

FERC

Meeting Agenda Summary

In this issue...

- Electric Items
 - Gas Items
 - Hydro Items
 - Certificates
-

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's March 17, 2016 meeting, pursuant to the agenda as issued on March 10, 2016. Agenda items E-5, E-13, E-14, E-16 and C-2 have not been summarized due to omission from the agenda.

Electric

E-1 – Requirements for Frequency and Voltage Ride Through Capability of Small Generating Facilities (Docket No. RM16-8-000). Agenda item E-1 may initiate a new proceeding for a notice of proposed rulemaking on requirements for frequency and voltage ride through capability of small generating facilities.

E-2 – Relay Performance During Stable Power Swings Reliability Standard (Docket No. RM15-8-000). On September 17, 2015, the Commission issued a notice of proposed rulemaking, proposing to require the North American Electric Reliability Corporation (NERC) to provide the Commission with access to NERC's transmission availability data system, generating availability data system and protection system misoperations databases. The proposed access would be limited to data regarding US facilities only and would not require NERC to collect any additional data. The intent of the proposed rulemaking is to inform the Commission more quickly, directly and comprehensively about reliability trends or reliability gaps that might require development of new or modified Reliability Standards. Access to the databases also would provide the Commission with more information to better understand the reliability and adequacy assessments periodically submitted by NERC. Agenda item E-2 may be an order on the notice of proposed rulemaking.

E-3 – Southwest Power Pool, Inc. (Docket Nos. ER16-139-000, ER16-139-001). On October 23, 2015, Southwest Power Pool, Inc. (SPP) submitted revisions to its Open Access Transmission Tariff (Tariff) to update the Index of Grandfathered Agreements contained in Attachment W of the Tariff. SPP stated that it requests to modify Attachment W to remove grandfathered agreements that have expired or have been terminated and to update information regarding effective grandfathered agreements. On December 3, 2015, Commission staff issued a deficiency letter for SPP's proposed Tariff revisions and requested additional

information. On January 19, 2016, SPP submitted its response to Commission staff's request for additional information. Agenda Item E-3 may be an order on SPP's proposed Tariff revisions.

E-4 – Southwest Power Pool, Inc. (Docket No. ER16-636-000). On December 24, 2015, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, SPP requested that the Commission waive the 365-day limitation period for modifications to Settlement Statements as set forth in Section 10.1(3) of Attachment AE of SPP's Tariff. SPP stated the requested waiver will enable SPP to resettle past Settlement Statements necessitated in several instances by various computer software design flaws, and in one instance, due to the timing of the Commission's acceptance of certain Tariff language. Agenda item E-4 may be an order on SPP's waiver request.

E-5 – Omitted

E-6 – Kentucky Utilities Company (Docket No. ER12-1574-000). On April 19, 2012, Kentucky Utilities Company (KU) submitted for filing a Notice of Termination for the Amended and Restated Contract for Electric Service between KU and the Benham Electric System (Benham). KU alleges that, under the terms of the Contract, Benham's failure to provide KU with Performance Assurance within the requested time frame is an Event of Default, giving rise to KU's right to terminate the Contract and, thereby, electric service to Benham. Agenda item E-6 may be an order on KU's Notice of Termination.

E-7 – San Diego Gas & Electric Company (Docket No. ER16-445-000). On December 1, 2014, San Diego Gas & Electric Company (SDG&E), pursuant to an Offer of Settlement with the Commission approved on May 27, 2014, submitted for filing the Cycle 32 Informational Filing (Informational Filing) of its Fourth Transmission Owner Formula transmission rate mechanism. SDG&E states that the Informational Filing revises SDG&E's Base Transmission Revenue Requirements and transmission rates for Retail End Use customers and California Independent System Operator Wholesale customers for the Rate Effective Period beginning January 1, 2016 and ending December 31, 2016. The revised transmission rates are based on certain recorded and estimated costs for calendar year 2014. Agenda item E-7 may be an order on SDG&E's Informational Filing.

E-8 – New York Independent System Operator, Inc. (Docket Nos. ER15-572-001, ER15-572-004). On December 4, 2014, New York Transco, LLC (NY Transco) submitted an application seeking to establish: (1) rate incentives for a portfolio of five high-voltage transmission projects that NY Transco will build, own and operate in New York State; (2) NY Transco's transmission formula rate and protocols; (3) NY Transco's return on equity; (4) proposed Attachment DD and Rate Schedule 13; and (5) the cost allocation method that will apply to NY Transco's initial portfolio of projects under the New York Independent Transmission System Operator, Inc.'s Tariff. On April 2, 2015, the Commission issued an order accepting in part, and rejecting in part, NY Transco's transmission rate incentives proposal. On May 4, 2015, in compliance with the April 2, 2015 Order, NY Transco and affiliated parties submitted a tariff filing to revise its Formula Rate Protocols. On November 5, 2015, NY Transco submitted an Offer of Partial Settlement intended to resolve all issues regarding the Transmission Owner Transmission Solutions Projects (TOTS Projects) in Docket No. ER15-572-000. Agenda item E-8 may be an order addressing NY Transco's May 4, 2015 compliance filing and November 5, 2015 Partial Offer of Settlement.

E-9 – Entergy Gulf States Louisiana, L.L.C. (Docket No. ER14-1640-000), Entergy Louisiana, LLC (ELL) (Docket No. ER14-1641-000), Entergy Mississippi, Inc. (Docket No. ER14-1642-000), Entergy New Orleans, Inc. (ENO) (Docket No. ER14-1643-000), and Entergy Texas, Inc. (Docket No. ER14-1644-000) (consolidated). On April 1, 2014, Entergy Services, Inc., acting as agent for the Entergy Operating Companies (collectively Entergy), submitted a request for authorization to include in the rough production cost equalization bandwidth formula set forth in the Entergy System Agreement Service Schedule MSS-3 the price of two power purchase agreements at a price that is different than the price that is paid under those agreements. On January 6, 2015, Entergy filed an Offer of Settlement intended to resolve all issues set for hearing by the Commission in its May 30, 2014 Order Accepting and Suspending Proposed Tariff Amendments. The Louisiana Public Service Commission contested the proposed settlement. Agenda item E-9 may be an order on the contested Offer of Settlement.

E-10 – Public Service Company of New Mexico (PNM) (Docket Nos. ER13-685-000, ER13-685-001, ER13-687-000, ER13-690-000). On December 31, 2012, PNM filed revised tariff sheets to implement a cost-of-service transmission formula rate (PNM Formula Rate). On March 1, 2013, the Commission issued an order rejecting in part, conditionally accepting in part and suspending PNM's Formula Rate filing and establishing hearing and settlement judge proceedings. On March 20, 2015, PNM, together with El Paso Electric Company, Navajo Tribal Utility Authority, Navopache Electric Cooperative, Inc., Tri-State Generation and Transmission Association, Inc., and Western Area Power Administration filed a Settlement Agreement and Offer of Settlement in these proceedings. Agenda item E-10 may be an order on the Offer of Settlement.

E-11 – Duke Energy Carolinas, LLC (Docket Nos. ER15-234-000, ER15-689-000, ER15-689-001). On October 29, 2014, Duke Energy Carolinas, LLC on behalf of Duke Energy Florida, LLC (DEF) (collectively, Duke) filed a request in Docket No. ER15-234-000 to include 50 percent of DEF's construction work in progress (CWIP) costs for 23 new transmission projects in rate base, through revisions to Schedule 10-A of the Joint Open Access Transmission Tariff (Joint Tariff). In response to a deficiency letter requesting additional information regarding the CWIP projects, on December 22, 2014, DEF included a new exhibit to Schedule 10-A of the Joint Tariff which comprised all prior projects for which DEF had obtained authority to include in rate base. Docket No. ER15-689-000 was assigned to that filing. On December 31, 2013, Duke filed an executed Settlement Agreement that would resolve all issues set for hearing by the Commission in these proceedings. Agenda item E-11 may be an order on the Settlement Agreement.

E-12 – California Independent System Operator Corporation (Docket No. ER15-1825-001). On May 29, 2015, the California Independent System Operator Corporation (CAISO) submitted a tariff amendment to implement Phase 1A of its two-phase reliability services initiative, which CAISO stated, is intended to enhance CAISO's resource adequacy rules and processes to meet the needs of an increasingly dynamic grid. On October 1, 2015, the Commission conditionally accepted the proposed revisions, subject to further compliance, to become effective March 1, 2016, as requested, with the exception of the proposed revisions to tariff sections 40.2.4, 40.10.5.1(a) and 40.10.5.1.1, which were conditionally accepted effective January 10, 2016, as requested. On October 30, 2015, the NRG Companies requested rehearing of the October 1, 2015 order. Agenda item E-12 may be an order on rehearing of the October 1, 2015 order.

E-13 – Omitted

E-14 – Omitted

E-15 – Louisville Gas and Electric Company and Kentucky Utilities Company (Docket Nos. ER14-2866-003, ER14-2866-004). On May 12, 2015, as amended June 18, 2015, Louisville Gas and Electric (LG&E) and Kentucky Utilities Company (KU) submitted proposed revisions to Attachment O of their joint Open Access Transmission Tariff (OATT) to revise their formula rate protocols. The proposed revisions were in response to a March 2015 Commission order requiring LG&E to KU to amend their protocols to require disclosure of any accounting changes that affect inputs to the formula rate as part of their annual updates and to add language to their protocols stating that an interested party must submit an informal challenge on any issue in order to submit a formal challenge. On October 30, 2015, the Commission issued an order accepting in part LG&E and KU's proposed revisions but rejecting certain revisions as inconsistent with the directives contained in the March 2015 order, and directed LG&E and KU to submit a compliance filing. On November 25, 2015, LG&E and KU submitted a request for clarification, or, in the alternative, a request for rehearing, of the Commission's October 30 order. In addition, on December 23, 2015, LG&E and KU submitted their compliance filing as directed by the Commission's October 30 order. Agenda item E-15 may be an order on LG&E and KU's request for clarification, or, in the alternative, rehearing and/or their compliance filing.

E-16 – Omitted

E-17 – The City of Alexandria, Louisiana (Docket No. EL15-75-000). On June 8, 2015, the City of Alexandria, Louisiana (Alexandria) submitted a petition pursuant to 18 C.F.R. § 385.207(a)(5) requesting authorization to implement a 50 basis point incentive adder to Alexandria's authorized rate of return on equity contained in Attachment O of the Midwest Independent Transmission System Operator, Inc. (Midwest ISO)

OATT. Alexandria requested the incentive adder for participation in a Commission-approved regional transmission organization (RTO). Agenda item E-17 may be an order on Alexandria's petition.

E-18 – Heartland Consumers Power District (Docket No. EL16-1-000). On October 5, 2015, Heartland Consumers Power District (Heartland) filed a petition for waiver of the Commission's regulations implementing Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). Specifically, Heartland requests waiver of its obligations under 18 C.F.R. § 292.303(a) to purchase power directly from Qualifying Facilities (QFs), as well as waiver of its obligation under 18 C.F.R. 292.303(b) to sell power directly to QFs. On December 12, 2015, the Commission issued a deficiency letter requesting additional information. Agenda item E-18 may be an order on Heartland's petition for waivers.

E-19 – City of Holland, Michigan v. Midwest Independent Transmission System Operator, Inc.; DTE Energy Trading, Inc. v. Midwest Independent Transmission System Operator, Inc. (Docket Nos. EL05-55-003 & EL05-63-005). In early 2015, the City of Holland, Michigan (Holland) and DTE Energy Trading, Inc. (DTET) filed complaints with the Commission against the Midwest ISO, asserting that the Midwest ISO improperly charged non-firm point-to-point transmission rates for non-firm service over secondary receipt and delivery points. On April 18, 2005, the Commission issued an order on both complaints, finding that a firm transmission customer who redirected its service to secondary receipt and delivery points within the same pricing zone as originally reserved should not have incurred additional charges, and directed Midwest ISO to refund each customer that was improperly charged. On May 20, 2008, after several orders on rehearing and orders on Midwest ISO refund reports, the Commission issued an order conditionally accepting Midwest ISO's 2005 and 2006 refund report. In the May 20 order, the Commission directed the Midwest ISO to make additional refunds of all amounts overcharged for ancillary services associated with redirected service. On June 19, 2008, Midwest ISO filed a request for rehearing of the Commission's May 20 order. Agenda item E-19 may be an order on Midwest ISO's request for rehearing.

E-20 – Caithness Long Island II, LLC v. New York Independent System Operator, Inc. (Docket No. EL15-84-001). On July 10, 2015, Caithness Long Island II, LLC (Caithness) filed a complaint against New York Independent System Operator, Inc. (NYISO) pursuant to Sections 206 and 306 of the FPA alleging that NYISO's application of a local reliability requirement will violate NYISO's OATT and Order No. 2003. Specifically, Caithness alleged that use of the Long Island Local Reliability Interface Transfer Capability Test (Long Island Guideline) violates the NYISO OATT, violates Commission precedent established in Order No. 2003 requiring two levels of interconnection service, and would permit a Transmission Owner to unilaterally adopt a rule that conflicts with explicitly approved NYISO OATT provisions without an FPA Section 205 or 206 filing to amend the OATT. On September 30, 2015, the Commission issued an order granting Caithness's complaint, finding that use of the Long Island Guideline constitutes a deliverability test and therefore its use to identify System Upgrade Facilities is inconsistent with Order No. 2003 and violates the NYISO OATT. On October 28, 2015, the Long Island Light company d/b/a Power Supply Long Island (LIPA) filed a request for rehearing. Agenda item E-20 may be an order on LIPA's request for rehearing.

E-21 – Public Service Company of Colorado (Docket Nos. ER15-266-000, ER15-266-001). On October 31, 2014, Public Service Company of Colorado (PSCo) submitted revised tariff records to update the transmission loss factors applicable to PSCo under the Xcel Energy Operating Companies OATT (Xcel Energy OATT). On January 15, 2015, the Commission issued a deficiency letter requesting additional information. On February 10, 2015, PSCo submitted a response to the deficiency letter. On April 10, 2015, the Commission issued an order accepting the proposed tariff revisions, suspending them for a nominal period, to be effective January 1, 2014, as requested, subject to refund, and set them for hearing and settlement judge procedures. After settlement conferences and additional informal discovery, On December 31, 2015, PSCo submitted a Stipulation and Offer of Settlement. By order issued February 3, 2016, the presiding judge certified the uncontested settlement for Commission review and approval. Agenda item E-21 may be an order on the uncontested settlement certification.

E-22 – Pacific Gas and Electric Company (Docket No. EL15-55-001). On March 18, 2015, the Modesto Irrigation District (Modesto) and the Turlock Irrigation District (Turlock) (collectively, the Districts) filed a complaint against Pacific Gas and Electric Company (PG&E) pursuant to sections 202, 206, 306, and 309 of

the FPA alleging that PG&E breached certain Interconnection Agreements between PG&E and the Districts by failing to notify, study, or mitigate for Adverse Impacts to the Districts' systems. On July 2, 2015, the Commission issued an order denying the complaints. On August 3, 2015, the Transmission Agency of Northern California, the City of Redding, California, the M-S-R Public Power Agency, and the Districts filed a request for rehearing of the Commission's July 2 order. Agenda item E-22 may be an order on the requests for rehearing.

E-23 – ITC Grid Development, LLC (Docket No. EL15-86-000). On July 28, 2015, ITC Grid Development, LLC (ITC Grid Development) filed a petition for declaratory order requesting the Commission issue a ruling (1) that the binding revenue requirement bids selected as the result of Commission-approved Order No. 1000 compliant competitive transmission project will be deemed just and reasonable when filed with the Commission as a stated rate; and (2) that such binding bids are entitled to protection under the *Mobile-Sierra* standard, and may not subsequently be changed by means of a FPA Section 206 complaint. Agenda item E-23 may be an order on ITC Grid Development's petition for declaratory order.

E-24 – Big Sandy Peaker Plant, LLC, Wolf Hills Energy, LLC, Crete Energy Venture, LLC, Lincoln Generating Facility, LLC, Rolling Hills Generating, L.L.C. v. PJM Interconnection, L.L.C. (Docket No. EL16-9-000). On November 3, 2015, Big Sandy Peaker Plant et al. (Complainants) submitted a complaint against PJM, asserting an arbitrary and retroactive determination in October 2014 resulting in the deselection of entire categories and loss of associated revenues for the period of October 1, 2013 through July 1, 2014. On December 3, 2015, PJM filed an answer to the complaint, maintaining that the market clearing engine determined the resources did not meet the reserve requirements and requesting the Commission deny the complaint. On December 31, 2015, the Complainants filed a motion for leave to answer and answer in response to the December 3 PJM filing. On January 15, 2016, PJM submitted a brief response to the Complainants answer from December 31, 2015. Agenda item E-24 may be an order on the complaint.

E-25 – PJM Interconnection, L.L.C. (Docket Nos. ER11-2814-001, ER11-2815-001, ER11-2814-002, ER11-2814-004, ER11-2815-002, ER11-2815-003, ER11-2815-004, ER11-2815-006), Midwest Independent Transmission System Operator, Inc. (Docket Nos. ER11-3279-001, ER11-3279-002, ER11-3279-003). On February 1, 2011, PJM submitted modifications to its Open Access Transmission Tariff (Tariff) in connection with the integration of American Transmission Systems, Incorporated (ATSI) into the PJM market. The filing describes the manner in which generator interconnection customers will be transferred from the Midwest ISO (MISO) queue into PJM. On May 31, 2011, the Commission accepted the proposed revisions and directed the Chief Administrative Law Judge to initiate settlement proceedings. ATSI submitted an Offer of Settlement on July 27, 2011; Commission staff objected to the formula-rate template. On December 21, 2012, ATSI submitted new settlement agreements in both PJM and MISO. The Commission rejected both settlements on September 19, 2013, finding the proposed tariff changes were not just and reasonable. On October 21, 2013, ATSI filed a request for rehearing in both proceedings. Agenda item E-25 may be an order on the request for rehearing.

Gas

G-1 – Standards for Business Practices of Interstate Natural Gas Pipelines (Docket No. RM96-1-039). On November 16, 2015, Southern Star Central Gas Pipelines, Inc. and the Interstate Natural Gas Association of America (INGAA) filed requests for rehearing of Order No. 587-W, the final rule proffered by the Commission in this docket. The Notice of Proposed Rulemaking in this docket addressed revisions to 18 C.F.R. § 284.13, generally with regard to location zone codes and reporting requirements. INGAA states that, in Order No. 637, the Commission considered and rejected the same language it proposes to adopt in this rule. Agenda item G-1 may be an order on the requests for rehearing.

G-2 – Transcontinental Gas Pipe Line Corporation (Docket Nos. RP06-569-008, RP07-376-005). On October 16, 2014, the Commission established settlement judge procedures with regard to a decision made by the United States Court of Appeals for the District of Columbia Circuit in *BNP Paribas Energy Trading GP v. FERC*. The decision held that the Commission did not provide a reasonable basis to accept Transcontinental Gas Pipe Line Corporation's (Transco) incremental rate proposal. On November 6, 2014, the

appointed settlement judge reported that the parties had not reached an agreement and terminated settlement procedures. The Commission granted an extension of time for parties to file briefs on January 13, 2015. On April 27, 2015, the Commission requested Transco to furnish additional information, timely filed on May 18, 2015. On December 1, 2015, BNP Paribas filed a comment stating that the calculations in the May 18 data response were mathematically correct, but do not reflect the lawful refund methodology. Agenda item G-2 may be an order in this proceeding.

G-3 – Columbia Gas Transmission, LLC (Docket No. RP16-314-000). On December 18, 2015, Columbia Gas Transmission, LLC (Columbia) submitted a settlement agreement with many parties—the vast majority of shippers on the Columbia pipeline—with the intent to enhance service reliability and safety. Comments were due by January 6, 2016. Columbia filed a response to comments on January 14, 2016. Agenda item G-3 may be an order on the settlement agreement in this proceeding.

Hydro

H-1 – Congdon Pond Hydro, LLC (Docket No. P-10200-014). On May 5, 2015, Commission staff issued a Notice of Termination of Exemption by Implied Surrender for the Congdon Dam Hydroelectric Project, FERC No. 10200 (the Project). On October 7, 2015, Congdon Pond Hydro, LLC submitted a projection for scheduled events regarding the Project, asking for an extension in the exemption to finalize plans, seek an alternate funding source, obtain equipment repair quotes and address such other matters required to resume Project production. Agenda item H-1 may be an order on the Commission's Notice of Termination of Exemption by Implied Surrender.

H-2 – City of River Falls, Wisconsin (Docket No. P-10489-015). On December 9, 2015, Commission staff issued an order denying the request of the City of River Falls, Wisconsin (River Falls) to extend the termination date of its license for the River Falls Project by five years. On January 8, 2016, River Falls requested rehearing of the December order, arguing *inter alia*, that Commission staff erred in finding that River Falls can complete studies and gather feedback from agencies, stakeholders and residents in time to make a determination for the River Falls Project by August 31, 2016 (when a relicense application is due). Agenda item H-2 may be an order on River Falls' request for rehearing.

H-3 – Woodland Pulp LLC (Docket No. P-2660-027). On November 23, 2015, Commission staff issued an order approving Woodland Pulp LLC's (Woodland Pulp) application pursuant to sections 4(e) and 15 of the Federal Power Act (FPA) to issue a new license to continue operation and maintenance of the Forest City Project No. 2660 (Forest City Project). On December 22, 2015, Woodland Pulp requested rehearing of the November order, arguing the Forest City Project license includes five critical errors. Agenda item H-3 may be an on order on Woodland Pulp's request for rehearing.

H-4 – Owyhee Hydro, LLC (Docket No. P-14648-001). On November 25, 2015, Commission staff issued an order denying Owyhee Hydro, LLC's (Owyhee Hydro) application for a preliminary permit, pursuant to section 4(f) of the FPA, to study the feasibility of the proposed Anderson Ranch Pumped Storage Hydroelectric Project No. 14648 (Anderson Ranch Project). On December 21, 2015, Owyhee Hydro requested rehearing of the November order, arguing *inter alia*, that Commission staff erred in their initial determination on jurisdictional issues related to the Anderson Ranch Project. Agenda item H-4 may be an order on Owyhee Hydro's request for rehearing.

Certificates

C-1 – Gulf South Pipeline Company, LP (Docket Nos. CP13-91-001, CP13-92-001, CP13-93-001). On March 1, 2013, Gulf South Pipeline Company, LP (Gulf South) submitted an application requesting authorization to abandon certain natural gas pipeline facilities in Louisiana. On May 22, 2013, the Commission issued an Environmental Assessment Report, stating that the project is categorically excluded. The Commission denied the applications for abandonment on December 19, 2013, citing the return on equity rationale provided by Gulf South to be insufficient to grant the application. On January 21, 2014, Gulf South filed a request for rehearing. Agenda item C-1 may be an order on the request for rehearing.

C-2 – Omitted

C-3 – Natural Gas Pipeline Company of America LLC (Docket No. CP15-505-000). On June 1, 2015, Natural Gas Pipeline Company of America LLC filed an application for a certificate to construct the Chicago Market Expansion Project in Illinois. Following multiple data requests by the Commission, and subsequent responses filed by the applicant, the Commission issued an Environmental Assessment Report on January 11, 2016. Agenda item C-3 may be an order on the application for construction and operation.

C-4 – Impulsora Pipeline, LLC (Docket No. CP16-70-000). On July 1, 2014, Impulsora Pipeline (previously Colombia Pipeline, LLC) submitted an application for authorization under Section 3 of the Natural Gas Act (NGA) and a Presidential Permit to construct and operate two natural gas pipelines at the international boundary between the United States and Mexico. On May 14, 2015, the Commission approved the authorization and issued a Presidential Permit. On November 19, 2015, the Commission denied a request for rehearing submitted by Needmore Dolores LLC on June 15, 2015 and amended the Section 3 authorization. Due to recent adverse commercial developments, Impulsora filed a request on February 4, 2016 to terminate the authorization to construct and operate one of the two proposed pipelines. On March 9, 2016, the Commission issued an Environmental Assessment Report, finding that there would be no reduction in environmental impacts relative to the prior assessment on February 13, 2015. Agenda item C-4 may be an order on the request to terminate the authorization to construct one pipeline.

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