following Extreme Events Resulting in the Loss of Two or More Bulk Electric System Elements (Category D)). At the same time, NERC asked to retire four Reliability Standards (TPL-001-0.1 – System Performance Under Normal (No Contingency) Conditions (Category A); TPL-002-0b – System Performance Following Loss of a Single Bulk Electric System Element (Category B); TPL-003-0a – System Performance Following Loss of Two or More Bulk Electric System Elements (Category C); TPL-004-0 – System Performance Following Extreme Events Resulting in the Loss of Two or More Bulk Electric System Elements (Category D)). Agenda item E-5 may be an order terminating this proceeding in light of NERC’s request to retire the Reliability Standards proposed in this docket in Docket No. RM12-1-000.

### **E-6: Transmission Relay Loadability Reliability Standard (RM11-16-000)**

On March 18, 2011, NERC filed a petition seeking FERC approval of a proposed Protection and Control Reliability Standard, PRC-023-2 – Transmission Relay Loadability (PRC-023-2). NERC explained that the purpose of the Reliability Standard is “to ensure that protective relay settings will not limit transmission loadability, not interfere with system operators’ ability to take remedial action to protect system reliability, and be set to reliably detect all fault

conditions and protect the electrical network from these faults.” NERC also asked for approval of its implementation plan for the Reliability Standard and approval of an addition to its Rules of Procedure, Section 1700 – Challenges to Determinations, which sets forth a process to challenge criticality determinations made by Planning Coordinators. FERC issued a Notice of Proposed Rulemaking on the proposed Reliability Standard on September 15, 2011, and a few entities filed comments. Agenda item E-6 may be an order on the proposed Reliability Standard.

#### **E-7: Automatic Underfrequency Load Shedding and Load Shedding Plans Reliability Standards (Docket No. RM11-20-000)**

On March 31, 2011, NERC filed a petition seeking FERC approval of a proposed Protection and Control Reliability Standard, PRC-006-1 – Automatic Underfrequency Load Shedding and an Emergency Preparedness and Operations Reliability Standard, EOP-003-2 – Load Shedding Plans. NERC also asked FERC to approve the corresponding implementation plans for the proposed Reliability Standards, which incorporate the retirement of the following Reliability Standards on grounds that they will be duplicative once the new Reliability Standards become effective: PRC-006-0 – Development and Documentation of Regional UFLS Programs; PRC-007-0 – Assuring Consistency of Entity Underfrequency Load Shedding Programs; PRC-009-0 – Analysis and Documentation of Underfrequency Load Shedding Performance Following an Underfrequency Event; and EOP-003-1 – Load Shedding Plans. Agenda item E-7 may be an order on the proposed Reliability Standards.

#### **E-8: Revised Public Utility Filing Requirements for Electric Quarterly Reports (RM01-8-012)**

This is a new sub-docket in a rulemaking proceeding FERC initiated on July 26, 2001 regarding public utility filing requirements. On April 25, 2002, FERC issued a Final Rule amending the filing requirements for public utilities under the Federal Power Act to require public utilities to electronically file Electric Quarterly Reports. There have been numerous comments and further issuances in the docket since the Final Rule was issued. Agenda item E-8 may be additional guidance or action regarding the Electric Quarterly Reporting requirement.

#### **E-9: San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services (Docket No. EL00-95-268); Investigation of Practices of the California Independent System Operator and the California Power Exchange Corporation (Docket No. EL00-98-249); Puget Sound**

**Energy, Inc. v. Sellers of Energy and/or Capacity (Docket No. EL01-10-077); Investigation of Wholesale Rates of Public Utility Sellers of Energy and Ancillary Services in the Western Market Systems Coordinating Council (Docket No. EL01-68-043); Investigation of Anomalous Bidding Behavior and Practices in Western Markets (Docket No. IN03-10-077); Fact-Finding Investigation Into Possible Manipulation of Electric and Natural Gas Prices (Docket No. PA02-02-092); American Electric Power Service Corporation (Docket No. EL03-137-038); Enron Power Marketing, Inc. and Enron Energy Services Inc. (Docket No. EL03-180-067); California Independent System Operator Corporation (Docket No. ER03-746-043); State of California, ex rel. Bill Lockyer, Attorney General of the State of California v. British Columbia Power Exchange Corp. (Docket No. EL02-71-040); State of California, ex rel. Edmund G. Brown Jr., Attorney General of the State of California v. Powerex Corp. (f/k/a British Columbia Power Exchange Corp.) et al. (Docket No. EL09-56-017)**

This proceeding stems from events that occurred in the Western Energy Markets from January 1, 2000 through June 20, 2001. On January 17, 2012, the captioned parties filed a Joint Offer of Settlement resolving certain claims against Edison Mission Marketing & Trading, Inc., Edison Source Corporation, Citizens Power Sales, LLC, Peabody Energy Corporation and Gold Fields Mining, LLC (collectively, EMMT) in the proceeding. The settlement generally stipulates that EMMT will pay US\$1,420,487 for the release of most claims against EMMT. Agenda item E-9 may be an order on the Joint Offer of Settlement.

#### **E-12: Northern Laramie Range Alliance (Docket No. EL11-51-000), Pioneer Wind Park 1, LLC (Docket No. QF10-649-000), and Pioneer Wind Park II, LLC (Docket No. QF10-687-000)**

On July 11, 2011, Northern Laramie Range Alliance (NLRA) filed a Petition for Declaratory Order asking FERC to declare two Form 556 Self-Certifications of Qualifying Facility Status for wind energy facilities, Pioneer Wind Park I and Pioneer Wind Park II, void and without effect. NLRA claims that the self-certifications are false in that they purport to create two small power production facilities when the projects at issue are actually one non-qualifying facility. Several parties intervened and a few filed opposing comments. Xcel Energy Services Inc. (XES) filed comments urging FERC to carefully consider the petition because it believes there is an increase in “gaming” of the QF rules by carving up large facilities into separate smaller projects to be eligible for QF status. XES also urged FERC to initiate a rulemaking to address the generic issue of size limitation issues relating to small power producers. Agenda item E-12 may be an order on the Petition.

**E-14: Benjamin Riggs v. Rhode Island Public Utilities Commission (Docket No. EL12-16-000)**

On December 15, 2011, individual Benjamin Riggs filed a Complaint with FERC against the Rhode Island Public Utilities Commission (RI PUC). Mr. Riggs claims that a decision the RI PUC issued on November 30, 2011 approving a 15-year Distributed Generation Standard Contract violates the Federal Power Act and FERC's regulations because it sanctions a rate for renewable energy that exceeds the incremental cost to the relevant electric utility of alternate energy. The RI PUC filed a Reply on January 31, 2011. National Grid intervened and filed a Motion to Dismiss the Complaint. Agenda item E-14 may be a decision related to the Motion to Dismiss or more generally to the Complaint.

**E-15: PPL Electric Utilities Corporation (Docket No. EL12-20-000)**

On December 30, 2011, PPL Electric Utilities Corporation (PPL) filed a Petition for Declaratory Order in which it asked FERC to authorize incentive rates for its Northeast/Pocono Reliability Project (Project). The Project consists of the construction of a new 230 kV "backbone" transmission line in the Pocono Mountains. Several parties intervened and the Pennsylvania Office of Consumer Advocate and the Pennsylvania Public Utility Commission protested the filing. Agenda item E-15 may be an order on the Petition.

**E-16: Powerex Corp. v. United States Department of Energy, Western Area Power Administration – Sierra Nevada Region (Docket No. EL12-21-000)**

On December 30, 2011, Powerex Corp. filed a Complaint asking FERC to find that the United States Department of Energy, Western Area Power Administration (WAPA) – Sierra Nevada Region (WSAN) violated certain provisions of WAPA's reciprocity open-access transmission tariff and Standards of Conduct, WSAN's business practices, and FERC's Standards of Conduct and OASIS regulations by granting Morgan Stanley Capital Group, Inc. long-term transmission service on the California-Oregon Transmission Project in a "non-transparent, non-comparable, and unduly discriminatory and preferential manner." A few parties intervened in the proceeding and Morgan Stanley Capital Group, Inc. filed a protest. Agenda item E-16 may be an order on the Petition.

**E-17: California Independent System Operator Corporation (Docket No. ER12-806-000)**

On January 13, 2012, the California Independent System Operator Corporation (CAISO) filed a tariff amendment to its Operations and Maintenance Cost Values. CAISO explained that it hired a consultant to examine the values and propose any necessary

changes. The consultant's proposal was submitted to the stakeholder process. The proposed amendment would increase the number of operations and maintenance adder values from two to ten in order to capture the differences in operations and maintenance costs by technology type. Agenda item E-17 may be an order on the proposed tariff amendment.

**E-18: California Independent System Operator Corporation (Docket No. ER11-3973-002)**

This proceeding stems from a June 30, 2011 filing by CAISO proposing credit reforms pursuant to FERC Order No. 741. FERC conditionally accepted the tariff revisions on September 15, 2011, but ordered CAISO to make a compliance filing to address an issue regarding the elimination of the use of unsecured credit in the CRR market. On December 14, 2011, CAISO submitted the compliance filing. Agenda item E-18 may be an order on the compliance filing.

**E-19: PJM Interconnection, L.L.C. (Docket No. ER11-2875-004), PJM Power Providers Group v. PJM Interconnection, L.L.C. (Docket No. EL11-20-004)**

On December 19, 2011, the Indicated Parties, which is a group consisting of Calpine Corporation, the Electric Power Supply Association, certain GenOn affiliates and certain NextEra Energy Generators, filed a Request for Rehearing of FERC's November 17, 2011 order accepting proposed Open Access Transmission Tariff revisions proposed by PJM. Specifically, the Indicated Parties asked FERC to order PJM to remove provisions relating to the review of unit-specific cost offers in the implementation of the Minimum Offer Price Rule provisions of the Reliability Pricing Model capacity market. Agenda item E-19 may be an order on rehearing.

**E-20: PJM Interconnection, L.L.C. (Docket No. ER11-3972-001); California Independent System Operator Corporation (Docket No. ER11-3973-001); ISO New England Inc. and New England Power Pool (Docket No. ER11-3953-001); Midwest Independent Transmission System Operator, Inc. (Docket No. ER11-3970-001); New York Independent System Operator, Inc. (Docket No. ER11-3949-002); Southwest Power Pool, Inc. (Docket Nos. ER11-3958-001, ER11-3967-001)**

This proceeding pertains to several requests for clarification and/or rehearing of FERC's September 15, 2011 order accepting proposed Open Access Transmission Tariff revisions to Credit Reforms in Organized Wholesale Electric Markets filed by PJM. PJM made the filing in response to FERC Order Nos. 741 and 741-A. Agenda item E-20 may be an order on rehearing and/or clarification.



### **E-21: PJM Interconnection, L.L.C. (Docket No. ER11-3972-002)**

On November 29, 2011, PJM submitted a compliance filing pursuant to FERC's directives in its September 15, 2011 order in PJM's Order No. 741 (Credit Reforms in Organized Wholesale Electric Markets) compliance filing proceeding. In its compliance filing, PJM submitted: (a) tariff provisions addressing compliance verification for the market participation minimum criteria, (b) amended language regarding what it means solely to hedge the congestion risk related to the market participant's physical transactions on the officer certification form, and (c) revised tariff provisions on the unsecured credit cap and the elimination of seller credit in Financial Transmission Rights markets. Several parties to the proceeding protested PJM's revised officer certification form and proposed verification process. Agenda item E-21 may be an order on PJM's compliance filing.

### **E-22: Midwest Independent Transmission System Operator, Inc. (Docket No. ER11-3970-002)**

On December 14, 2011, Midwest Independent Transmission System Operator, Inc. (MISO) submitted a compliance filing pursuant to FERC's directives in its September 15, 2011 order in MISO's Order No. 741 compliance filing proceeding. MISO submitted revisions to its credit policy to incorporate a section on risk management in its minimum participation criteria, which describes the methods by which MISO will perform periodic verification on the implementation of its risk management policies on a random and identified risk basis. MISO also proposed to amend its tariff language on billing and payment in order to specify that invoices are based on a seven-day billing period. Agenda item E-22 may be an order on MISO's compliance filing.

### **E-25: ISO New England Inc. (Docket No. ER12-757-000)**

On January 3, 2012, ISO New England Inc. (ISO-NE) submitted an informational filing with qualifications for its Forward Capacity Market for the 2015 – 2016 Capacity Commitment Period, with the sixth Forward Capacity Auction to begin on April 2, 2012. The filing also included information on de-list bids that were rejected by ISO-NE's Internal Market Monitor. Numerous parties filed comments on the informational filing. On February 13, 2012, in response to a FERC request, ISO-NE provided supplemental information to its informational filing. Agenda item E-25 may be an order on ISO-NE's informational filing.

### **E-26: ISO New England Inc. (Docket Nos. ER11-2580-001, -002)**

On February 28, 2011, FERC issued an order conditionally accepting ISO-NE's revisions to its methodology for calculating tie benefits (i.e., inputs into the Installed Capacity Requirement

calculation used for the Forward Capacity Auction and annual reconfiguration auctions). Long Island Power Authority, LIPA and Cross-Sound Cable Company, LLC filed a request for rehearing, arguing that FERC should conduct an administrative hearing to evaluate whether ISO-NE's proposed calculation of tie benefits for individual interconnections satisfies section 205 of the Federal Power Act. On April 6, 2011, ISO-NE filed a compliance filing pursuant to the February 28, 2011 order containing ISO-NE's methodology for calculating interconnection transfer capabilities in order to establish tie benefits. On December 15, 2011, in response to a FERC request, ISO-NE provided supplemental information regarding the use of the design of the interconnection condition. Agenda item E-26 may be an order on rehearing and/or ISO-NE's compliance filing.

### **E-27: ISO New England Inc. and New England Power Pool (Docket Nos. ER11-3953-002, -003)**

On December 8, 2011, ISO-NE and the New England Power Pool (NEPOOL) Participants Committee submitted a compliance filing pursuant to FERC's directives in its September 15, 2011 order in ISO-NE's Order No. 741 compliance filing proceeding. ISO-NE and NEPOOL proposed revisions to ISO-NE's Financial Assurance Policy to establish a verification process for risk management policies and to specify the definition of the term "governing body" in the officer certification form for ISO-NE's minimum market participation criteria. Agenda item E-27 may be an order on the compliance filing.

### **E-28: New York Independent System Operator, Inc. (Docket No. ER08-1281-010)**

On December 22, 2011, NYISO submitted a compliance notice regarding its development of new interface pricing software in compliance with FERC orders of December 30, 2010 and July 1, 2011. According to NYISO, the software is able to implement two distinct methods for pricing and scheduling (one method that accounts for significant unscheduled power flows and one that does not). NYISO stated that it will choose which scheduling method to use on a quarterly basis. The Independent Market Monitor for PJM filed a protest and the New York Transmission Owners filed comments in support. Agenda item E-28 may be an order on NYISO's compliance notice.

### **E-29: New York Independent System Operator, Inc. (Docket No. ER11-3949-003)**

On December 14, 2011, NYISO submitted a compliance filing pursuant to FERC's directives in its September 15, 2011 order in NYISO's Order No. 741 compliance filing proceeding. NYISO proposed to add tariff provisions that establish rules for the periodic verification of market participants' risk management policies. Under the revised provisions, NYISO defined a subset

of market participants (those active in the Transmission Congestion Contract (TCC) market that hold high-risk TCC portfolios) who would categorically be subject to verification based on identified risks. NYISO also described the eight criteria it would use when evaluating a market participant's risk management policies. Agenda item E-29 may be an order on NYISO's compliance filing.

**E-32: PPL Electric Utilities Corporation  
(Docket No. ER09-1148-000)**

On May 13, 2011, PPL filed its 2011 Formula Rate Update (2011 Update). On December 7, 2011, the Eastern Pennsylvania Power Group Boroughs (EPPG Boroughs) submitted a Formal Challenge to PPL's 2011 Update to its Formula-Based Transmission Rates. The EPPG Boroughs argue that PPL is improperly including costs in its Formula Rate that are erroneously booked and/or are clearly related to its non-transmission and unregulated business. Agenda item E-32 may be an order on EPPG Borough's December Formal Challenge and/or on PPL's 2011 Update.

**E-33: Southwest Power Pool, Inc.  
(Docket Nos. ER11-3967-002, -003)**

On December 14, 2011, as corrected on January 13, 2012, Southwest Power Pool, Inc. (SPP) submitted a compliance filing pursuant to FERC's directives in its September 15, 2011 order in SPP's Order No. 741 compliance filing proceeding. In its tariff amendments, SPP proposed to enact a standard risk management attestation form for market participants, as well as to establish a two-day cure period to resolve deficiencies in the attestation form. SPP also proposed a periodic compliance verification process in order to ensure that market participants are following the risk management policies. Agenda item E-33 may be an order on SPP's compliance filing.

**E-34: PJM Interconnection, L.L.C.  
(Docket No. EL05-121-006)**

On January 21, 2010, FERC established a paper hearing regarding the determination of the appropriate allocation methodology in PJM for new transmission capacity that will operate at or above 500 kV. This decision was in response to a ruling by Seventh Circuit Court of Appeals (*Illinois Commerce Commission v. FERC*, 576 F.3d 470 (2009)) finding that FERC did not have sufficient record evidence to support its decision to adopt a postage stamp cost allocation methodology for new transmission facilities that operate at or above 500 kV. Numerous parties participated in the paper hearing. Agenda item E-34 may be an order related to the paper hearing.

## Gas Items

**G-1: Texas Gas Transmission, LLC  
(Docket No. RP11-1999-002)**

On May 13, 2011, FERC issued an order accepting and suspending the tariff records of Texas Gas Transmission, LLC (Texas Gas) and its affiliates (Gulf South Pipeline Company, LP and Gulf Crossing Pipeline Company, LLC) to be effective October 14, 2011 or on an earlier date ordered by FERC. The tariff records authorize Texas Gas to seek a discount adjustment for negotiated rate agreements under certain circumstances. On July 13, 2011, FERC issued an order removing the suspension on the tariff records. The Western Tennessee Municipal Group, the Jackson Energy Authority, the City of Jackson, Tennessee and the Kentucky Cities filed a request for rehearing of the July 13, 2011 order. Agenda item G-1 may be an order on rehearing.

**G-2: Texas Gas Transmission, LLC  
(Docket Nos. RP11-2569-002, -003)**

On November 30, 2011, Texas Gas submitted a compliance filing containing tariff revisions to implement an Enhanced Nominations Service (ENS), which provides eleven additional nomination cycles for firm service at eligible receipt points. The proposed tariff amendments specify the provision of reasonable advance notice to interruptible shippers of bumping prior to the effectiveness of the gas flow and when Texas Gas will assess the ENS commodity charge. Agenda item G-2 may be an order on the compliance filing.

**G-3: Magellan Pipeline Company, L.P.  
(Docket No. OR12-7-000)**

On December 29, 2011, Magellan Pipeline Company, L.P. (Magellan) submitted a Petition for Declaratory Order requesting FERC approval for the availability of priority committed space and the overall rate structure for the proposed expansion of Magellan's refined petroleum products pipeline system in Texas. Magellan seeks to have up to 50 percent of the pipeline capacity as priority committed space that would not be subject to proration for shippers who commit during the open season to move volumes on a ship-or-pay basis. This expansion project is connected to Magellan's partial reversal and expansion of the Longhorn Pipeline System, which is designed to provide crude oil transportation for West Texas producers to the US Gulf Coast. Agenda item G-3 may be an order on Magellan's Petition.

## Hydro Items

### H-1: Lock+Hydro Friends Fund I (Docket No. P-14107-000)

On March 4, 2011, as supplemented on March 28, 2011, Lock+Hydro Friends Fund I submitted an application for a preliminary permit for a 2.2 MW proposed hydropower project on the City of Austin's Longhorn Dam on the Lower Colorado River in Travis County, Texas. The City of Austin submitted a protest, arguing that the preliminary permit would harm substantial public and private interests (including the City of Austin's interests as owner and operator of the Longhorn Dam). The Lower Colorado River Authority also submitted a protest. Agenda item H-1 may be an order on the preliminary permit application.

### H-2: Appalachian Power Company (Docket No. P-739-026)

On December 27, 2011, FERC issued a new major license for Appalachian Power Company (Appalachian Power) for the continued operation and maintenance of the 75 MW Claytor Hydroelectric Project located on the New River in Pulaski County, Virginia. The order imposed numerous conditions on the license. The Friends of Claytor Lake, Appalachian Power, and the County of Pulaski, Virginia each requested rehearing of the December 27, 2011 order. Agenda item H-2 may be an order on rehearing.

### H-3: New York State Electric and Gas Corporation (Docket No. P-2738-081)

On January 10, 2012, FERC issued a notice rejecting American Whitewater's request for rehearing of FERC Staff's determination that a report submitted by New York State Electric and Gas Corporation (NYSEG) (concluding that further study on scheduled flow releases for whitewater boating on aquatic resources was not needed) satisfied the requirements of Article 407 of its license. As American Whitewater was not a party to the proceeding, FERC rejected the rehearing request without reaching the merits of the request. After that decision, American Whitewater submitted a motion to intervene and a request for rehearing of FERC's January 10, 2012 notice. Agenda item H-3 may be an order on the motion to intervene and/or the request for rehearing.

## Certificate Items

### C-1: Tennessee Gas Pipeline Company (Docket Nos. CP11-44-001, RP11-1597-001)

Tennessee Gas Pipeline Company (Tennessee) submitted an application under Natural Gas Act (NGA) section 7(b) for authority to abandon, pursuant to a sale to Kinetica Partners, LLC (Kinetica), certain onshore and offshore facilities in the Gulf of Mexico and Louisiana, as well as approval for a settlement agreement between Tennessee and certain shippers concerning the proposed rate treatment and rate relief from the proposed sale of the facilities. Kinetica also filed a petition requesting a determination from FERC on the jurisdictional status of the facilities proposed to be abandoned by Tennessee. On November 3, 2011, FERC issued an order approving in part and denying in part abandonment, determining jurisdictional status of facilities and dismissing offer of settlement. Tennessee filed a request for partial rehearing of the November 3, 2011 order regarding the requirements Tennessee would face if the facilities are not sold to Kinetica. Agenda item C-1 may be an order on rehearing.

### C-2: Sawgrass Storage, L.L.C. (Docket No. CP11-523-000)

On July 27, 2011, Sawgrass Storage, L.L.C. (Sawgrass) submitted an abbreviated application for a certificate of public convenience and necessity under NGA section 7(c) to construct and operate a natural gas storage facility (with a proposed working gas storage capacity of approximately 30 billion cubic feet) and related facilities in Lincoln and Union Parishes, Louisiana. Sawgrass also proposes to build a 13.9-mile-high pressure pipeline from the storage facility to an interconnection with Midcontinent Express Pipeline's system. Numerous parties have filed comments in the proceeding. Agenda item C-2 may be an order on the certificate application.

