

FERC

Meeting Agenda Summary

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's September 19, 2019 meeting, pursuant to the agenda as issued on September 13, 2019. Agenda items E-12, E-19, and E-24 have not been summarized due to omission from the agenda.

Electric

E-1 – Qualifying Facility Rates and Requirements; Implementation Issues Under the Public Utility Regulatory Policies Act of 1978 (Docket Nos. RM19-15-000; AD16-16-000). On February 9, 2016, the Commission issued notice that a technical conference would be held on June 29, 2016 regarding implementation issues under the Public Utility Regulatory Policies Act of 1978 (PURPA). Specifically, the technical conference focused on issues related to the mandatory purchase obligation under PURPA and the determination of avoided costs for such purchases. On September 6, 2016, the Commission issued a notice inviting post-conference comments on (1) the use of the “one-mile rule” to determine the size of an entity seeking certification as a small power production qualifying facility; and (2) minimum standards for PURPA-purchase contracts. Numerous entities submitted comments in the proceeding. Agenda item E-1 may establish a rulemaking related to qualifying facility rates and requirements.

E-2 – EDF Renewable Energy, Inc. v. Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C.; Reform of Affected System Coordination in the Generator Interconnection Process (Docket Nos. EL18-26-000; AD18-8-000). On October 30, 2017, pursuant to sections 206 and 306 of the Federal Power Act (FPA), EDF Renewable Energy, Inc. (EDF) filed a complaint against Midcontinent Independent System Operator, Inc. (MISO), the Southwest Power Pool, Inc. (SPP) and PJM Interconnection, L.L.C (PJM). The complaint alleged, inter alia, that MISO, SPP and PJM's current Affected System coordination procedures and practices were unjust, unreasonable and unduly discriminatory. On February 8, 2018, the Commission issued an order on the complaint and directed Commission staff to conduct a technical conference to further explore the issues raised in the complaint related to Affected Systems coordination

procedures as well as other Affected Systems coordination issues raised in a Notice of Proposed Rulemaking in Docket No. RM17-8-000. The technical conference was held on April 3rd and 4th 2018, and on April 19, 2018, Commission staff invited post-conference comments. Numerous entities submitted comments in the proceeding. Agenda item E-2 may be a further order on EDF's complaint and the issues discussed during the technical conference.

E-3 – American Electric Power Service Corporation v. Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc. (Docket No. EL17-89-000). On September 15, 2017, pursuant to sections 206, 306, and 309 of the FPA, American Electric Power Service Corporation (AEPSC), on behalf of its operating company affiliate, Southwestern Electric Power Company (SWEPCO), filed a complaint against MISO and SPP. The complaint alleges, inter alia, that MISO violated the Joint Operating Agreement between MISO and SPP regarding the assessment of certain congestion charges associated with SWEPCO loads that are pseudo-tied out of MISO and into SPP. Agenda item E-3 may be an order on AEPSC's complaint.

E-4 – City of Prescott, Arkansas v. Southwestern Electric Power Company, Midcontinent Independent System Operator, Inc. (Docket No. EL19-60-000). On April 5, 2019, pursuant to Sections 206, 306, and 309 of the FPA, the City of Prescott, Arkansas (Prescott) filed a complaint against SWEPCO and against MISO. The complaint alleges, inter alia, that (1) an Amended Power Supply Agreement (PSA) between Prescott and SWEPCO is unjust and unreasonable and should be amended in certain respects or terminated; (2) the PSA requires SWEPCO to implement the effective MISO congestion hedging strategy; or, in the alternative, that the PSA violates the public interest by depriving Prescott of an effective hedge for MISO congestion charges and justifies termination of the PSA; and (3) that MISO violated the Joint Operating Agreement between MISO and Southwest Power Pool, Inc., (SPP) and must coordinate with SPP to eliminate pancaked transmission charges to Prescott. Agenda item E-4 may be an order on Prescott's complaint.

E-5 – American Electric Power Service Corporation v. Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc.; City of Prescott, Arkansas v. Southwestern Electric Power Company Midcontinent Independent System Operator, Inc. (Docket Nos. EL17-89-000; EL19-60-000). Agenda item E-5 may be an order related to the AEPSC and Prescott complaints noted above in agenda items E-3 and E-4, respectively.

E-6 – Southwest Power Pool, Inc., Sunflower Electric Power Corporation (Docket No. ER19-2273-000). On June 27, 2019, SPP submitted proposed revisions to the SPP Open Access Transmission Tariff (SPP OATT) to reflect the proposed merger of Mid-Kansas Electric Company, Inc. (Mid-Kansas) into Sunflower Electric Power Corporation (Sunflower). The submission included proposed revisions to Sunflower's formula rate template and implementation protocols as well as a proposal to combine the existing Mid-Kansas and Sunflower zones into a single Sunflower zone under the SPP OATT. Agenda item E-6 may be an order on SPP's proposed revisions to the SPP OATT.

E-7 – Idaho Power Company (Docket Nos. ER10-2126-005; EL19-87-000). On June 21, 2019, pursuant to section 205 of the FPA and Section 35.37 of the Commission's regulations, Idaho Power Company (Idaho Power) submitted an updated market power analysis for the Northwest region. Agenda item E-7 may be an order on Idaho Power's updated market power analysis.

E-8 – Southwestern Electric Power Company (Docket No. ER18-1225-001); Minden, Louisiana v. Southwestern Electric Power Company (Docket No. EL18-122-001). On December 7, 2018, Southwestern Electric Power Company (SWEPCO) submitted an executed Settlement Agreement in order to resolve and dispose of all contested matters relating to its Power Supply Agreement (PSA) with the City of Minden, Louisiana (Minden). The settlement originates from two separate 2018 dockets in which Minden protested filed a formal complaint challenging the justness and reasonableness of the PSA. SWEPCO subsequently submitted proposed revisions to depreciation rates included as inputs in the formula rate pursuant to which the charges in the PSA are calculated. However, Minden filed a protest against those proposed revisions and, on May 30, 2018, the Commission set the matter for hearing and settlement judge procedures. The Settlement Agreement filed is the outcome of three settlement conferences between SWEPCO, Minden, and Commission Trial Staff. On December 19, 2018, the City of Prescott (Prescott) filed comments opposing the settlement, asserting that the terms of the PSA are in parts identical to an agreement held with SWEPCO as well, and that it was unduly excluded from the

settlement negotiation process. On January 29, 2019, the Administrative Law Judge (ALJ) issued a report of contested settlement, noting the opposition brought forward by Prescott. On February 4, 2019, the ALJ issued an order terminating settlement judge procedures, indicating there are no additional matters pending before the judges. Agenda item E-8 may be an order on the comments and protest by Prescott or an order on the settlement.

E-9 – Calpine Bethlehem, LLC (Docket No. ER14-874-003); Calpine Mid-Atlantic Generation, LLC (Docket Nos. ER14-875-003, ER17-2566-002); Calpine Mid Merit, LLC (Docket No. ER12-954-005); Calpine New Jersey Generation, LLC (Docket Nos. ER14-873-003, ER15-2495-003); Garrison Energy Center LLC (Docket No. ER15-2735-006); Zion Energy LLC (Docket No. ER10-2214-005). On September 29, 2017, Calpine Bethlehem, LLC, Calpine Mid-Atlantic Generation, LLC, Calpine Mid Merit, LLC, Calpine New Jersey Generation, LLC, Garrison Energy Center LLC, and Zion Energy LLC (collectively, the Calpine Companies) submitted an informational filing pursuant to the PJM Tariff regarding a planned transfer of facilities owned by Calpine. On January 18, 2018, the Commission issued an order instituting hearing and settlement judge procedures in accordance with section 206 of the Federal Power Act to determine if the rate schedules and annual revenue requirements for each entity were just and reasonable. On June 18, 2019, the Calpine Companies submitted a Settlement Agreement purporting to resolve all issues in the above-captioned dockets. On July 22, 2019, the ALJ filed a certification of uncontested settlement and confirmed that, while PJM did not file comments, it supported the settlement as filed. Agenda item E-9 may be an order on the uncontested settlement among the Calpine Companies.

E-10 – San Diego Gas & Electric Company, Sempra Gas & Power Marketing, LLC (Docket No. ER19-2422-000). On July 18, 2019, San Diego Gas & Electric Company (SDG&E) and Sempra Gas & Power Marketing, LLC (SGPM) (and collectively, Applicants) filed a joint application for approval of an affiliate transaction pursuant to section 205 of the FPA. The Applicants request authorization from the Commission for SDG&E to purchase from SGPM, and then for SGPM to sell to SDG&E, Resource Adequacy (RA) capacity at market-based rates. The Applicants assert that approval of the transaction will enable SDG&E to meet its RA compliance obligations at a cost that is more favorable to ratepayers than the alternatives offered to SDG&E during the formal solicitation process for RA capacity. Agenda item E-10 may be an order on the joint application by SDG&E and SGPM.

E-11 – Panoche Valley Solar, LLC (Docket No. ER18-855-000). On February 13, 2018, Panoche Valley Solar, LLC (Panoche Valley) submitted an application for market-based rate authorization under section 205 of the FPA. In addition, Panoche Valley requested that the Commission not impose a refund requirement for any intermittent sales of test power for an approximately two-month period from October through December 2017. On December 26, 2017, Panoche Valley began to sell 62 megawatts of energy into CAISO prior to obtaining market-based rate authorization from the Commission, nor had it filed an application at that juncture. Agenda item E-11 may be an order on the application brought forward by Panoche Valley.

E-12 – Omitted

E-13 – New Brunswick Energy Marketing Corporation (Docket Nos. ER14-225-005, ER14-225-006, EL19-68-000, EL19-68-001). On April 4, 2019, New Brunswick Energy Marketing Corporation (NB Energy Marketing) notified the Commission of a non-material change in status stemming from its affiliate, New Brunswick Power Corporation, completing the acquisition of the Bayside generation facility located in New Brunswick. As a result of this acquisition (and the additional 290 MW added to the NB Energy Marketing portfolio), this filing aims to confirm that market-based rate authority granted to NB Energy Marketing should be retained and there are no concerns regarding market power. On May 24, 2019, the Commission issued an order finding that NB Energy Marketing passes the pivotal supplier indicative screen but fails the wholesale market share indicative screen in all four seasons. Consequently, the Commission instituted a proceeding pursuant to section 206 of the FPA to determine if NB Energy Marketing should retain its market-based rate authority and to establish a refund effective date. On July 23, 2019, NB Energy Marketing submitted a response to the May 24 order, including a delivered price test that rebuts the Commission finding of horizontal market power. NB Energy Marketing requested that the Commission terminate the section 206 proceeding and find that market-based rate authority should continue to be granted. Agenda item E-13 may be an order on the response by NB Energy Marketing.

E-14 – NRG Wholesale Generation LP, Entergy Mississippi, LLC (Docket No. EC19-63-000). On March 1, 2019, NRG Wholesale Generation LP (NRG) and Entergy Mississippi (Entergy) (collectively, the Applicants) filed

a joint application for authorization under section 203(a)(1) of the FPA. The application pertains to a proposed transaction in which NRG will sell, and Entergy will acquire, a natural gas-fired electric generating facility located in Mississippi. Agenda item E-14 may be an order on the joint application.

E-15 – Bayou Cove Peaking Power, LLC, Big Cajun I Peaking Power LLC, Cottonwood Energy Company LP, Louisiana Generating LLC, Sterlington Power LLC, NRG Cottonwood Tenant LLC, NRG Power Marketing LLC, Cleco Cajun LLC, Cleco Corporate Holdings LLC, Cleco Group LLC, Cleco Partners L.P. (Docket No. EC18-63-001). On February 27, 2018, the above-captioned Applicants filed a joint application for authorization pursuant to sections 203(a)(1) and 203(a)(2) of the FPA. The joint application is related to a transaction whereby Cleco Energy would acquire all of the membership interests of NRG South Central Generating LLC; Cottonwood Energy Company LP will lease its generation facility to Cottonwood Tenant LLC, and NRG Power Marketing LLC will transfer certain long-term, market-based rate requirements agreements with various municipalities to an affiliate of the Cleco Applicants. On December 12, 2018, the Commission issued an order authorizing disposition of jurisdictional facilities. On January 11, 2019, Entergy Services LLC (Entergy Services) filed a limited request for rehearing of the December 12 order, alleging that the Commission erred in concluding that there is a relevant destination submarket distinct from MISO. Entergy Services states that the Commission should clarify that notwithstanding its finding in the December 12 Order, future cases that may reach the question of whether MISO South is a relevant destination market will be determined on a case-by-case basis in accordance with a complete analysis of the pertinent data and evidence of market dynamics, without any presumption that the SRPBC is a transmission constraint or that MISO South is a relevant market. Agenda item E-15 may be an order on the limited request for rehearing.

E-16 – Southern California Edison Company (Docket No. ER18-370-002). On December 1, 2017, Southern California Edison Company (SCE) proposed, pursuant to section 205 of the Federal Power Act, to add Appendix XI to its Transmission Owner Tariff (TO Tariff) for the explanation and recovery of costs associated with transmission-related compliance and maintenance activities. Protesters challenged numerous aspects of the process proposed in Appendix XI suggesting that such projects should be included in the transmission planning process. On March 23, 2018, the Commission issued an order accepting SCE's TO Tariff amendment for filing and suspending it for five months, to be effective September 1, 2018, subject to refund. The Commission found that it could not determine from the record whether SCE should be submitting transmission-related maintenance and compliance activities through CAISO's Transmission Planning Process (TPP) or the extent to which CAISO should be reviewing SCE's actions to maintain, repair, and replace its transmission facilities and directed Commission Staff to conduct a technical conference. On May 1, 2018, Commission Staff conducted a technical conference to address issues raised in this docket and similar dockets addressing related transmission planning issues for Transmission Owners in the CAISO. On August 31, 2018, the Commission issued an order accepting SCE's proposed tariff revisions, as further revised in response to the comments of protesters, and finding that the transmission-related maintenance and compliance activities explained in Attachment XI to the TO Tariff are not subject to Order No. 890's transmission planning requirements. In response, SCE submitted compliance filings on September 28, 2018 proposing revisions to its tariff filing consistent with guidance received from the Commission. On October 1, 2018, the California Public Utilities Commission and other interested California parties jointly submitted a request for rehearing of the order accepting SCE's proposed tariff revisions. Agenda item E-16 may be an order addressing the request for rehearing.

E-17 – Virginia Electric and Power Company, et. al. (Docket Nos. ER11-2774-003, ER12-303-003, ER11-2774-004). On February 2, 2017, the California Public Utilities Commission (CPUC), et. al., submitted, pursuant to sections 206 and 306 of the Federal Power Act, a complaint alleging that Pacific Gas & Electric Company's (PG&E) transmission planning process, including capital transmission expenditures not submitted through CAISO's transmission planning process (TPP), failed to meet the transmission planning requirements set forth in Order No. 890. The CPUC requested that all of PG&E's transmission planning processes be required to comply with Order No. 890. On March 23, 2018, the Commission directed Commission Staff to convene a technical conference regarding, inter alia, local transmission planning within the California Independent System Operator (CAISO) footprint and the CPUC's complaint addressing PG&E's transmission planning process. On August 31, 2018, the Commission issued an order denying the complaint finding that complainants failed to meet the burden of demonstrating that the existing rate was not just and reasonable. On October 1, 2018, the CPUC, et. al.,

submitted a request for rehearing of the Commission order denying complaint. Agenda item E-17 may be an order addressing the request for rehearing.

E-18 – Nebraska Public Power District v. Tri-State Generation and Transmission Association, Inc., Southwest Power Pool, Inc. (Docket Nos. EL18-194-001, ER16-204-000). On August 21, 2018, the Nebraska Public Power District (NPPD) filed, pursuant to sections 206 and 306 of the Federal Power Act, a complaint requesting that the Commission determine that the inclusion of certain costs in Tri-State Generation and Transmission Association, Inc.'s (Tri-State) Annual Transmission Revenue Requirement (ATRR) and failure to credit certain revenues to Tri-State's Schedule 1 revenue requirements for network integrations transmission service under SPP's Open Access Transmission Tariff (OATT) are unjust and unreasonable. On December 20, 2018, the Commission denied the complaint finding that each of the disputed cost components identified in the complaint were covered by a settlement agreement, an agreement in which NPPD was a party. As a party to the settlement agreement, NPPD was required to demonstrate that its proposed modifications to the ATRR satisfy the heightened "public interest" standard. The Commission found that it failed to do so. On January 18, 2019, NPPD submitted a request for rehearing of the order denying complaint. NPPD also filed a petition for review of the Order on Initial Decision and the Order Denying Rehearing with the 8th Circuit US Court of Appeals on March 19, 2019. Agenda item E-18 may be an order addressing the petition for review and request for rehearing.

E-19 – Omitted

E-20 – Tipmont Rural Electric Member Cooperative v. Wabash Valley Power Associates, Inc. (Docket No. EL19-2-000). On October 1, 2018, Tipmont Rural Electric Membership Cooperative (Tipmont) filed, pursuant to section 206 and 306 of the Federal Power Act, a complaint requesting authorization to terminate service early under its wholesale requirements power sales agreements with Wabash Valley Power Authority (Wabash), or in the alternative, that the Commission initiate a 206 investigation into the rates charged by Wabash if it seeks to prevent such early termination. Agenda item E-20 may be an order addressing the complaint.

E-21 – EF Kenilworth, LLC (Docket Nos. EL19-72-000, QF90-73-010). On May 6, 2019, EF Kenilworth LLC (EF Kenilworth) submitted, pursuant to section 292.205(c) of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, a petition for declaratory order requesting a waiver of the efficiency and operating standards for its qualifying cogeneration facility located at the Merck Sharp & Dohme Corp. manufacturing and processing facility in Kenilworth, New Jersey for calendar years 2018 through 2020 due to a decrease in steam consumption by the Kenilworth Facility's thermal host. Agenda item E-21 may be an order addressing the requested waiver.

E-22 – New England Ratepayers Association (Docket No. EL19-10-000). On November 2, 2018, the New England Ratepayers Association (NERA) submitted, pursuant to Rule 207 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, a request for declaratory order finding that Senate Bill 365 (SB 365), a New Hampshire statute that mandates a purchase price for wholesale sales by certain generators operating in the state, is preempted by the Federal Power Act. NERA further requests a declaration that SB 365 violates section 210 of the Public Utilities Regulatory Policies Act of 1978 because it ignores the requirement that any rates set by the states for wholesale sales by QFs may not exceed the purchasing utilities' avoided costs. NERA also requested that the Commission find that the state is pre-empted from ordering purchases that are contrary to a previously issued Commission-issued order terminating PSNH's mandatory purchase obligation for QF's with a net capacity greater than 20 MW in its service territory. Agenda item E-22 may be an order addressing the request for declaratory order.

E-23 – Tucson Electric Power Company (Docket No. ER19-2023-000). On May 31, 2019, Tucson Electric Power Company (TEP) submitted, pursuant to sections 205 and 219 of the Federal Power Act, a request for authorization to recover, through its OATT, 100 percent of the approximately \$9 Million in costs that it incurred in the development of the abandoned 60 mile 345 kV transmission line project from Sahuarita to Nogales, Arizona. The project, initiated in response to a directive by the Arizona Corporations Commission to address a chronic power outage problem impacting Santa Cruz County, Arizona, was abandoned in 2014. Agenda item E-23 may be an order addressing TEP's request.

E-24 – Omitted

E-25 – Public Service Electric and Gas Company v. Consolidated Edison Company of New York, Inc. (Docket No. EL18-143-001). On May 3, 2018, Public Service Electric and Gas Company (PSEG) filed, pursuant to sections 206, 306, and 309 of the Federal Power Act, a complaint alleging that Consolidated Edison Company of New York, Inc. (ConEd) is in violation of section 4.1.2 of the New York Independent System Operator, Inc.'s (NYISO) OATT for failing to cooperate with PSEG to remove dielectric fluid and transmission cables from co-owned transmission lines. On September 6, 2018, the Commission issued an order dismissing complaint finding that the Commission does not have exclusive jurisdiction over the dispute and declining to assert primary jurisdiction. On October 9, 2018, PSEG submitted a request for rehearing of the Commission order dismissing complaint. Agenda item E-25 may be an order addressing the request for rehearing.

Gas

G-1 – West Texas Gas, Inc. (Docket No. RP19-1371-000). On July 1, 2019, West Texas Gas, Inc. (West Texas Gas) submitted a report detailing its purchased gas cost reconciliation for the twelve-month period ending April 30, 2019. The report is in compliance with the settlement approved by the Commission in a prior docket in 1998. Further, West Texas Gas requests waiver of its tariff and the settlement in order to provide a reconciliation report for prior periods as well (specifically, prior twelve-month intervals from May 1, 2010 through April 30, 2018). Prior to the 1998 settlement, West Texas Gas recovered the cost of gas purchases associated with its jurisdictional sales pursuant to a purchased gas adjustment clause. The settlement replaced this cost recovery mechanism with a new spot-market based pricing methodology, whereby a Permian Basin index price is incorporated into the annual purchased gas cost reconciliation filings made to true up actual purchased gas costs with costs that are recovered under the index. Under this revised methodology, West Texas Gas has refunded or billed the differences (on a twelve-month interval basis) annually following the true up calculations. West Texas Gas has not submitted a reconciliation filing to the Commission since 2010, citing the retirement of counsel retained for this purpose and a subsequent lapse. In early 2019, the depressed Permian Basin gas index resulted in significant under-recovery of costs. West Texas Gas and its sole jurisdictional customer, New Mexico Gas, negotiated a reconciliation amount of \$615,920. Agenda item G-1 may be an order on the proposed reconciliation payment and temporary waiver of the tariff as set forth in the 1998 settlement.

G-2 – Omitted

Hydro

H-1 – Alagnis, Inc. (Docket Nos. P-14896-003, P-14897-003, P-14898-003, P-14899-003, P-14900-003, P-14901-003, P-14902-003, P-14903-003, P-14904-003, P-14905-003, P-14906-003, P-14907-003, P-14908-003, P-14909-003, P-14910-003, P-14911-003, P-14912-003, P-14913-003, P-14914-003, P-14915-003, P-14916-003, P-14917-003, P-14918-003, P-14919-003, P-14920-003, P-14921-003, P-14922-003, P-14923-003, P-14924-003, P-14925-003, P-14926-003, P-14927-003, P-14928-003, P-14929-003, P-14930-003, P-14931-003, P-14932-003, P-14933-003, P-14934-003, P-14935-003, P-14936-003, P-14937-003, P-14938-003, P-14939-003, P-14940-003, P-14941-003, P-14942-003, P-14943-003, P-14944-003, P-14945-003, P-14946-003, P-14947-003, P-14948-003, P-14949-003, P-14950-003, P-14951-003, P-14952-003, P-14953-003, P-14954-003, P-14955-003).

H-2 – McMahan Hydroelectric, LLC (Docket No. P-14858-000). On March 30, 2015, McMahan Hydroelectric, LLC (McMahan) submitted a Final License Application for licensing of the 600-kilowatt Bynum Hydro Project located in Chatham County, North Carolina. The prior license for the Bynum Project, held by PK Ventures, expired on April 30, 2015 after a 30-year term. On October 25, 2018, the Commission issued the Environmental Assessment, finding that the project would not constitute a major environmental impact. Agenda item H-2 may be an order on the license application as submitted by McMahan.

H-3 – Eagle Crest Energy Company (Docket No. P-13123-028). On May 7, 2019, the Commission issued an order denying the late interventions of National Parks Conservation Association and Desert Protection Society regarding the extension of the license for the Eagle Mountain Pumped Storage Project. On June 4, 2019 and June 6, 2019, respectively, both parties filed requests for rehearing of the May 7 order. Both parties allege that the Commission denied intervenor status and therefore are precluded from obtaining rehearing of the substantive license extension application. Agenda item H-3 may be an order on the requests for rehearing.

H-4 – Island in the Sky, LLC (Docket No. P-14805-001). On June 17, 2019, the Commission issued an order canceling the preliminary permit of the proposed Elizabeth Webbing Project. On July 17, 2019, Island in the Sky, LLC (ISH) filed a request for rehearing of the June 17 order, asserting that the Commission erred in its cancellation and did not consider the progress with general project design for the Elizabeth Webbing Project. To date, ISH has not yet completed or filed a Pre-Application Document. Agenda item H-4 may be an order on the request for rehearing.

H-5 – Public Utility District No. 1 of Lewis County, Washington (Docket No. P-2833-110). On April 30, 2019, the Commission issued an order amending the Whitewater Boating Take-out Site Plan for the Cowlitz Falls Hydroelectric Project located in Washington. On May 27, 2019 and May 30, 2019, respectively, two individuals filed requests for rehearing of the April 30 order. Both rehearing requests addressed the claims by Public Utility District No. 1 of Lewis County (LCPUD) in stating that an alternate site would be available for the North Boat Launch. However, in a May 16, 2019 meeting with the boating community, LCPUD said the North Boat Launch would be rendered unavailable and is not a viable alternate site. As a result, this would pose a substantial harm to the usability of the site and represents an inaccurate portrayal of information given to the Commission. Agenda item H-5 may be an order on the requests for rehearing.

Certificates

C-1 – Cheyenne Connector, LLC (Docket No. CP18-102-000); Rockies Express Pipeline LLC (Docket No. CP18-103-000). On March 5, 2018, Cheyenne Connector, LLC and Rockies Express Pipeline LLC (collectively, Applicants) filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity (CPCN). The CPCN application pertains to the construction and operation of certain booster compression units and ancillary facilities located in Colorado, which would enable Rockies Express to provide a new hub service allowing for firm receipts and deliveries at the interconnected Cheyenne hub. On December 18, 2018, the Commission issued the Environmental Assessment, finding that the project would not constitute a major environmental impact if mitigating measures are implemented per staff recommendation. Agenda item C-1 may be an order on the CPCN application.

C-2 – Eagle LNG Partners Jacksonville LLC (Docket No. CP17-41-000). On January 31, 2017, Eagle LNG Partners Jacksonville LLC (Eagle LNG) filed an application pursuant to section 3(a) of the NGA. The application seeks Commission authorization to site, construct, and operate facilities for the export of liquefied natural gas from Florida. A substantial number of stakeholders, elected officials, and state and federal agencies filed comments and supplemental information during the course of the intervention period. On November 16, 2018, the Commission issued the draft Environmental Impact Statement (EIS), finding that the project would result in some limited adverse environmental impacts; however, implementation of mitigating measures would reduce the impacts to less-than-significant levels. On April 12, 2019, the Commission issued the final EIS, which retained the same conclusion as the draft EIS released several months prior. On May 10, 2019, Eagle LNG submitted comments on seven specific conditions outlined in the Final EIS so that the Commission may deliberate on the comments and minor changes to the proposed mitigation measures. Agenda item C-2 may be an order on the application submitted by Eagle LNG.

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