

# FERC

## Meeting Agenda Summary

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### In this issue...

- Electric Items
  - Gas Items
  - Hydro Items
  - Certificate Items
- 

**20 November 2019**

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's November 21, 2019 meeting, pursuant to the agenda as issued on November 14, 2019. Agenda items E-21 and G-4 have not been summarized due to omission from the agenda.

### Electric

**E-1 – Public Utility Transmission Rate Changes to Address Accumulated Deferred Income Taxes (Docket No. RM19-5-000).** On November 15, 2018, the Commission issued a Notice of Proposed Rulemaking (NOPR) regarding public utility transmission rate changes to address accumulated deferred income taxes (ADIT). The NOPR is a result of the federal tax reform implemented under the Tax Cuts and Jobs Act of 2017. For transmission formula rates, the NOPR proposes to require utilities deduct excess ADIT from, or add deficient ADIT to, their rate bases and adjust their income tax allowances accordingly. A number of large public utilities filed comments, ranging from general support of the NOPR to ensuring specific concerns may be included in the final rulemaking in order to reduce the proposed annual ADIT reporting burden and the assessment of appropriate flowback periods on a case-by-case basis. Agenda item E-1 may be an order issuing a final rule.

**E-2 – Midcontinent Independent System Operator, Inc. (Docket Nos. ER19-465-000, ER19-465-001).** On December 3, 2018, the Midcontinent Independent System Operator, Inc. (MISO) submitted proposed revisions to its Tariff in compliance with Order No. 841. On February 15, 2018, the Commission issued Order No. 841 and promulgated rules aimed to incent electric storage participation in markets under the Commission's purview. Pursuant to Order No. 841, MISO detailed a participation model for storage to ensure that a resource is eligible to provide all capacity, energy, and ancillary services and that the storage resource can be dispatched as both a wholesale seller and buyer. Additionally, the compliance filing includes provisions to account for the physical and operational characteristics of storage resources through bidding parameters and to establish a minimum size requirement for participation that does not exceed 100 kilowatts. On May 1, 2019, MISO submitted an amendment to the December 3 filing, requesting a waiver of the implementation date of December 3, 2019 initially required by

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the Commission due to substantive revisions made following a deficiency letter issued by the Commission on April 1, 2019. MISO asserted that it will require additional time to revise the software design in light of the revised provisions as stipulated in the April 1 letter, such as the Market System Enhancement program. Agenda item E-2 may be an order on the proposed Tariff revisions in accordance with Order No. 841 and/or the MISO request to waive the original implementation date.

**E-3 – California Independent System Operator Corporation (Docket Nos. ER19-468-000, ER19-468-001).** On December 3, 2018, the California Independent System Operator Corporation (CAISO) submitted proposed revisions to its Tariff in compliance with Order No. 841. On February 15, 2018, the Commission issued Order No. 841 and promulgated rules aimed to incent electric storage participation in markets under the Commission's purview. Pursuant to Order No. 841, CAISO detailed a participation model for storage to ensure that a resource is eligible to provide all capacity, energy, and ancillary services and that the storage resource can be dispatched as both a wholesale seller and buyer. Additionally, the compliance filing includes provisions to account for the physical and operational characteristics of storage resources through bidding parameters and to establish a minimum size requirement for participation that does not exceed 100 kilowatts. On May 1, 2019, CAISO submitted an amendment to the December 3 filing, elaborating on its new market participation model dubbed the Non-Generator Resource. Agenda item E-3 may be an order on the proposed Tariff revisions in accordance with Order No. 841.

**E-4 – ISO New England Inc. (Docket Nos. ER19-470-000, ER19-470-001, ER19-470-002).** On December 3, 2018, ISO New England Inc. (ISO-NE) submitted proposed revisions to its Tariff in compliance with Order No. 841. On February 15, 2018, the Commission issued Order No. 841 and promulgated rules aimed to incent electric storage participation in markets under the Commission's purview. Pursuant to Order No. 841, ISO-NE detailed a participation model for storage to ensure that a resource is eligible to provide all capacity, energy, and ancillary services and that the storage resource can be dispatched as both a wholesale seller and buyer. Additionally, the compliance filing includes provisions to account for the physical and operational characteristics of storage resources through bidding parameters and to establish a minimum size requirement for participation that does not exceed 100 kilowatts. On September 18, 2019, ISO-NE filed a request to the Commission in order to move the effective date of Tariff revisions from December 3, 2019 to December 1, 2019, asserting that the new effective date at the beginning of the month would ease implementation due to transmission charges being billed once per month. Agenda item E-4 may be an order on the proposed Tariff revisions in accordance with Order No. 841 and/or the ISO-NE request to modify the effective date of such revisions.

**E-5 – Golden Spread Electric Cooperative, Inc. (Docket No. ER19-1900-001).** On May 20, 2019, Golden Spread Electric Cooperative, Inc. (Golden Spread) submitted proposed revisions to its Open Access Transmission Tariff (OATT), Large Generator Interconnection Procedures, and *pro forma* Large Generator Interconnection Agreement. Golden Spread is seeking to reconcile its terms with Order No. 845 issued by the Commission in 2018, which aimed to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process broadly. On June 13, 2019, the Commission issued a deficiency letter to Golden Spread requesting clarification on how it will provide for an expedited process for Surplus Interconnection Service. On July 11, 2019, Golden Spread submitted a response in order to address the remaining elements of Surplus Interconnection Service that were previously not defined in the OATT. Agenda item E-5 may be an order on the proposed OATT revisions and/or the July 11 letter.

**E-6 – Tampa Electric Company (Docket Nos. ER19-1920-000, ER19-1920-001).** On May 21, 2019, Tampa Electric Company (TECO) submitted proposed revisions to its OATT, Large Generator Interconnection Procedures, and *pro forma* Large Generator Interconnection Agreement. TECO is seeking to reconcile its terms with Order No. 845 issued by the Commission in 2018, which aimed to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process broadly. On June 13, 2019, the Commission issued a deficiency letter to TECO requesting clarification on how it will provide for an expedited process for Surplus Interconnection Service. On June 21, 2019, TECO submitted a response in order to address the remaining elements of Surplus Interconnection Service that were previously not defined in the OATT. Agenda item E-6 may be an order on the proposed OATT revisions and/or the June 21 letter.

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**E-7 – Cheyenne Light, Fuel and Power Company (Docket No. ER19-1924-000).** On May 22, 2019, Cheyenne Light, Fuel and Power Company (Cheyenne Light) submitted proposed revisions to its OATT, Large Generator Interconnection Procedures, and *pro forma* Large Generator Interconnection Agreement. Cheyenne Light is seeking to reconcile its terms with Order No. 845 issued by the Commission in 2018, which aimed to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process broadly. Agenda item E-7 may be an order on the proposed OATT revisions.

**E-8 – Black Hills Colorado Electric, LLC (Docket No. ER19-1925-000).** On May 22, 2019, Black Hills Colorado Electric (Black Hills Electric) submitted proposed revisions to its OATT, Large Generator Interconnection Procedures, and *pro forma* Large Generator Interconnection Agreement. Black Hills Electric is seeking to reconcile its terms with Order No. 845 issued by the Commission in 2018, which aimed to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process broadly. Agenda item E-8 may be an order on the proposed OATT revisions.

**E-9 – Black Hills Power, Inc. (Docket No. ER19-1926-000).** On May 22, 2019, Black Hills Power (Black Hills Power) submitted proposed revisions to its OATT, Large Generator Interconnection Procedures, and *pro forma* Large Generator Interconnection Agreement. Black Hills Power is seeking to reconcile its terms with Order No. 845 issued by the Commission in 2018, which aimed to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process broadly. Agenda item E-9 may be an order on the proposed OATT revisions.

**E-10 – Portland General Electric Company (Docket Nos. ER19-1927-000, ER19-1927-001).** On May 22, 2019, Portland General Electric Company (Portland General) submitted proposed revisions to its OATT, Large Generator Interconnection Procedures, and *pro forma* Large Generator Interconnection Agreement. Portland General is seeking to reconcile its terms with Order No. 845 issued by the Commission in 2018, which aimed to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process broadly. On June 13, 2019, the Commission issued a deficiency letter to Portland General requesting clarification on how it will provide for an expedited process for Surplus Interconnection Service. On July 8, 2019, Portland General submitted a response in order to address the remaining elements of Surplus Interconnection Service that were previously not defined in the OATT. Agenda item E-10 may be an order on the proposed OATT revisions and/or the June 21 letter.

**E-11 – Association of Businesses 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 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 States 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, and Southern Indiana Gas & Electric Company (Docket No. EL14-12-003); Arkansas Electric Cooperative Corporation, Mississippi Delta Energy Agency, Clarksdale Public Utilities Commission, Public Service Commission of Yazoo City, and Hoosier Energy Rural Electric Cooperative, Inc. v. 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 States 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, and Southern Indiana Gas & Electric Company (Docket No. EL15-45-000).** On November 15, 2018, the Commission issued an order directing briefs in two pending complaint proceedings related to return on equity (ROE) issues for MISO transmission-owning members (MISO TOs). The Commission's November order established a paper hearing on whether and how the ROE calculation methodology issued by the Commission on October 16, 2018 in *Coakley v. Bangor Hydro-Elec. Co.*, 165 FERC ¶ 61,030 (2018) should apply to the above-

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captioned pending MISO TO ROE proceedings. Agenda item E-11 may be an order on the above-captioned pending MISO TO ROE proceedings.

**E-12 – Trans Bay Cable LLC (Docket No. ER19-2846-000).** On September 20, 2019, pursuant to section 205 of the Federal Power Act (FPA), Trans Bay Cable LLC (Trans Bay) filed revisions to its Transmission Owner Tariff (TO Tariff) to increase its annual Base Transmission Revenue Requirement (TRR) from \$133,900,000 to \$157,284,000, for service over Trans Bay's 400 MW submarine transmission line and associated facilities. Trans Bay requested an effective date of November 23, 2019 for such revisions. Agenda item E-12 may be an order on Trans Bay's proposed revisions to the TO Tariff.

**E-13 – Southwest Power Pool, Inc. (Docket No. ER19-1910-000).** On May 21, 2019, Southwest Power Pool, Inc. (SPP), on behalf of Oklahoma Gas and Electric Company (OG&E) submitted an Uncontested Stipulation and Agreement of Settlement (Settlement Agreement) to resolve all issues related to OG&E's ROE raised in Docket No. EL18-58-000. On June 24, 2019, a FERC settlement judge issued a certification of uncontested settlement to the Commission. Agenda item E-13 may be an order on the Settlement Agreement.

**E-14 – Southwest Power Pool, Inc. (Docket No. ER19-2681-000).** On August 26, 2019, pursuant to section 205 of the FPA, SPP filed revisions to Attachment AE of the SPP Open Access Transmission Tariff (SPP OATT) to modify the time SPP posts the Day-Ahead Market results and the time when SPP begins the Day-Ahead Reliability Unit Commitment process. Agenda item E-14 may be an order on the proposed revisions to Attachment AE of the SPP OATT.

**E-15 – Ameren Illinois Company (Docket No. ER18-1122-000).** On March 15, 2018, Ameren Illinois Company (AIC) submitted an informational filing detailing AIC's projected net revenue requirement effective January 1, 2018 and 2016 Annual True-Up under Attachment O of the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (MISO Tariff). AIC's submission states that the projected net revenue requirement is based on projected cost data for calendar year 2018 and the Annual True-Up is based on actual cost data for calendar year 2016 as reported in AIC's 2016 FERC Form 1, pursuant to the Commission-approved formula rate contained in Attachment O of the MISO Tariff. On April 16, 2018, Southwestern Electric Cooperative, Inc. submitted a motion to intervene and formal challenge to AIC's informational filing. Agenda item E-15 may be an order on AIC's informational filing.

**E-16 – PJM Interconnection, L.L.C.; American Electric Power Service Corporation v. PJM Interconnection, L.L.C. (Docket Nos. ER19-1922-000; ER19-603-002, EL19-18-001 (not consolidated)).** On May 21, 2019, in Docket No. ER19-1922-000, PJM Interconnection, L.L.C. (PJM) submitted a compliance filing that contained proposed revisions to the form of Interconnection Construction Service Agreement set forth in the PJM Open Access Transmission Tariff (PJM OATT), Attachment P (ICSA Form). PJM's revisions, *inter alia*, revised Appendix 2 of the ICSA Form to include an explicit Option to Build indemnification provision. On May 24, 2019 in Docket No. ER19-603-000, PJM submitted a compliance filing of the unexecuted Interconnection Construction Service Agreement among PJM, Guernsey Power Station, LLC (Guernsey), and Ohio Power Company designated as Service Agreement No. 5250, effective May 13, 2019 (the Guernsey ICSA). The Guernsey ICSA included, *inter alia*, an explicit Option to Build indemnification provision in the Guernsey ICSA, Schedule M that is consistent with *pro forma* Large Generator Interconnection Agreement, article 5.2(7). On June 11, 2019 in Docket Nos. ER19-1922-00, ER19-603-00-002, EL19-19-000, and ER19-1958, American Electric Power Service Corporation (AEPSC), on behalf of its PJM Transmission Owners submitted Requests for Clarification, Motions to Intervene, Comments, and Protest in relation to filings in the four aforementioned dockets (Request for Clarification). Agenda item E-16 may be an order on AEPSC's Request for Clarification.

**E-17 – Louisiana Public Service Commission v. Entergy Services, Inc. (Docket No. EL01-88-019).** On May 22, 2018, the Commission issued an order on voluntary remand (May Order) in a proceeding that first arose from a complaint filed by the Louisiana Public Service Commission (LPSC) against Entergy Services, Inc. (Entergy Services) and the Entergy Operating Companies regarding an Entergy System Agreement requirement that production costs be "roughly equal" among the Entergy Operating Companies. The proceeding, *inter alia*, also addressed related issues on refund determinations in light of other recent D.C. Circuit rulings. The May Order sought additional submissions on whether refunds are appropriate given the circumstances in the case, and set

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the matter for paper hearing. The parties to the proceeding submitted numerous briefs during the summer and fall of 2018. Agenda item E-17 may be an order on the paper hearing proceeding.

**E-18 – Louisiana Public Service Commission v. Entergy Corporation, Entergy Services, LLC, Entergy Louisiana, LLC, Entergy Arkansas, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, and Entergy Texas, Inc. (Docket No. EL19-50-000).** On February 27, 2019, pursuant to sections 205, 206, 306, and 309 of the FPA, the LPSC filed a complaint against Entergy Corporation, Entergy Services, LLC, Entergy Louisiana, LLC, Entergy Arkansas, LLC (Entergy Arkansas), Entergy Mississippi, LLC, Entergy New Orleans, LLC, and Entergy Texas, Inc. Interconnection, L.L.C. (collectively, Entergy). As stated by the LPSC in the complaint, the LPSC seeks a ruling that electric energy sales for the benefit Entergy Arkansas to non-members of the Entergy System Agreement and third-party power marketers, *inter alia*: (1) violated certain provisions of the Entergy System Agreement; (2) denied ultimate consumers the benefits of off-system sales of low cost system generating capacity; and (3) harmed system customers by packaging off-system sales made to benefit shareholders with uneconomic sales that harmed consumers, in order to consummate such sales. Agenda item E-18 may be an order on the LPSC's complaint against Entergy.

**E-19 – New York Power Authority v. PJM Interconnection, L.L.C. and PJM Transmission Owners in their Collective Capacity (Docket No. EL17-94-000).** On September 29, 2017, pursuant to sections 206, 306, and 309 of the FPA, the New York Power Authority (NYPA) filed a complaint against PJM and the PJM Transmission Owners, in their collective capacity. NYPA's complaint asserts that PJM's continued invoicing for monthly Regional Transmission Expansion Plan (RTEP) charges for the Hudson Transmission Project's 320 MW of Firm Transmission Withdrawal Rights, subsequent to Hudson Transmission Partners, LLC's (HTP) surrender of such rights, violates PJM's OATT, and is unjust, unreasonable, and unduly discriminatory and preferential. NYPA's complaint seeks a refund to NYPA of the RTEP charges assess by PJM after June 2, 2017 or the earliest date thereafter. Numerous entities submitted motions to intervene and or comments in the complaint proceeding. On July 19, 2018, the Commission issued an order establishing settlement judge procedures in Docket EL17-94-000 (and other related dockets). On July 22, 2019, after an impasse during settlement proceedings, the chief administrative law judge issued an order terminating settlement judge procedures, returning the matter to the Commission for disposition. Agenda item E-19 may be an order on NYPA's complaint.

**E-20 – TerraForm Power, Inc. (Docket No. EL19-94-000).** On August 22, 2019, pursuant to Rule 207 and sections 366.3(b)(1), 366.3(d), and 366.4(b)(3) of the Commission's regulations, TerraForm Power, Inc. (TerraForm) filed a petition for declaratory order and request for waiver requesting the Commission grant certain exemptions of the Commission's regulations under the Public Utility Holding Company Act requirements that would otherwise apply as a result of TerraForm's indirect or direct ownership of public utility companies that own, control, and/or operate facilities that generate electricity using fuel cell technology. Agenda item E-20 may be an order on TerraForm's petition for a declaratory order.

#### **E-21 – Omitted**

**E-22 – New York Power Authority (Docket No. EL19-88-000).** On August 12, 2019, New York Power Authority (NYPA), pursuant to section 219 of the FPA and Order No. 679, submitted a petition for declaratory order seeking incentive rate treatments for NYPA's investments in competitively selected transmission projects that are designed to relieve congestion between upstate and downstate New York. Specifically, NYPA requested approval of three, project-specific incentive rate treatments: i) recovery of 100% prudently-incurred costs in the event the project must be abandoned for reasons outside of NYPA's reasonable control; ii) inclusion of 100% of construction work in progress in rate base; and iii) a 50-basis point return on equity adder to reflect the significant risks and challenges associated with developing the project. Agenda item E-22 could be an order on NYPA's petition for a declaratory order.

**E-23 – City and County of San Francisco v. Pacific Gas and Electric Company Pacific Gas and Electric Company (Docket Nos. EL15-3-002, ER15-702-002, ER15-703-002, ER15-704-005, ER15-705-002, and ER15-735-002 (consolidated)).** On October 7, 2014, the City and County of San Francisco (San Francisco) filed a complaint against Pacific Gas and Electric (PG&E) pursuant to sections 206 and 306 of the FPA challenging the potential exclusion of approximately 25 percent of San Francisco's load in its Wholesale Distribution Tariff (WDT) application for allegedly not qualifying for service under the grandfathering provision of section 212(h) of the FPA.

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On December 23, 2014, PG&E filed, pursuant to section 205 of the FPA: (1) a notice of termination of the Interconnection Agreement with San Francisco; (2) a series of replacement agreements that provide for continued interconnection and wholesale distribution service to San Francisco; and (3) notices of termination of Interconnection Agreements for eight separate San Francisco delivery points that will transition to receiving service under a WDT Service Agreement. On March 31, 2015, the Commission accepted and suspended the notices of termination and replacement agreements, established hearing and settlement judge procedures, and consolidated the proceedings. An Initial Decision was issued by the presiding Administrative Law Judge on November 15, 2016. On August 24, 2018, the Commission issued an order requesting further briefing in order to develop a more complete record to better determine whether PG&E's proposed replacement agreements are just and reasonable. Agenda item E-23 may be an order regarding San Francisco's complaint versus PG&E and PG&E's proposed replacement agreements.

**E-24 – Midcontinent Independent System Operator, Inc. (Docket No. ER19-34-003).** On October 2, 2018, as amended on January 19, 2019, Midcontinent Independent System Operator, Inc. (MISO) filed, pursuant to section 205 of the FPA proposed revisions (Phase 2 Revisions) to the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (MISO Tariff) to (1) address how Market Participants<sup>3</sup> with pseudo-ties out of MISO can use Virtual Transactions to align Financial Transmission Rights (FTRs) and Transmission Usage Charges; and (2) modify Schedule 17 (Energy Market Support Administrative Service Cost Adder) to reduce the administrative charges assessed to Market Participants with a pseudo-tie of generation or load out of MISO. On March 19, 2019, the Commission issued an order accepting MISO's Phase 2 Revisions, subject to condition, effective March 1, 2019. On April 18, 2019, American Municipal Power, Inc. filed a request for rehearing of the Commission's March 19 order. Agenda item E-24 may be an order on the request for rehearing of the Commission's March 19 order.

**E-25 – Tilton Energy LLC v. Midcontinent Independent System Operator, Inc.; American Municipal Power, Inc. v. Midcontinent; Independent System Operator, Inc. Northern Illinois Municipal Power Agency v. PJM Interconnection, L.L.C.; American Municipal Power, Inc. v. PJM Interconnection, L.L.C.; and Dynegy Marketing and Trade, LLC and Illinois Power; Marketing Company v. Midcontinent Independent System Operator, Inc. (Docket Nos. EL16-108-001, EL17-29-001, EL17-31-001, EL17-37-001, and EL17-54-001).** The above-referenced proceedings concern complaints filed by parties pursuant to sections 206 and 306 of the Federal Power Act (FPA) against the Midcontinent Independent System Operator, Inc. (MISO) and PJM Interconnection, L.L.C. (PJM) with respect to resources pseudo-tied into PJM. Specifically, the complainants alleged that MISO and PJM have failed to comply with the terms of their tariffs by imposing duplicative charges for congestion and losses on pseudo-tied resources. The complainants seek a Commission order directing MISO and PJM to cease assessing charges to pseudo-tied resources and to refund duplicative congestion and losses charges. On May 16, 2019, the Commission issued an order accepting in part, denying in part, and establishing hearing and settlement judge proceedings. On June 16, 2017, Illinois Municipal Electric Agency and Tilton Energy LLC filed requests for rehearing and/or clarification of the Commission's May 16 order. Agenda item E-25 may be an order on the requests for rehearing and/or clarification of the Commission's May 16 order.

**E-26 – Linden VFT, LLC v. PJM Interconnection, L.L.C., PJM Interconnection, L.L.C. PJM Interconnection, L.L.C. Linden VFT, LLC v. PJM Interconnection, L.L.C. PJM Interconnection, L.L.C. Linden VFT, LLC v. Public Service Electric and Gas Company and PJM Interconnection, L.L.C. New York Power Authority v. PJM Interconnection, L.L.C. and PJM Transmission Owners in their Collective Capacity PJM Interconnection, L.L.C. PJM Interconnection, L.L.C. New Jersey Board of Public Utilities v. PJM Interconnection, L.L.C., New York Independent System Operator, Inc., Consolidated Edison Company of New York, Inc., Linden VFT, LLC, Hudson Transmission Partners, LLC and New York Power Authority (Docket Nos. EL15-67-004, ER15-2562-003, ER17-950-004, EL17-68-001, EL17-84-002, EL17-90-002, EL17-94-001, ER18-579-003, ER18-680-001, and EL18-54-001).** The above proceedings concern cost responsibility assignments for transmission projects selected by PJM Interconnection L.L.C., (PJM) for inclusion in its Regional Transmission Expansion Plan (RTEP) in accordance with the PJM Open Access Transmission Tariff (PJM Tariff). Specifically, on July 10, 2015, under Docket No. EL15-67, Linden VFT, LLC (Linden) filed a complaint pursuant to section 206 of the FPA challenging PJM's solution-based distribution factor cost allocation methodology as applied to certain projects included in PJM's 2013 RTEP. In an order dated April 22, 2016, the Commission denied the complaint, finding that Linden failed to satisfy its burden under FPA section 206 to demonstrate that

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PJM's solution-based distribution factor cost allocation methodology was unjust, unreasonable, or unduly discriminatory or preferential. Numerous parties filed requests for rehearing of the Commission's April 22 order. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

On April 28, 2017, under Docket No. EL17-68, Linden filed a complaint pursuant to Section 206 of the FPA with respect to PJM's revised cost allocations for RTEP projects b s b2436 and b2437 resulting from Consolidated Edison Company of New York (Con Edison) terminating 1,000 MW of long-term firm transmission service, effective April 30, 2017. The complaint asserts PJM's cost reallocations are unjust and unreasonable and unduly discriminatory and preferential. Numerous parties filed interventions, comments, and protests with respect to the complaint. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

On August 25, 2015, under Docket No. ER15-2562, pursuant to section 205 of the FPA, PJM filed amendments to Schedule 12-Appendix A of the PJM Tariff to incorporate cost responsibility assignments for 19 of the 31 transmission projects included in its 2015 update to the RTEP. On April 22, 2016, the Commission issued an order approving PJM's amendments, finding that PJM complied with its Tariff obligations in applying the solution-based distribution factor cost allocation methodology. Numerous parties filed requests for rehearing of the April 22 order. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

On February 8, 2017, under Docket No. ER17-950, PJM filed proposed amendments to Schedule 12-Appendix and Schedule 12-Appendix A of the PJM Tariff regarding cost reallocations for certain projects included in the PJM RTEP. On April 25, 2017, the Commission issued a letter order accepting and suspending PJM proposed revisions for a nominal period, subject to refund, stating the proposed changes may be unjust, unreasonable, and unduly discriminatory or preferential, or otherwise unlawful. Linden and the New York Power Authority filed requests for rehearing, or, in the alternative, clarification of the Commission's April 25 letter order. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

On September 18, 2017, under Docket No. EL17-90, Linden filed a complaint pursuant to Section 206 of the FPA. In this complaint, Linden contended that Public Service Electric and Gas Company (PSEG) is unreasonably withholding its consent to an amendment to the existing Linden interconnection service agreement between Linden, PSEG, and PJM to allow Linden to reduce all of its Firm Transmission Withdrawal Rights to Non-Firm Transmission Withdrawal Rights, or, in the alternative, the PJM Tariff is unjust and unreasonable to the extent it does not permit a merchant transmission facility owner to reduce all of its Firm Transmission Withdrawal Rights to Non-Firm Transmission Withdrawal Rights without amending its interconnection service agreement or the consent of transmission owner party to that agreement. On December 15, 2017, the Commission issued an order granting in part Linden's complaint, finding the interconnection service agreement with PSEG to be unjust and unreasonable insofar as it did not permit Linden to convert its transmission rights as discussed above. The Commission rejected arguments that by converting its transmission withdrawal rights Linden was avoiding cost allocation assignment under the PJM RTEP or that the complaint was a collateral attack on the PJM cost allocation method. Numerous parties filed requests for rehearing of the Commission's December 15 order. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

Relatedly, on September 8, 2017, under Docket No. EL17-84, the Commission issued an order instituting an proceeding pursuant to Section 206 of the FPA directing PJM and PSEG to show cause (1) why its existing interconnection service agreement between Hudson Transmission Partners, LLC (HTP), PSEG, and PJM was not unjust and unreasonable and unduly discriminatory to the extent it failed to allow HTP to convert its firm transmission withdrawal rights to non-firm transmission withdrawal rights; and (2) why PSEG's failure to consent

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to an amendment reflecting the same was not unjust, unreasonable, and unduly discriminatory. On September 29, 2017, PJM and PSEG filed responses to the Commission's September 8 show cause order. On December 15, 2017, the Commission issued an order finding the interconnection service agreement with HTP unjust and unreasonable insofar as it does not permit HTP to convert its firm transmission withdrawal rights to non-firm transmission withdrawal rights, and directing PJM to submit a compliance filing amending the agreement accordingly. Numerous parties filed requests for rehearing of the Commission's December 15 order. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

On September 28, 2017, under Docket No. EL17-94, NYPA filed a complaint pursuant to section 206 of the FPA against PJM and the PJM Transmission Owners alleging that the continued invoicing of NYPA for monthly Regional Transmission Expansion Plan charges associated with the HTP project's withdrawal rights following HTP's surrender of those rights constitutes a violation of PJM Tariff and is unjust, unreasonable, and unduly discriminatory. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

On December 29, 2017, as amended on January 3, 2018, under Docket No. ER18-579, PJM, pursuant to section 205 of the Federal Power Act, filed revisions in Docket ER18-579 to Schedule 12-Appendix and Schedule 12-Appendix A of the PJM Tariff to provide updated annual cost responsibility assignments for Regional Facilities and Necessary Lower Voltage Facilities, and Lower Voltage Facilities included in the PJM RTEP. On March 5, 2018, the Commission issued an order accepting PJM's proposed tariff changes, approving PJM's proposal to reduce the load-ratio share cost responsibility assignments and solution-based distribution factor cost allocation methodology for certain merchant transmission facility owners to zero, effective January 1, 2018. Numerous parties have filed requests for rehearing of the Commission's March 5 order. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

On January 19, 2018, under Docket No. ER18-680, PJM submitted for filing proposed revisions to Schedule 12-Appendix and Schedule 12-Appendix A of the PJM Tariff to implement the changes directed by the Commission in its two December 15, 2017, orders. Numerous parties filed interventions, comments, and protests with respect to PJM's proposed revisions. On July 19, 2018, the Commission issued an order stating that pursuant to Rule 206(g)(1), before acting on rehearing requests, it was issuing an order to establish hearing and settlement judge proceedings to permit the parties to consider settlement.

On December 22, 2017, under Docket No. EL18-54, the New Jersey Board of Public Utilities filed a complaint against PJM and NYISO, Con Edison, Linden VFT, Hudson, and NYPA, alleging that with the termination transmission service agreements supporting the Con Edison wheeling arrangement, and the Linden and Hudson conversion of their Firm Transmission Withdrawal Rights to Non-Firm Transmission Withdrawal Right, the PJM and NYISO Joint Operating Agreement, and Schedule 12 of the PJM Open Access Transmission Tariff (PJM Tariff) do not properly allocate the costs of certain Regional Transmission Expansion Plan (RTEP) projects to Merchant Transmission Facilities and to customers using transmission lines that connect PJM to NYISO. On May 24, 2018, the Commission issued an order denying the complaint. Numerous parties have requested rehearing of the Commission's May 24 order.

Agenda item E-26 may be an order related to the above proceedings, including requests for rehearing of the Commission's July 19, 2018 order.

## Gas

**G-1 – Atmos Pipeline - Texas (Docket Nos. PR17-60-003 and PR17-60-004).** On January 25, 2018, Atmos Pipeline – Texas (Atmos) filed tariff records to revise its statement of operating conditions and rate statement pursuant to the optional notice procedures set forth in Section 284.123(g) of the Commission's Regulations. On July 18, 2019, the Commission issued an order finding Atmos' revised statement of operating conditions fair and equitable under section 311 of the Natural Gas Policy Act (NGPA), accepted the referenced tariff records, with an



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original effective date of September 1, 2017, subject to certain conditions. On August 15, 2019, under Docket No. PR17-60-003, Atmos submitted a filing to comply with the Commission's directives contained in the July 18 order. Subsequently, on September 23, 2019, under Docket No. PR17-60-004, Atmos filed a further revised statement of operating conditions consistent with the Commission's July 18 order and in response to a comment received in the docket. Agenda item G-1 may be an order on Atmos' compliance filings.

**G-2 – Cheniere Energy, Inc. (Docket No. RP18-851-000).** On May 25, 2018, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, Cheniere Energy, Inc. (Cheniere) filed a petition for a declaratory order seeking a ruling that certain proposed transactions would not violate the Commission's buy-sell prohibition or any related capacity release rule, regulation, or policy. Agenda item G-2 may be an order on Cheniere's petition for a declaratory order.

**G-3 – Saddlehorn Pipeline Company, LLC (Docket No. OR19-31-000).** On August 7, 2019, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, Saddlehorn Pipeline Company, LLC (Saddlehorn) filed a petition for a declaratory order requesting approval for (1) proposed tariff and overall rate structure and terms of service for a proposed expansion of the existing Saddlehorn pipeline and addition of a new origin in Ft. Laramie, Wyoming for service to Cushing, Oklahoma (Saddlehorn Expansion Project), and (2) a ruling that the Commission's findings in its declaratory orders issued on October 15, 2015 in Docket No. OR15-37-000 and on June 1, 2016 in Docket No. OR16-13-000 are not affected by the Saddlehorn Expansion Project. Agenda item G-3 may be an order on Saddlehorn's petition for a declaratory order.

#### **G-4 – Omitted**

**G-5 – American Aviation Supply LLC, Delta Air Lines, Inc., JetBlue Airways Corporation, and United Airlines, Inc. v. Buckeye Pipe Line Company, L.P. (Docket No. OR19-26-000).** On June 5, 2019, American Aviation Supply LLC, Delta Air Lines, Inc., JetBlue Airways Corporation, and United Airlines, Inc. (Complainants) jointly and individually filed, pursuant to Sections 1(5), 6, 8, 9, 13, 15, and 16 of the Interstate Commerce Act (ICA) and Section 1803 of the Energy Policy Act of 1992, a complaint challenging the lawfulness of the rates charged by Buckeye Pipe Line Company, L.P. (Buckeye) for transportation of jet and/or aviation turbine fuel from Linden, New Jersey, to the New York City area airports. Specifically, Complainants allege that Buckeye's revenue exceeds its cost of service sufficiently to render the rates no longer just and reasonable. On July 5, 2019, Buckeye submitted an Answer to the complaint responding that its rates are aligned with its costs and fall within the zone of reasonableness. The parties subsequently exchanged pleadings. Agenda item G-5 may be an order addressing the complaint.

**G-6 – Aircraft Service International Group, Inc., American Airlines, Inc., Delta Air Lines, Inc., Hooker's Point Fuel Facilities LLC, Southwest Airlines Co., United Aviation Fuels Corporation, and United Parcel Service, Inc. v. Central Florida Pipeline LLC and Kinder Morgan Liquid Terminals LLC (Docket No. OR16-26-000).** On September 16, 2016, Aircraft Service International Group, Inc.; American Airlines, Inc.; Delta Air Lines, Inc.; Hooker's Point Fuel Facilities LLC; Southwest Airlines Co.; United Aviation Fuels Corporation; and United Parcel Service, Inc. (collectively Complainants) submitted on a joint and several basis, pursuant to Sections 1, 6, 8, 9, 13, 15, and 16 of the Interstate Commerce Act (ICA), a complaint against Central Florida Pipeline LLC (CFPL) and Kinder Morgan Liquid Terminals LLC (KMLT) alleging that 1) CFPL has unlawfully provided physical transportation of jet fuel in interstate commerce without filing a tariff with the Federal Energy Regulatory Commission (FERC or Commission), and 2) KMLT has unlawfully provided FERC jurisdictional break out tankage service without a tariff at its liquids terminal in Tampa, Florida. On December 15, 2016, the Commission found that the Complaint raised genuine issues of material fact regarding whether CFPL and KMLT are providing interstate oil pipeline service subject to the Commission's ICA jurisdiction and set the proceeding for an evidentiary hearing. On January 25, 2017, the Presiding Judge issued an order bifurcating the proceeding with Phase I addressing whether the CFPL pipeline and the KMLT terminal facilities are providing interstate oil pipeline transportation service subject to the Commission's jurisdiction under the ICA. If jurisdiction was found after the Phase I hearing, then Phase II would address all remaining issues set for hearing. The Phase I hearing was held from August 31, 2017 through September 21, 2017. On January 30, 2018, the Presiding Judge issued her Initial Decision finding that the transportation of jet fuel on the CFPL pipeline system is intrastate. Further, she found that the intrastate nature of the service provided on CFPL's pipeline system rendered the question of whether the

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KMLT terminal facilities are providing jurisdictional service is moot. Parties submitted Briefs On and Opposing Exceptions. Agenda item G-6 may be an order addressing the Initial Decision.

## Hydro

**H-1 – Eugene Water & Electric Board (Docket No. P-2242-110).** On November 24, 2006, the Eugene Water and Electric Board (EWEB) filed, pursuant to sections 4(e) and 15 of the Federal Power Act (FPA), an application for a new license to continue operating and maintaining the Carmen-Smith Hydroelectric Project No. 2242. On May 17, 2019, the Commission issued the license authorizing the project. On June 17, 2019, the Oregon Department of Environmental Quality and the Oregon Department of Fish and Wildlife submitted, pursuant to section 313(b) of the FPA, a petition for modification, or in the alternative rehearing, of the Order Issuing New License. The petition alleges, *inter alia*, that the Commission unlawfully removed conditions of a water quality certification in its Order. Agenda item H-1 may be an order addressing the Petition.

**H-2 – FirstLight Hydro Generating Company and FirstLight MA Hydro LLC; FirstLight Hydro Generating Company and Northfield Mountain LLC (Docket Nos. P-1889-089; P-2485-078).** On December 20, 2018, FirstLight Hydro Generating Company (FirstLight) and FirstLight MA Hydro LLC (FirstLight MA) filed an application, pursuant to section 8 of the Federal Power Act (FPA), to transfer the license for the Turners Falls Hydroelectric Project No. 1889 (Turners Falls Project) from the FirstLight to FirstLight MA and substitute the FirstLight MA for FirstLight as the applicant in the pending application for a new license for the project. On July 11, 2019, Commission Staff in the Division of Hydropower Administration and Compliance issued an Order Approving the Transfer of License and Substitution of Relicense Applicant. On August 11, 2019, Karl Meyer submitted a request for rehearing alleging that FirstLight is not in compliance with the terms and conditions of its license. Agenda item H-2 may be an order addressing the request for rehearing.

## Certificates

**C-1 – Texas LNG Brownsville LLC (Docket No. CP16-116-000).** On March 31, 2016, Texas LNG Brownsville, LLC (Texas LNG) filed, pursuant to Section 3(a) of the Natural Gas Act, a request for authorization to site, construct, and operate a liquefied natural gas terminal to liquefy and export natural gas at a proposed site on the Brownsville Ship Channel in Cameron County, Texas. On March 15, 2019, Commission Staff issued its Final Environmental Impact Statement. On October 4, 2019, Texas LNG submitted a request for prompt issuance of a Commission order. Agenda item C-1 may be an order addressing Texas LNG's certificate application.

**C-2 – Rio Grande LNG, LLC; Rio Bravo Pipeline Company, LLC (Docket Nos. CP16-454-000, CP16-455-000).** On May 5, 2016, Rio Grand LNG, LLC (Rio Grande) and Rio Bravo Pipeline Company, LLC (Rio Bravo) (collectively Applicants) filed, pursuant to Section 3(a) of the Natural Gas Act, a request for authorization to site, construct, and operate natural gas liquefaction facility and a liquefied natural gas export terminal near Brownsville, Texas. On April 26, 2019 Commission Staff issued its Final Environmental Impact Statement. On October 4, 2019, Texas LNG submitted a request for prompt issuance of a Commission order. Agenda item C-2 may be an order addressing Applicant's certificate application.

**C-3 – Annova LNG Common Infrastructure, LLC; Annova LNG Brownsville A, LLC; Annova LNG Brownsville B, LLC; and Annova LNG Brownsville C, LLC (Docket No. CP16-480-000).** On July 13, 2016, Annova LNG Common Infrastructure, LLC; Annova LNG Brownsville A, LLC; Annova LNG Brownsville B, LLC; and Annova LNG Brownsville C, LLC (collectively Applicants) filed, pursuant to Section 3(a) of the Natural Gas Act, a request for authorization to site, construct, and operate new liquefaction and export facilities located on the Brownsville Ship Channel in Cameron County, Texas. On April 19, 2019, Commission Staff issued its Final Environmental Impact Statement. Agenda item C-3 may be an order addressing Applicant's certificate application.

**C-4 – EL Paso Natural Gas Company, L.L.C. (Docket No. CP18-332-000).** On April 26, 2018, El Paso Natural Gas Company, L.L.C. (El Paso) filed, pursuant to Section 7(c) of the Natural Gas Act, a request for a certificate of public convenience and necessity authorizing the construction, ownership, and operation of: 1) an approximate 17-mile 30" diameter loop line of its existing Line Nos. 1100 and 1103 between Hueco and El Paso, Texas; 2) the new Red Mountain Compressor Station in Luna County, New Mexico; and 3) the new Dragoon Compressor

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Station located in Cochise County, Arizona. On November 14, 2018 Commission Staff issued its Environmental Assessment. Agenda item C-4 may be an order addressing El Paso's certificate application.

**C-5 – Spire STL Pipeline LLC (Docket No. CP17-40-002).** On January 26, 2017, Spire STL Pipeline, LLC (Spire) filed, pursuant to Section 7(c) of the Natural Gas Act, a request for authorization to construct and operate a new, 65-mile-long interstate natural gas pipeline system, extending from an interconnection with Rockies Express Pipeline LLC in Scott County, Illinois, to interconnections with both Spire Missouri Inc. and Enable Mississippi River Transmission, LLC in St. Louis County, Missouri. Spire also requested approval of its proposed pro forma gas tariff, a blanket certificate under Part 157, Subpart F of the Commission's regulations to perform certain routine construction activities and operations, and a blanket certificate under Part 284, Subpart G of the Commission's regulations to provide open-access firm and interruptible natural gas transportation and transportation-related services. On August 3, 2018, the Commission issued a certificate granting the requested authorities. On August 31, 2018, the Missouri Public Service Commission (Missouri PSC) submitted a request for rehearing of the order issuing the certificate alleging that the Commission arbitrarily granted the requested 14 percent ROE. Agenda item C-5 may be an order addressing the Missouri PSC's request for rehearing.

**C-6 – Corpus Christi Liquefaction Stage III, LLC and Corpus Christi Liquefaction, LLC Cheniere Corpus Christi Pipeline, LP (Docket Nos. CP18-512-000, CP18-513-000).** On June 28, 2016, Corpus Christi Liquefaction Stage III, LLC (Corpus Christi) filed, pursuant to Section 3(a) of the Natural Gas Act, a request for authorization to site, construct, and operate an expansion of the Corpus Christi Liquefaction Project approved by the Commission in FERC Docket No. CP12-507-000. The proposed expansion of the Liquefaction Project consists of the addition of seven midscale liquefaction trains and one liquefied natural gas storage tank. On March 29, 2019, Commission Staff issued its Environmental Assessment. Agenda item C-6 may be an order addressing Corpus Christi's certificate application.

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