

Energy, Infrastructure, Project and Asset Finance

Summary of FERC Meeting Agenda

October 2014

In This Issue...

- Administrative Items
- Electric Items
- Gas Items
- Hydro Items

Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's October 16, 2014 meeting, pursuant to the agenda as issued on October 9, 2014. Agenda Items E-6, E-7, E-11, E-12 and C-1 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. AD5-9-000

This administrative docket addresses the Energy Market and Reliability Assessment.

A-4: Docket No. AD14-8-000

This administrative docket addresses the Winter 2013 – 2014 Operations and Market Performance Regional Transmission Organization and Independent System Operators.

Electric Items

E-1: Southwest Power Pool, Inc. (Docket Nos. ER13-366-001, ER13-366-002, ER13-366-003, ER13-367-001), Public Service Company of Colorado (Docket No. ER13-75-002, ER13-75-004), Kansas City Power & Light Company (Docket No. ER13-100-001):

On July 18, 2013, FERC issued an order conditionally accepting Southwest Power Pool, Inc.'s (SPP) Order No. 1000 compliance filing pursuant to which SPP proposed a new Attachment Y (Transmission Owner Designation Process) and a revised Attachment O (Transmission Planning Process) to its Open Access Transmission Tariff (OATT) and amendments to its Membership Agreement. FERC also ruled on the Order No. 1000 compliance filings submitted by the Public Service Company of Colorado, on behalf of its affiliate Southwestern Public Service Company (SPS) and Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company. SPP, Oklahoma Gas & Electric Company and



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

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LS Power Transmission, LLC filed separate requests for rehearing and/or clarification of the June 18, 2013 order. In addition, on November 15, 2013, as supplemented on August 15, 2014, SPP submitted an Order No. 1000 compliance filing as directed by the June 18, 2013 order. Numerous parties filed comments on the SPP Order No. 1000 compliance filing. On November 15, 2013, Xcel Energy Services Inc., on behalf of SPS, also submitted a compliance filing to remove Attachment R-SPS from the Xcel Energy OATT, arguing that the SPP transmission planning process made a separate SPS local planning process unnecessary. Agenda item E-1 may be an order on the requests for rehearing and/or clarification and/or the compliance filings.

E-2: Association of Business Advocating Tariff Equity, Coalition of MISO Transmission Customers, Illinois Industrial Energy Consumers, Indiana Industrial Energy Consumers, Inc., Minnesota Large Industrial Group, Wisconsin Industrial Energy Group v. Midcontinent Independent System Operator, Inc., ALLETE, Inc., Ameren Illinois Company, Ameren Missouri, Ameren Transmission Company of Illinois, American Transmission Company LLC, Cleco Power LLC, Duke Energy Business Services, LLC, Entergy Arkansas, Inc., Entergy Gulf State Louisiana, LLC, Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., Indianapolis Power & Light Company, International Transmission Company, ITC Midwest LLC, Michigan Electric Transmission Company, LLC, MidAmerican Energy Company, Montana-Dakota Utilities Co., Northern Indiana Public Service Company, Northern States Power Company-Minnesota, Northern States Power Company-Wisconsin, Otter Tail Power Company, Southern Indiana Gas & Electric Company (Docket No. EL14-12-000):

On November 12, 2013, the Joint Complainants (the Association of Business Advocating Tariff Equity, Coalition of MISO Transmission Customers, Illinois Industrial Energy Consumers, Indiana Industrial Energy Consumers, Inc., Minnesota Large Industrial Group, and Wisconsin Industrial Energy Group) filed a complaint against the Midcontinent Independent System Operator, Inc. (MISO) and its transmission-owning members, arguing that the base return on equity (ROE) in the formula transmission rates should be reduced to 9.15%, the assumed equity component in a capital structure should not exceed 50 percent and the ROE adders for International Transmission Company and Michigan Electric Transmission Company, LLC for being a member of a regional transmission organization and/or being an independent transmission owner should be eliminated. Numerous parties filed motions to intervene and comments on the complaint. Agenda item E-2 may be an order on the complaint.

E-3: Ibedrola Renewables, Inc., PacifiCorp, NextEra Energy Resources, LLC, Invenergy Wind North America LLC, Horizon Wind Energy LLC v. Bonneville Power Administration (Docket Nos. EL11-44-006, EL11-44-007):

On March 1, 2013, the Bonneville Power Administration (BPA) filed a revised Oversupply Management Protocol tariff amendment, to be effective March 31, 2013 through September 30, 2015, for approval in a complaint proceeding in which FERC had directed BPA to address comparability concerns. Pursuant to the Oversupply Management Protocol, BPA would continue to displace generators in high water conditions, but would compensate displaced generators for costs related to the displacement. On May 23, 2014, BPA submitted a compliance filing to recover its oversupply costs from March 31, 2012 through September 30, 2015. Numerous parties submitted comments in response to the BPA filings. Agenda item E-3 may be an order on the revised Oversupply Management Protocol and/or BPA's compliance filing.

E-4: Reliability Standard for Geomagnetic Disturbance Operations (Docket No. RM14-1-001):

On June 19, 2014, FERC issued Order No. 797 approving Reliability Standard EOP-010-1 (Geomagnetic Disturbance Operations), which requires certain responsible entities to implement operating plans and procedures regarding geomagnetic disturbances in order to protect the bulk power system. The Foundation for Resilient Societies submitted a request for rehearing, arguing that the Reliability Standard is ineffective and inappropriately excludes transmission networks operating at 200 kV and below. Agenda item E-4 may be an order on the request for rehearing.

E-5: California Independent System Operator Corporation (Docket No. ER14-2574-000):

On August 1, 2014, as corrected on August 7, 2014, the California Independent System Operator Corporation (CAISO) submitted tariff amendments to implement a flexible resource adequacy capacity requirement to accommodate the expected increase in variable renewable resources. CAISO stated that the tariff amendments are intended to ensure that flexible resources (i.e., resources that are able to ramp up and down quickly and start and shut down multiple times per day) will economically bid into the CAISO market and that CAISO will be able to optimally dispatch those resources. Numerous parties filed motions to intervene and comments in response to the CAISO filing. Agenda item E-5 may be an order on the CAISO filing.

E-8: North American Electric Reliability Corporation (Docket No. RR14-6-000):

On August 22, 2014, the North American Electric Reliability Corporation (NERC) submitted the 2015 Business Plans and Budgets for NERC and the Regional Entities for FERC approval. NERC also requested FERC approval of its proposed assessments to fund the 2015 Budgets. Agenda item E-8 may be an order on NERC's filing.

E-9: Bonneville Power Administration (Docket Nos. EF14-5-000, EF14-5-001):

On April 22, 2014, BPA filed an application for approval of its proposed Oversupply Rate (OS-14), which selects a methodology for allocating the costs BPA incurs under its Oversupply Management Protocol that is the subject of agenda item E-3. Agenda item E-9 may be an order on BPA's application for approval of OS-14.

E-10: Martha Coakley, Massachusetts Attorney General, Connecticut Public Utilities Regulatory Authority, Massachusetts Department of Public Utilities, New Hampshire Public Utilities Commission, Connecticut Office of Consumer Counsel, Maine Office of the Public Advocate, George Jepsen, Connecticut Attorney General, New Hampshire Office of Consumer Advocate, Rhode Island Division of Public Utilities and Carriers, Vermont Department of Public Service, Massachusetts Municipal Wholesale Electric Company, Associated Industries of Massachusetts, The Energy Consortium, Power Options, Inc., The Industrial Energy Consumer Group v. Bangor Hydro-Electric Company, Central Maine Power Company, New England Power Company d/b/a National Grid, New Hampshire Transmission LLC d/b/a NextEra, NSTAR Electric and Gas Corporation, Northeast Utilities Services Co., The United Illuminating Co., Until Energy System, Inc. and Fitchburg Gas and Electric Light Co., Vermont Transco, LLC (Docket No. EL11-66-001):

On June 19, 2014, the Commission issued Opinion No. 531, which affirmed in part and reversed in part an initial decision establishing the just and reasonable ROE for the New England transmission owners to be reflected in ISO New England Inc.'s open access transmission tariff. Order No. 531's approach for determining the base ROE for public utilities utilizes the two-step discounted cash flow (DCF) method that the Commission currently uses in setting ROE for natural gas and oil pipelines. On July 21, 2014, American Municipal Power, Inc. filed a Motion to Intervene Out of Time and for Clarification "aimed at better defining the showings that other public utilities must make, should they seek an upward ROE adjustment analogous to that granted to the New England transmission owners." Agenda item E-10 could be an order on American Municipal Power's motion.

E-13: Southwest Power Pool, Inc. (Docket Nos. ER12-959-000, ER12-959-005):

On February 21, 2013, FERC issued an order on rehearing in this proceeding, finding that it would not be just and reasonable to allow SPP to continue to pass through Tri-County Electric Cooperative, Inc.'s (Tri-County) proposed annual transmission revenue requirement (ATRR), without any refund protection in place, prior to an order establishing a just and reasonable rate following hearing and settlement procedures. FERC ordered SPP to either cease collecting, on a prospective basis, Tri-County's ATRR until FERC issues an order following hearing and settlement procedures or to submit a voluntary refund commitment by Tri-County. Xcel Energy Services Inc. (Xcel) and Occidental Permian, Ltd. and the New Mexico Cooperatives filed requests for rehearing and clarification, arguing that FERC should have also provided for refunds back to the effective date of the Tri-County ATRR. In addition, on April 22, 2013, the Administrative Law Judge issued an Initial Decision, finding that Tri-County had not carried its burden to prove that its facilities qualify as Transmission Facilities under the SPP Tariff eligible to be rolled into the SPP ATRR. Agenda item E-13 may be an order on the requests for rehearing and clarification and/or the Initial Decision.

Gas Items

G-1: B-R Pipeline Co. (Docket No. 13-672-001), Alliance Pipeline LP (Docket No. RP14-718-000), Algonquin Gas Transmission, LLC (Docket No. RP14-747-000), Big Sandy Pipeline LLC (RP14-748-000), Steckman Ridge, LP (RP14-749-000), Texas Eastern Transmission, LP (Docket No. 14-750-000), Gulfstream Natural Gas System, L.L.C. (RP14-751-000), Bobcat Gas Storage (RP14-752-000), Egan Hub Storage, LLC (RP14-753-000), East Tennessee Natural Gas, LLC (RP14-754-000), Saltville Gas Storage Company L.L.C. (RP14-755-000), Ozark Gas Transmission, L.L.C. (RP14-756-000), Maritimes & Northeast Pipeline, L.L.C. (RP14-757-000), Southeast Supply Header, LLC (RP14-758-000), PGPipeline LLC (RP14-842-000), ANR Pipeline Company (RP14-851-000), ANR Storage Company (RP14-852-000), Bison Pipeline LLC (RP14-853-000), Great Lakes Gas Transmission Limited Partnership (RP14-854-000), Blue Lake Gas Storage Company (RP14-855-000), Gas Transmission Northwest LLC (RP14-856-000), North Baja Pipeline, LLC (RP14-857-000), Northern Border Pipeline Company (RP14-858-000), Portland Natural Gas Transmission System (RP14-859-000), TC Offshore, LLC (RP14-860-000), Tuscarora Gas Transmission Company (RP14-861-000), Columbia Gas Transmission, LLC (RP14-863-000), Columbia Gulf Transmission, LLC (RP14-864-000), Hardy Storage Company, LLC (RP14-865-000), Crossroads Pipeline Company (RP14-866-000), Central Kentucky Transmission Company (RP14-867-000), Southern Star Central Gas Pipeline, Inc. (RP14-868-000),

Granite State Gas Transmission, Inc. (RP14-872-000; RP14-872-001), Panhandle Eastern Pipe Line Company, LP (RP14-873-000), Trunkline Gas Company, LLC (RP14-874-000), Florida Gas Transmission Company, LLC (RP14-875-000), Leaf River Energy Center LLC (RP14-876-000), Northwest Pipeline LLC (RP14-877-000), Arlington Storage Company, LLC (RP878-000), Tres Palacios Gas Storage LLC (RP14-879-000), Golden Triangle Storage, Inc. (RP14-880-000), Vector Pipeline L.P. (RP14-881-000), Carolina Gas Transmission Corporation (RP14-882-000), Trailblazer Pipeline Company LLC (RP14-883-000), Rockies Express Pipeline LLC (RP14-885-000), Equitrans, L.P. (RP14-886-000), Rager Mountain Storage Company LLC (RP14-887-000), Nautilus Pipeline Company, L.L.C. (RP14-888-000), Garden Banks Gas Pipeline, LLC (RP14-889-000), Mississippi Canyon Gas Pipeline, L.L.C. (RP14-890-000), Transwestern Pipeline Company, LLC (RP14-891-000), Fayetteville Express Pipeline LLC (RP14-892-000), Stingray Pipeline Company, L.L.C. (RP14-893-000), ETC Tiger Pipeline, LLC (RP14-894-000), Central New York Oil And Gas Company, LLC (RP14-895-000), Tallgrass Interstate Gas Transmission, LLC (RP14-896-000), National Grid LNG, LLC (RP14-897-000), Cameron Interstate Pipeline, LLC (RP14-898-000), Mississippi Hub, LLC (RP14-899-000), LA Storage, LLC (RP14-900-000), Eastern Shore Natural Gas Company (ER14-901-000), SG Resources Mississippi, L.L.C. (RP14-903-000), Pine Prairie Energy Center, LLC (RP14-904-000), Bluewater Gas Storage, LLC (RP14-905-000), Honeoye Storage Corporation (RP14-906-000; RP14-1051-000), Questar Pipeline Company (RP14-907-000), Gulf Crossing Pipeline Company, LLC (RP14-908-000), Gulf South Pipeline Company, LP (RP14-909-000), Texas Gas Transmission, LLC (RP14-910-000), Petal Gas Storage, L.L.C. (RP14-911-000), Boardwalk Storage Company, LLC (RP14-912-000), Southwest Gas Storage Company (RP14-913-000), Sea Robin Pipeline Company, LLC (RP14-914-000), Trunkline LNG Company, LLC (RP14-915-000), Clear Creek Storage Company, L.L.C. (RP14-916-000), Rendezvous Pipeline Company, LLC (RP14-917-000), Midcontinent Express Pipeline LLC (RP14-919-000), Kinder Morgan Louisiana Pipeline LLC (RP14-920-000), Kinder Morgan Illinois Pipeline LLC (RP14-921-000), Horizon Pipeline Company, L.L.C. (RP14-922-000), Natural Gas Pipeline Company of America LLC (RP14-923-000), Cheyenne Plains Gas Pipeline Company, L.L.C. (RP14-924-000), Ruby Pipeline, L.L.C. (RP14-925-000), Colorado Interstate Gas Company, L.L.C. (RP14-926-000), Wyoming Interstate Company, L.L.C. (RP14-927-000), Young Gas Storage Company, Ltd. (RP14-928-000), Guardian Pipeline, L.L.C. (RP14-929-000), Midwestern Gas Transmission Company (RP14-931-000), OkTex Pipeline Company, L.L.C. (RP14-932-000), Viking Gas Transmission Company (RP14-933-000), Questar Southern Trails Pipeline Company (RP14-934-000), Questar Overthrust Pipeline

Company (RP14-935-000), White River Hub, LLC (RP14-936-000), Portland General Electric Company (RP14-937-000), WestGas InterState, Inc (RP14-938-000), Venice Gathering System, L.L.C. (RP14-940-000), Sabine Pipe Line LLC (RP14-942-000), Dauphin Island Gathering Partners (RP14-943-000), Cimarron River Pipeline, LLC (RP14-944-000), WBI Energy Transmission, Inc. (RP14-945-000), Southern Natural Gas Company, L.L.C. (RP14-946-000), Trans-Union Interstate Pipeline, L.P. (RP14-947-000), Southern LNG Company, L.L.C. (RP14-948-000), Elba Express Company, L.L.C. (RP14-949-000), Discovery Gas Transmission LLC (RP14-951-000), Destin Pipeline Company, L.L.C. (RP14-952-000), MarkWest New Mexico, L.L.C. (RP14-953-000), MarkWest Pioneer, L.L.C. (RP14-954-000), NGO Transmission, Inc. (RP14-955-000), Ryckman Creek Resources, LLC (RP14-956-000), KO Transmission Company (RP14-957-000), Enable Mississippi River Transmission, LLC (RP14-958-000), Black Marlin Pipeline Company (RP14-959-000), Enable Gas Transmission, LLC (RP14-960-000), USG Pipeline Company, LLC (RP14-961-000), Pine Needle LNG Company, LLC (RP14-962-000), Transcontinental Gas Pipe Line Company, LLC (RP14-963-000), Gulf Shore Energy Partners, LP (RP14-964-000; RP14-964-001; RP14-964-002), Kinetica Energy Express, LLC (RP14-965-000), Panther Interstate Pipeline Energy, LLC (RP14-966-000), American Midstream (Ala Tenn), LLC (RP14-967-000), Tennessee Gas Pipeline Company, L.L.C. (RP14-968-000), Golden Pass Pipeline LLC (RP14-969-000), High Point Gas Transmission, LLC (RP14-970-000), Gulf States Transmission LLC (RP14-971-000), Kern River Gas Transmission Company (RP14-972-000), KPC Pipeline, LLC (RP14-973-000), American Midstream (Midla) LLC (RP14-974-000), Northern Natural Gas Company (RP14-975-000), MoGas Pipeline LLC (RP14-976-000), East Cheyenne Gas Storage, LLC (RP14-977-000), Cheniere Creole Trail Pipeline, L.P. (RP14-978-000), Dominion Transmission, Inc. (RP14-979-000), Dominion Cove Point LNG, LP (RP14-981-000), National Fuel Gas Supply Corporation (RP14-982-000), Empire Pipeline, Inc. (RP14-983-000), El Paso Natural Gas Company, L.L.C. (RP14-984-000), Mojave Pipeline Company, L.L.C. (RP14-985-000), TransColorado Gas Transmission Company LLC (RP14-986-000), Iroquois Gas Transmission System, LP (RP14-987-000), Paiute Pipeline Company (RP14-988-000), Millennium Pipeline Company, LLC (RP14-989-000), Caledonia Energy Partners, L.L.C. (RP14-1001-000), Freebird Gas Storage, L.L.C. (RP14-1002-000), High Island Offshore System, L.L.C. (RP14-1005-000), MIGC LLC (RP14-1056-000), Chateleur Pipe Line, LLC (RP14-1077-000), Energy West Development, Inc. (RP14-1114-000), Wyckoff Gas Storage Company, LLC (RP14-1124-000), Total Peaking Services, L.L.C. (RP14-1133-000), Cadeville Gas Storage LLC (RP14-1165-000), Perryville Gas Storage LLC (RP14-1166-000), Monroe Gas Storage

Company, LLC (RP14-1169-000), WTG Hugoton, LP (RP14-1183-000), UGI Storage Company (RP14-1186-000), Western Gas Interstate Company (RP14-1187-000), UGI LNG Inc. (RP14-1189-000):

On March 20, 2014, the Commission issued an Order to Show Cause in Docket No. RP14-442-000, in which the Commission directed all interstate natural gas pipelines to submit filings revising their tariffs to provide for the posting of offers to purchase released capacity, or to otherwise demonstrate full compliance with Commission Regulation 18 C.F.R. §284.8(d). Agenda item G-1 may be an order pertaining to the filed tariff revisions.

G-2: Transcontinental Gas Pipe Line Corporation (Docket No. RP06-569-008; RP07-376-005):

In this proceeding, BNP Paribas Energy Trading GP (BNP) challenged Transcontinental Gas Pipe Line Corp.'s (Transco) proposed allocation of the cost of approximately 3.3 million Dth of base gas solely to new shippers under its Washington Storage Service Rate Schedule (WSS-OA). BNP challenged the resulting customer-specific rates. In its initial decision, the Administrative Law Judge rejected Transco's proposal to allocate the costs of the purchased base gas solely to new customers, holding that such costs should be shared equally between historic and new shippers. The Commission reversed this decision and determined that Transco's proposed incremental rate treat was just and reasonable. On February 21, 2014, the United States Court of Appeals for the District of Columbia Circuit issued an order vacating and remanding certain Commission orders in Dockets No. RP06-569 and RP07-376. On June 6, 2014, BNP filed a Motion for Expedient Issuance of an Order on Remand Directing Payment of Refunds and Other Relief Consistent with Court Order Vacating the Commission Orders (Motion on Remand). Agenda item G-2 may be an order on BNP's Motion on Remand.

Hydro Items

H-1: New Summit Hydro (Docket No. P-14612-000):

New Summit Hydro, LLC (New Summit) applied for a preliminary permit for its proposed New Summit Pumped Storage Project. Agenda item H-1 may be an order on New Summit's application.

H-2: Andrew Peklo III (Docket No. P-12790-002):

On January 22, 2013, Andrew Peklo III applied for an exemption for a license for the Pomperaug Hydro Project. On April 8, 2013, the Commission issued a Notice of Application for a Minor License for the Pomperaug Hydro Project. Agenda Item H-2 may be an order on the requested license for the Pomperaug Hydro Project.

H-3: PacifiCorp (Docket No. P-2082-061):

On May 25, 2012, pursuant to 18 C.F.R. § 385.207(a)(2), the Hoopa Valley Tribe, party-intervenor in the re-licensing of the Klamath Hydroelectric Project, petitioned the Commission for a declaratory order: (a) finding that the license applicant, PacifiCorp, has failed to diligently pursue re-licensing of the Klamath Project; (b) ordering PacifiCorp's re-license application dismissed; and (c) directing PacifiCorp to file a plan for decommissioning of Klamath Project facilities. On June 19, 2014, the Commission entered an Order Denying Petition for Declaratory Order. On July 18, 2014, the Hoopa Valley Tribe requested rehearing of the June 19, 2014 Order. Agenda Item H-3 may be an order on the Hoopa Valley Tribe's request for rehearing.

H-4: Pacific Gas and Electric Company (Docket No. P-2687-167)

On June 19, 2014, FERC issued an Order Modifying and Approving Temporary Flow Variance on Pacific Gas and Electric's June 13, 2014 request to temporarily amend Condition No. 13 of the Appendix to the license for the Pit 1 Project No. 2687. Subsequently American Whitewater submitted a Motion to Intervene and Request for Rehearing. Agenda Item H-4 could be an order on American Whitewater's request for rehearing.

H-5: San Diego County Water Authority (Docket No. P12747-004)

On July 24, 2013, San Diego Water Authority submitted a Request for Rehearing or, in the Alternative, Clarification of FERC's June 24, 2014 order denying San Diego County Water Authority's application for a third preliminary permit. Item H-5 could be an order on San Diego County Water Authority's request for rehearing.

H-6: Sacramento Municipal Utility District (Docket No. P-2101-095)

On August 22, 2014, Sacramento Municipal Utility District submitted an Acceptance of New License and Limited Request for Rehearing for FERC's July 23, 2014 Order Issuing New License for the Upper American River Project No. 2101, which included certain non-project, recreation facilities. Agenda Item H-6 could be an order on Sacramento Municipal Utility District's request for rehearing.

H-7: Public Utility District No. 2 of Grant County, Washington (Docket No. P-2114-270)

On August 6, 2014, an individual submitted a Motion to Intervene Out of Time and Rehearing of FERC's July 8, 2014 Order Approving As-Built Exhibit R Drawings for the Priest Rapids Hydroelectric Project. Agenda Item H-7 could be an order on the request for rehearing.

H-8: AG Hydro, LLC (Docket No. P-11910-002)

On January 1, 2014, AG Hydro, LLC submitted a Request for Rehearing on the Commission's December 13, 2013, Notice of Probable Termination of License. Agenda Item H-8 could be an order on AG Hydro's request for a rehearing.

H-9: Eastern Hydroelectric Corporation (Docket No. P-7019-061)

On September 5, 2013, FERC approved an Order amending Eastern Hydroelectric Corporation's license to approve fish passage facilities for the East Juliette Project. On September 5, 2013, FERC filed a Compliance Order for Eastern Hydroelectric Corporation's violation of Paragraph (E). On July 17, 2014, FERC submitted an Order Proposing Revocation of License for Eastern Hydroelectric Corporation for failing to construct fish passage facilities required by Article 401. Agenda Item H-9 could be an order on FERC's proposed revocation of Eastern Hydroelectric Corporation's license.

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