

FERC

Meeting Agenda Summary

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Authors: Daniel Hagan, Jane E. Rueger

Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's October 17, 2019 meeting, pursuant to the agenda as issued on October 10, 2019. Agenda items E-5, E-15, and E-23 have not been summarized due to omission from the agenda.

Electric

E-1 – Southwest Power Pool, Inc. (Docket Nos. ER19-460-000, ER19-460-001, ER19-460-002 ER19-460-003, EL19-101-000). On December 3, 2018, Southwest Power Pool, Inc. (SPP) filed revisions to its Open Access Transmission Tariff to comply with Commission Order No. 841 regarding tariff provisions for electric storage resources. SPP filed amendments on February 6, 2019 and February 28, 2019 and requested deferral of the effective date of its filing. On April 1, 2019, the Commission issued a letter directing SPP to file additional information concerning its December 3 filing and subsequent amendments. On May 1, 2019, SPP submitted information in response to the Commission's April 1 letter. Agenda item E-1 may be order related to SPP's Order No. 841 compliance tariff filing.

E-2 – PJM Interconnection, L.L.C. (Docket Nos. ER19-469-000, ER19-469-001, EL19-100-000). On December 3, 2018, PJM Interconnection, L.L.C (PJM) filed revisions to its Open Access Transmission Tariff to comply with Commission Order No. 841 regarding tariff provisions for electric storage resources. On April 1, 2019, the Commission issued a letter directing PJM to file additional information concerning its December 3 filing. On May 1, 2019, PJM submitted information in response to the Commission's April 1 letter. On October 8, 2019, PJM submitted a filing requesting Commission action on its December 3 filing prior to December 3, 2019 and a corresponding change to the proposed effective date for the tariff revisions. Agenda item E-2 maybe an order related to PJM's Order No. 841 compliance tariff filing.

E-3 – ISO New England Inc., PJM Interconnection, L.L.C., Southwest Power Pool, Inc. (Docket Nos. EL19-90-000, EL19-91-000, EL19-92-000). No filings or orders have been submitted or issued in the above-referenced dockets. Agenda item E-3 may be an order instituting a proceeding in the above-referenced dockets.

E-4 – North American Electric Reliability Corporation (Docket No. RR19-8-000). On August 23, 2019, the North American Electric Reliability Corporation (NERC) submitted in accordance with section 215 of the FPA and related Commission regulations a request for approval of its 2020 Business Plans and Budgets. Agenda item E-4 may be an order regarding NERC's request for approval.

E-5 – Omitted

E-6 – Empire Generating Co, LLC (Docket No. EC19-99-000). On June 4, 2019, as amended on June 17, 2019, Empire Generating Company Co, LLC (Empire) filed an application for authorization under section 203(a)(1) of the FPA requesting Commission authorization for the disposition of upstream ownership of Empire Generating to Empire Acquisition LLC. On June 21, 2019, the Commission issued a deficiency letter and requesting additional information. Empire filed supplemental information in response on July 17, 2019. Additionally, on July 3, 2019, Ares Management Corporation filed a Motion to Intervene and Limited Protest. Agenda item E-6 may be an order regarding Empire's application.

E-7 – PJM Interconnection, L.L.C. and Virginia Electric and Power Company (Docket Nos. ER19-1661-000 ER19-1661-001). On April 24, 2019, PJM submitted for filing, on behalf of Virginia Electric and Power Company d/b/a Dominion Energy Virginia (Dominion), revisions to the PJM Open Access Transmission Tariff to add a new Attachment M-2 proposing changes to the calculation of the Network Service Peak Load contribution used to determine each load serving entities' load ratio share of Dominion's annual transmission revenue requirement. On June 14, 2019, the Commission issued a deficiency letter and requested additional information regarding the proposed changes. On July 15, 2019, Dominion submitted a supplement to its April 24 filing with additional information in response to the Commission's deficiency letter. In addition, certain intervenors have filed protests to Dominion's April 24 filing and its July 15 supplement. Agenda item E-7 may be an order regarding Dominion's proposed tariff revisions.

E-8 – GridLiance High Plains LLC; Southwest Power Pool, Inc. (Docket No. ER19-1357-000, ER18-2358-001). On March 15, 2019, under Docket No. ER19-1357, GridLiance High Plains LLC (GridLiance) submitted its annual Information Filing regarding its proposed 2019 Annual Transmission Revenue Requirement (ATRR) pursuant to Attachment H of the SPP Open Access Transmission Energy and Operating Reserve Markets Tariff (SPP Tariff). On July 1, 2019, Xcel Energy Services Inc. (Xcel) filed a Formal Challenge to GridLiance's Informational Filing in accordance with Attachment H of the SPP Tariff. Additionally, on August 30, 2018, under Docket No. ER18-2358, SPP filed proposed revisions to the SPP Tariff to add an ATRR for transmission service using certain new facility upgrades and existing facilities of GridLiance. On October 18, 2018, Xcel filed a protest regarding SPP's proposed revisions. In Xcel's July 1 Formal Challenge, Xcel requested the Commission consolidate the proceedings in Docket Nos. ER19-1357 and ER18-2358. Agenda item E-8 may be an order related to GridLiance's Informational Filing and Xcel's Formal Challenge.

E-9 – Tucson Electric Power Company; UNS Electric, Inc.; UniSource Energy Development Company (Docket Nos. ER10-2564-009, ER10-2600-009, ER10-2289-009, EL19-44-000). On December 21, 2018, Tucson Electric Power Company (Tucson Electric), UNS Electric, Inc. (UNS) and UniSource Energy Development Company (UniSource, and collectively Applicants) filed a triennial market power update for the Southwest region with an updated market power analysis for the Southwest region, which includes the Tucson Electric balancing authority area and first-tier balancing authority areas. On March 8, 2019, the Commission issued an order finding that the updated market power analysis in the December 21 filing showed a wholesale market share indicative screen in the Tucson Electric balancing area authority in the winter season, and such failure, and thus did not meet the thresholds to establish a rebuttable presumption of horizontal market power. The Commission's order instituted a section 206 proceeding to determine whether Applicant's market-based rate authority remains just and reasonable and to establish a refund effective date. On May 6, 2019, the Applicant's submitted a response to the Commission's March 8 order. Agenda item E-9 may be an order regarding the December 21 updated triennial market power updated and related section 206 proceeding.

E-10 – Gulf Power Company (Docket No. ER18-1953-003). On June 20, 2019, Gulf Power Company filed a Joint Settlement Agreement. On August 21, 2019, the Administrative Law Judges filed a certification of uncontested settlement. Agenda item E-10 may be an order on the settlement.

E-11 – Westar Energy, Inc. (Docket No. ER18-1418-001). On April 23, 2018, Westar Energy, Inc. (Westar) filed, pursuant to section 205 of the Federal Power Act and as required by its previous settlement, revisions to the transmission and distribution factors set forth in its Open Access Transmission Tariff (OATT). On June 26, 2018, the Commission issued an order accepting and suspending the proposed tariff revisions and setting the case for hearing and settlement judge procedures. The parties entered into settlement negotiations culminating in a settlement agreement dated July 3, 2019. On July 23, 2019, Nemaha-Marshall Electric Cooperative Association, Inc. filed comments opposing the settlement agreement because it removes references to Composite Loss Factors in the OATT. On August 8, 2019, Settlement Judge Steven L. Sterner issued a Report of Contested Settlement. Agenda item E-11 may be an order addressing the contested settlement.

E-12 – Constellation Power Source Generation, LLC; Exelon Generation Company, LLC; Handsome Lake Energy, LLC (Docket Nos. ER17-801-004, ER17-802-003, ER17-803-002). On January 17, 2017, as amended on January 25, 2017, Constellation Power Source Generation, LLC (CPSG) submitted, pursuant to section 205 of the Federal Power Act, revisions to its FERC Rate Schedule No. 2 that proposed to increase its Reactive Service revenue requirement from \$1,240,269.32 to \$1,969,128.51. Also on January 17, 2017, as amended on January 25, 2017, Exelon Generation Company, LLC (ExGen) submitted, pursuant to section 205 of the Federal Power Act, revisions to its FERC Rate Schedule No. 22 that proposed to increase its Reactive Service revenue requirement from \$21,502,939.00 to \$32,444,282.95. On January 17, 2017, as amended on January 25, 2017, Handsome Lake Energy, LLC (Handsome Lake) submitted, pursuant to section 205 of the Federal Power Act, revisions to its FERC Rate Schedule No. 2 that proposed to decrease its Reactive Service revenue requirement from \$370,304.00 to \$215,716.75. On March 21, 2017, the Director of the Division of Electric Power Regulation – East, pursuant to his delegated authority, issued separate delegated letter orders in Docket Nos. ER17-801-001, ER17-802-001, and ER17-803-001, accepting the CPSG Rate Schedule to become effective March 1, 2017, subject to refund, and the ExGen Rate Schedule to become effective August 27, 2017, subject to refund, and established hearing and settlement judge proceedings. With regard to the Handsome Lake Rate Schedule, the Director of the Division of Electric Power Regulation – East, pursuant to his delegated authority, initiated a section 206 proceeding in Docket No. EL17-50-000 effective March 1, 2017. On April 7, 2017, the Chief Administrative Law Judge granted the parties' request to handle the proceedings in Docket Nos. ER17-801-001, ER17-802-001, and EL17-50-000 jointly for settlement purposes given the legal and factual commonalities among the non-consolidated proceedings. The Parties and Trial Staff engaged in numerous settlement discussions and in several settlement conferences with Judge Krolikowski, culminating in the settlement agreement filed April 22, 2019. The Settlement reduces the combined annual revenue requirement (ARR) for CPSG, ExGen, and Handsome Lake from the filed ARR of \$34,629,128.21 to the settled ARR of \$23,113,512.24. Judge Krolikowski, certified the uncontested settlement on June 12, 2019. Agenda item E-12 may be an order addressing the Settlement Agreement.

E-13 – NTE Ohio, LLC (Docket No. ER18-2362-001). On August 30, 2018, NTE Ohio filed, pursuant to section 205 of the Federal Power Act, a rate schedule to begin receiving payments for Reactive Supply and Voltage Control pursuant to Schedule 2 of the PJM Interconnection Open Access Transmission Tariff (OATT). In its filing, NTE Ohio sought to recover \$1,932,933 annually for the provision of Reactive Services. On October 29, 2018, the Commission accepted NTE Ohio's proposed rate schedule and suspended it for a nominal period, to become effective September 1, 2018, subject to refund, and set the case for hearing and settlement judge procedures. NTE Ohio, Duke, PJM and Trial Staff engaged in a series of settlement discussions and ultimately filed a Settlement Agreement on June 11, 2019 which reflected a negotiated "black box" annual revenue requirement of \$1,300,000. Judge Hurt, certified the uncontested settlement on July 12, 2019. Agenda item E-13 may be an order addressing the Settlement Agreement.

E-14 – Nevada Hydro Company, Inc. v. California Independent System Operator Corporation (Docket No. EL19-81-000). On June 17, 2019, the Nevada Hydro Company, Inc. (Nevada Hydro) filed, pursuant to section 206 of the Federal Power Act, a complaint alleging that the California Independent System Operator Corporation (CAISO) failed to satisfy its commitment to the Commission to study the Lake Elsinore Advanced Pumped Storage hydroelectric project (LEAPS) as a transmission facility in the 2018-2019 transmission planning process,

violated the planning provisions of Article 24 of its tariff, and accordingly produced unjust and unreasonable results in its published transmission plan. Nevada Hydro's allegations were prompted by the CAISO's selection of short-term operational fixes, batteries, and demand response to address reliability issues that Nevada Hydro argues are more efficiently and cost-effectively resolved by LEAPS. Numerous parties submitted pleadings addressing the complaint. Agenda item E-14 may be an order addressing the complaint.

E-15 – Omitted

E-16 – Exelon Fitzpatrick, LLC (Docket No. ER17-2201-001). On July 31, 2017, Exelon Fitzpatrick, LLC (Exelon) filed, pursuant to section 205 of the Federal Power Act, an application for market-based rate authority with an accompanying tariff providing for the sale of electric energy, capacity, and ancillary services at market-based rates. On September 28, 2017, the Commission granted Exelon authority to make wholesale sales of electric energy, capacity, and ancillary services at market-based rates, effective September 29, 2017, as requested. Exelon was designated as a Category 2 seller in the Northeast region and a Category 1 seller in all other regions. On October 27, 2017, Public Citizen, Inc. submitted a request for rehearing of the Commission's order granting Exelon market-based rate authority arguing that the Commission erred in failing to consider the impact of the New York Zero Emission Credit on the horizontal market power screen and the rates that Fitzpatrick could recover. Agenda item E-16 may be an order addressing the request for rehearing.

E-17 – Ameren Illinois Company (Docket No. ER17-1198-002). On March 13, 2017, Ameren Illinois Company (Ameren Illinois) submitted its annual informational formula rate update (2017 Annual Update), as required by the formula rate protocols set forth in Attachment O-AIC of Midcontinent Independent System Operator, Inc.'s (MISO) Open Access Transmission, Energy and Operating Reserve Markets Tariff (MISO Tariff). On April 17, 2017, Southwestern Electric Cooperative, Inc. (Southwestern) submitted, pursuant to section IV of Attachment O-AIC to the MISO Tariff, a Formal Challenge of Ameren Illinois' 2017 Annual Update challenging several inputs to Ameren's 2017 projections and 2015 True-Up including: transmission plant expenses, Account 190 entries, Accounts 282 and 283 entries, general and intangible plant expenses, land held for future use expenses, administrative and general (A&G) expenses, franchise fees, CIAC-related income tax amounts, and the wages and salaries allocator. On June 20, 2019, the Commission issued an order granting in part and denying in part the Formal Challenge. On July 22, 2019, Southwestern filed a request for rehearing of the Commission's order addressing the Formal Challenge. Agenda item E-17 may be an order addressing the request for rehearing.

E-18 – Midcontinent Independent System Operator, Inc. (Docket No. ER18-1899-004). On June 29, 2018, as amended on September 26, 2018 and October 3, 2018, Midcontinent Independent System Operator, Inc. (MISO) filed, pursuant to section 205 of the Federal Power Act, two pro forma pseudo-tie agreements as new Attachments FFF-1 and FFF-2 to the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff), as well as certain associated modifications to Tariff Modules A and C. On November 30, 2018, the Commission accepted the proposed tariff revisions, subject to condition. On December 31, 2018, American Municipal Power, Inc. requested rehearing of the Commission's order accepting the tariff revisions alleging that the Commission has allowed MISO to: deprive a pseudo-tied entity of grandfathered status upon the termination of transmission service reservations in the absence of rollover, even in the event the transmission service reservation is replaced with identical arrangements; terminate a pseudo-tie in the event the RTO's modeling yields a 2% or greater variation in the Distribution Factor calculations; and terminate, rather than suspend, a pseudo-tie in the event of emergency conditions affecting reliability. Agenda item E-18 may be an order addressing the request for rehearing.

E-19 – Midcontinent Independent System Operator, Inc.; PJM Interconnection, L.L.C. (Docket Nos. ER18-136-004; ER18-137-004). On October 23, 2017, as amended January 29, 2018 and May 31, 2018, Midcontinent Independent System Operator, Inc. (MISO) and PJM Interconnection, L.L.C. (PJM) submitted in separate dockets, pursuant to section 205 of the Federal Power Act, proposed revisions (Phase 1 Revisions) to the Joint Operating Agreement Between MISO and PJM (JOA), to provide for a phased resolution of certain issues involving overlapping congestion charges affecting pseudo-tied generation in MISO and PJM. On July 31, 2018, the Commission issued an order accepting the proposed tariff revisions and requiring MISO to submit informational filings as to the status of its efforts to file and implement a solution to the remainder of the overlapping congestion charges. On August 30, 2018, American Municipal Power, Inc. filed a request for rehearing alleging that the

Commission erred by engaging in impermissible piecemeal ratemaking. Agenda item E-19 may be an order addressing the request for rehearing.

E-20 – PJM Interconnection, L.L.C. (Docket No. ER18-1730-001). On June 1, 2018, PJM Interconnection, L.L.C. (PJM) filed, pursuant to section 205 of the Federal Power Act (FPA), proposed revisions (Phase 2 Revisions) to the PJM Open Access Transmission Tariff (Tariff) and the Amended and Restated Operating Agreement (Operating Agreement) to: (1) charge or credit pseudo-tie transactions from MISO to the PJM-MISO interface for real-time deviations from day-ahead schedules for congestion resulting from market-to-market coordination pursuant to the Joint Operating Agreement between Midcontinent Independent System Operator, Inc. (MISO) and PJM (JOA); and (2) provide a new transaction type to hedge exposure to financial risk for pseudo-tied resources from PJM into MISO. On July 31, 2018, the Commission issued an order accepting the proposed tariff revisions. On August 30, 2018, American Municipal Power, Inc. filed a request for rehearing alleging that the Commission erred by engaging in impermissible piecemeal ratemaking. Agenda item E-20 may be an order addressing the request for rehearing.

E-21 – PJM Interconnection, L.L.C. (Docket No. ER19-945-001). On January 31, 2019, PJM Interconnection, L.L.C. (PJM) filed amendments to its Tariff in order to add Financial Transmission Rights (FTRs) mark-to-auction provisions and revise or clarify certain other FTR credit provisions. The Commission issued an order approving the proposed amendments on April 1, 2019. On May 1, 2019, Vitol Inc. (Vitol) filed a request for rehearing of the April 1 order issued by the Commission. Vitol asserts that it generally supports the order, but is seeking assurance to ensure that the proposed amendments to the PJM Tariff are just and reasonable in light of a Special Committee report that found insufficient internal practices and actions with respect to the GreenHat default. Namely, Vitol finds the Commission order does not hold PJM accountable for imposing specific timing obligations, causing market participants to be at the mercy of when PJM decides to recalculate certain components of FTRs. Agenda item E-21 may be an order on the request for rehearing by Vitol.

E-22 – Owensboro Municipal Utilities v. Louisville Gas and Electric Company and Kentucky Utilities Company (Docket No. EL18-203-001). On September 21, 2018, City Utility Commission of the City of Owensboro, Kentucky (Owensboro) filed a complaint against Louisville Gas and Electric Company and Kentucky Utilities Company (LG&E/KU). In the complaint, Owensboro alleges that LG&E/KU have violated their joint obligation, under the effective rate schedule, to reimburse Owensboro for pancaked transmission service charges incurred to “Drive-Out” from the Midcontinent Independent System Operator. Starting from February 1, 2018 forward, Owensboro states the unpaid refund due totals \$2,644,759. On February 21, 2019, the Commission issued an order granting the complaint in part, principally directing LG&E/KU to reimburse or credit to Owensboro an amount equal to the MISO charges for the transmission reservation that Owensboro provided from February 1, 2018 and to file a refund report within sixty days of the order. On March 25, 2019, LG&E/KU filed a request for rehearing of the February 21 order, claiming that the Commission failed to address certain material facts and adopted an overly broad interpretation of the rate schedule. Agenda item E-22 may be an order on the request for rehearing by LG&E/KU.

E-23 – Omitted

E-24 – CXA La Paloma, LLC v. California Independent System Operator Corporation (Docket No. EL18-177-001). On June 20, 2018, CXA La Paloma, LLC (La Paloma) filed a complaint against the California Independent System Operator Corporation (CAISO), pursuant to section 206 of the Federal Power Act (FPA). The complaint alleged that due to the fragmented nature of electricity regulation and jurisdiction in the state of California, a central resource adequacy procurement administered by CAISO has not yet been implemented and is necessary for proper market function. Accordingly, La Paloma requested that the Commission require CAISO to implement centralized resource adequacy procurement, with appropriate flexibility requirements, to generate price signals necessary to attract and retain resources needed for system planning purposes, and to incent appropriate investment in existing resources and efficient entry and exit of supply. On November 19, 2018, the Commission issued an order denying the complaint, finding that CXA had not satisfied its burden in demonstrating that the existing CAISO Tariff is unjust, unreasonable, or La Paloma discriminatory. On December 19, 2018, three parties filed respective requests for rehearing (La Paloma, NRG Energy Inc., and Western Power Trading Forum). The requests for rehearing addressed parallel issues with the order, namely the increasing use and reasons underlying emergency backstop designations under the CAISO Tariff, suppression of resource adequacy pricing,

and a disparity between prioritizing reliability outcomes at the expense of just and reasonable Tariff provisions. Agenda item E-24 may be an order on the three requests for rehearing.

E-25 – Public Citizen, Inc. v. PJM Interconnection, L.L.C. (Docket No. EL18-61-000). On February 20, 2018, Public Citizen, Inc. (Public Citizen) filed a complaint against PJM pursuant to section 206 of the FPA. The complaint alleged that PJM has made at least \$456,500 in campaign contributions to partisan political action committees and millions of dollars to lobbying firms. According to Public Citizen, these contributions signify tacit endorsement of PJM members, but there is no formal evidence that these expenditures were made transparent or voted on by PJM members. Therefore if PJM is financing partisan political activities through its filed rate, the complaint asserts such funding is unjust and unreasonable. Agenda item E-25 may be an order on the complaint brought forward by Public Citizen.

E-26 – PJM Interconnection, L.L.C. (Docket No. EL14-37-000). On August 29, 2014, the Commission initiated an investigation pursuant to section 206 of the FPA to address if the manner in which the PJM Tariff applies the FTR forfeiture rule to Up-to Congestion transactions (UTCs) is just and reasonable. In a UTC transaction, a market participant submits an offer to simultaneously inject energy at a specified source and withdraw the same megawatt quantity at a specified sink in the day-ahead market, and specifies the maximum difference in locational marginal prices (LMP) at the transaction's source and sink that the market participant is willing to pay. On January 7, 2015, the Commission held a technical conference regarding the proceeding. The Commission issued an order on January 19, 2017, finding the current application of the FTR forfeiture rule to virtual transactions is no longer just and reasonable. In the order, the Commission directed PJM to transition from an individual transaction approach to a portfolio approach that would evaluate the net effect of a participant's entire virtual portfolio. The Commission instructed PJM to submit a compliance filing within 90 days; to date, there has been no such filing. Agenda item E-26 may be an order on PJM compliance relating to the January 19 order.

Gas

G-1 – Arkansas Oklahoma Gas Corporation (Docket No. PR19-42-000). On February 22, 2019, Arkansas Oklahoma Gas Corporation (AOG) filed an annual report supporting limited waivers regarding interruptible service and a request for continuation of the limited waivers until January 15, 2025. In an order issued by the Commission on December 18, 2014, two limited waivers were granted through January 15, 2020 in order to: 1) charge the currently effective rates for interruptible transportation service provided under a blanket certificate; and 2) continue designating its receipt points as "production pool" instead of specific receipt points. Agenda item G-1 may be an order on the request for continuation of the two limited waivers.

G-2 – Wyoming Interstate Company, L.L.C. (Docket No. RP19-420-000). On December 6, 2018, Wyoming Interstate Company (WIC) filed its Form 501-G in order to demonstrate that an adjustment to its rates is not warranted. This filing is pursuant to Order No. 849 issued by the Commission on July 30, 2018, which instructed natural gas pipeline companies to file individual facts and circumstances that affirm its rates are just and reasonable in light of federal corporate income tax reform that may alter the revenue requirements of natural gas pipelines. Agenda item G-2 may be an order on the Form 501-G submittal.

G-3 – Natural Gas Pipeline Company of America LLC (Docket No. RP19-395-000). On December 6, 2018, Natural Gas Pipeline Company of America (NGPL) filed its Form 501-G in order to demonstrate that an adjustment to its rates is not warranted. This filing is pursuant to Order No. 849 issued by the Commission on July 30, 2018, which instructed natural gas pipeline companies to file individual facts and circumstances that affirm its rates are just and reasonable in light of federal corporate income tax reform that may alter the revenue requirements of natural gas pipelines. Agenda item G-3 may be an order on the Form 501-G submittal.

G-4 – Sea Robin Pipeline Company, LLC (Docket No. RP19-352-004). On November 18, 2018, pursuant to section 4 of the Natural Gas Act, Sea Robin Pipeline Company, LLC (Sea Robin) submitted revised tariff records reflecting, *inter alia*, a general rate increase to its firm and interruptible transportation and gathering rates, proposed to be effective January 1, 2019. On December 31, 2018, the Commission issued an order accepting for filing and suspending Sea Robin's proposed rates, subject to refund and the outcome of a hearing. On July 22, 2019, Sea Robin submitted an offer of settlement to resolve all issues pending in the rate proceeding. On

September 25, 2019, the presiding Commission administrative law judge filed a certification of uncontested offer of settlement. Agenda item G-4 may be an order on the uncontested offer of settlement.

G-5 – RRI Energy Services, LLC; Morgan Stanley Capital Group Inc. (Docket No. RP19-872-001). On March 22, 2019, RRI Energy Services, LLC (RRI) and Morgan Stanley Capital Group Inc. (Morgan Stanley) filed a petition requesting temporary, limited waiver of the Commission's capacity release regulations and the related tariff provisions of Kern River Gas Transmission Company (Kern River). RRI and Morgan Stanley filed their petition to facilitate the transfer of a jurisdictional natural gas transportation agreement from RRI to Morgan Stanley, as part of RRI's exit from the natural gas marketing business following bankruptcy. On April 18, 2019, the Commission issued an order (April Order) denying RRI and Morgan Stanley's requested waivers of the Commission's capacity release regulations and related Kern River tariff provisions. On May 17, 2019, RRI and Morgan Stanley requested rehearing of the April Order. Agenda item G-5 may be an order on RRI and Morgan Stanley's request for rehearing.

G-6 – Epsilon Trading, LLC, Chevron Products Company, and Valero Marketing and Supply Company v. Colonial Pipeline Company; BP Products North America, Inc., Trafigura Trading LLC and TCPU, Inc. v. Colonial Pipeline Company; TransMontaigne Product Services LLC v. Colonial Pipeline Company; CITGO Petroleum Corporation v. Colonial Pipeline Company (Docket Nos. OR18-7-001, OR18-12-001, OR18-17-001, OR18-21-001 (consolidated)). On November 22, 2017, Epsilon Trading, LLC, Chevron Products Company, and Valero Marketing and Supply Company filed a complaint against Colonial Pipeline Company (Colonial). On February 2, 2018, BP Products North America, Inc., Trafigura Trading LLC, and TCPU, Inc. filed a complaint against Colonial. On March 1, 2018, TransMontaigne Product Services LLC (TransMontaigne) filed a complaint against Colonial. On April 20, 2018, CITGO Petroleum Corporation filed a complaint against Colonial. Generally, the complaints challenged Colonial's tariff rates for the transportation of petroleum products on Colonial's pipeline system in addition to Colonial's charges and practices regarding transmix and product volume losses. On September 20, 2019, the Commission issued an order (September Order) consolidating the complaints and setting the issues raised in the complaints for settlement judge procedures. On October 22, 2018, Transmontaigne requested clarification, or in the alternative, rehearing of the September Order. Agenda item G-6 may be an order on Transmontaigne's request for clarification or rehearing.

Hydro

H-1 – Revision to Policy Statement on Consultation with Indian Tribes in Commission Proceedings (Docket No. PL20-1-000). Agenda item H-1 may be an order instituting a new docket related to a revision to a policy statement on consultation with Indian tribes in Commission proceedings.

H-2 – Tomlin Energy LLC (Docket No. P-14983-000). On March 15, 2019, Tomlin Energy LLC (Tomlin) submitted an application for a preliminary permit for the proposed Tomlin Pump Storage Plant No. 2, a closed-loop pumped storage hydroelectric generating facility to be located on a private island in Pushmataha County, Oklahoma (Application). On April 12, 2019, the Commission issued a letter accepting Tomlin's Application for filing. Agenda item H-2 may be an order on Tomlin's Application.

H-3 – Placer County Water Agency (Docket No. P-2079-081). On February 22, 2019, pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, the Placer County Water Agency (PCWA) petitioned the Commission for a declaratory order finding that the California State Water Resources Control Board (CSWRCB) has waived its certification authority under section 401 of the Clean Water Act (CWA) with respect to PCWA's application for a new license for the Middle Fork American Project, FERC Project No. 2079-079 (Middle Fork Project). On April 18, 2019, the Commission issued a declaratory order (April Order) granting the PCWA's petition, finding that the CSWRCB had waived its CWA section 401 water quality certification authority with respect to the Middle Fork Project. In May 2019, the CSWRCB and the Foothills Water Network (along with its member organization) filed requests for rehearing of the April Order. Agenda item H-3 may be an order on the CSWRCB and Foothills Water Network requests for rehearing.

Certificates

C-1 – Natural Gas Pipeline Company of America LLC (Docket No. CP19-52-000). On January 18, 2019, pursuant to section 7(c) of the Natural Gas Act, Natural Gas Pipeline Company of America LLC (Natural) submitted an abbreviated application for a certificate of public convenience and necessity for authorization to construct, install, modify, operate, and maintain a new 16.84 mile 30-inch pipeline extension to the existing Lockridge Pipeline to be located in Ward, Reeves and Pecos Counties, Texas, and in addition, a new delivery meter station including two 10-inch meters and a 30-inch tap located in Pecos County, Texas (the Lockridge Extension Pipeline Project). On May 31, 2019, Commission staff issued an environmental assessment for the Lockridge Extension Pipeline Project. Agenda item C-1 may be an order on Natural's certificate application for the Lockridge Extension Pipeline Project.

C-2 – Transcontinental Gas Pipe Line Company, LLC (Docket No. CP18-186-000). On April 11, 2018, pursuant to sections 7(b) and 7(c) of the Natural Gas Act, Transcontinental Gas Pipe Line Company, LLC (Transco) submitted an application for a certificate of public convenience and necessity authorizing the construction and operation of Transco's Southeastern Trail Project and the abandonment of certain compression facilities. Transco's application states that the Southeastern Trail Project is an expansion of Transco's existing system and will enable firm transportation of an incremental 296,375 dekatherms per day for five shippers beginning with the 2020/2021 winter heating season. On February 8, 2019, Commission staff issued an environmental assessment for the Southeastern Trail Project. Agenda item C-2 may be an order on Transco's certificate application for the Southeastern Trail Project.

White & Case LLP
701 Thirteenth Street, NW
Washington, District of Columbia 20005-3807
United States

T +1 202 626 3600

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