

# FERC

## Meeting Agenda Summary

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's January 23, 2020 meeting, pursuant to the agenda as issued on January 16, 2020. Agenda items E-1, E-2, E-3, E-6, E-7, E-8, E-9, and E-34 have not been summarized due to omission from the agenda.

### Electric

**E-1 – Omitted**

**E-2 – Omitted**

**E-3 – Omitted**

**E-4 – PJM Interconnection, L.L.C. (Docket No. ER19-2722-000).** On August 30, 2019, PJM Interconnection, L.L.C. (PJM) submitted proposed modifications to the PJM Open Access Transmission Tariff (PJM Tariff) and The Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. (PJM Operating Agreement) in compliance with the Commission's order issued in Docket No. EL18-34-000 on April 18, 2019 regarding pricing practices for fast-start resources. Agenda item E-4 may be an order regarding the PJM compliance filing and proposed revisions to the PJM Tariff.

**E-5 – *Independent Market Monitor for PJM Interconnection, L.L.C. v. PJM Interconnection, L.L.C.; Office of the People's Counsel for the District of Columbia, Delaware Division of the Public Advocate, Citizens Utility Board, Indiana Office of Utility Consumer Counselor, Maryland Office of People's Counsel, Pennsylvania Office of Consumer Advocate, West Virginia Consumer Advocate Division, and PJM Industrial Customer Coalition v. PJM Interconnection, L.L.C.* (Docket Nos. EL19-47-000, EL19-63-000).** On February 21, 2019, under Docket No. EL19-47, Monitoring Analytics, LLC, acting in its capacity for PJM as the Independent Market Monitor (PJM Market Monitor) filed a complaint alleging the Market Seller Offer Cap (MSOC) is too high and is unjust and unreasonable as a result. Relatedly, under Docket No. EL19-63, on April 15, 2019,

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the Office of the People's Counsel for the District of Columbia, Delaware Division of the Public Advocate, Citizens Utility Board, Indiana Office of Utility Consumer Counselor, Maryland Office of People's Counsel, Pennsylvania Office of Consumer Advocate, West Virginia Consumer Advocate Division, and PJM Industrial Customer Coalition (collectively, the Joint Consumer Advocates) filed a complaint and motion to consolidate seeking the Commission issue an order that (1) the PJM MSOC is unjust and unreasonable; (2) directing PJM to revise the methodology used to calculate the MSOC to ensure a competitive auction in the next PJM Base Residual Auction; (3) grant the motion to consolidate and find that consolidating the complaint with the PJM Market Monitor complaint is in the public interest. Agenda item E-5 may be an order regarding the complaints and/or motion to consolidate filed in the above-referenced matters.

**E-6 – Omitted**

**E-7 – Omitted**

**E-8 – Omitted**

**E-9 – Omitted**

**E-10 – Florida Power & Light Company (Docket Nos. ER19-1938-000, ER19-1938-001).** On May 22, 2019, pursuant to Order Nos. 845 and 845-A and section 205 of the Federal Power Act (FPA), Florida Power & Light Company (FPL) submitted a compliance filing to revise its Large Generator Interconnection Procedures and Large Generator Interconnection Agreement (Order No. 845 Compliance Filing). On June 13, 2019, the Commission issued a deficiency letter informing FPL that its Order No. 845 Compliance Filing was deficient because it did not include in its tariff an expedited process for interconnection customers to use surplus interconnection service. On July 15, 2019, FPL submitted a filing in response to the Commission's deficiency letter. Agenda item E-10 may be an order regarding FPL's Order No. 845 Compliance Filing.

**E-11 – Gulf Power Company (Docket No. ER19-1940-001).** On May 22, 2019, pursuant to Order Nos. 845 and 845-A and section 205 of the FPA, Gulf Power Company (Gulf Power) submitted a compliance filing to revise its Generator Interconnection Procedures and Large Generator Interconnection Agreement (Order No. 845 Compliance Filing). On June 13, 2019, the Commission issued a deficiency letter informing Gulf Power that its Order No. 845 Compliance Filing was deficient because it did not include in its tariff an expedited process for interconnection customers to use surplus interconnection service. On July 15, 2019, Gulf Power submitted a filing in response to the Commission's deficiency letter. Agenda item E-11 may be an order regarding Gulf Power's Order No. 845 Compliance Filing.

**E-12 – MATL LLP (Docket No. ER19-1890-000).** On May 17, 2019, pursuant to Order Nos. 845 and 845-A and section 205 of the FPA, MATL LLP (MATL) submitted a compliance filing to revise its Large Generator Interconnection Procedures and Large Generator Interconnection Agreement (Order No. 845 Compliance Filing). Agenda item E-12 may be an order regarding MATL's Order No. 845 Compliance Filing.

**E-13 – NorthWestern Corporation (Docket Nos. ER19-1943-000, ER19-1943-001).** On May 22, 2019, pursuant to Order Nos. 845 and 845-A and section 205 of the FPA, NorthWestern Corporation (NorthWestern) submitted a compliance filing to revise its Generator Interconnection Procedures and Large Generator Interconnection Agreement (Order No. 845 Compliance Filing). On June 13, 2019, the Commission issued a deficiency letter informing NorthWestern that its Order No. 845 Compliance Filing was deficient because it did not include in its tariff an expedited process for interconnection customers to use surplus interconnection service. On July 11, 2019, NorthWestern submitted a filing in response to the Commission's deficiency letter. Agenda item E-13 may be an order regarding NorthWestern's Order No. 845 Compliance Filing.

**E-14 – Dominion Energy South Carolina, Inc. (Docket No. ER19-1946-000).** On May 22, 2019, pursuant to Order Nos. 845 and 845-A and section 205 of the FPA, Dominion Energy South Carolina, Inc. (Dominion Energy South Carolina) submitted a compliance filing to revise its Large Generator Interconnection Procedures and Large Generator Interconnection Agreement (Order No. 845 Compliance Filing). Agenda item E-14 may be an order regarding Dominion Energy South Carolina's Order No. 845 Compliance Filing.

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**E-15 – Southwest Power Pool, Inc. (Docket No. ER19-1954-000).** On May 22, 2019, pursuant to Order Nos. 845 and 845-A and section 205 of the FPA, Southwest Power Pool, Inc. (SPP) submitted a compliance filing to revise its Large Generator Interconnection Procedures and Large Generator Interconnection Agreement (Order No. 845 Compliance Filing). Agenda item E-15 may be an order regarding SPP's Order No. 845 Compliance Filing.

**E-16 – Tucson Electric Power Company (Docket No. ER19-1934-002).** On May 22, 2019, pursuant to Order Nos. 845 and 845-A and section 205 of the FPA, Tucson Electric Power Company (Tucson Electric) submitted a compliance filing to revise its Generator Interconnection Procedures and Large Generator Interconnection Agreement (Order No. 845 Compliance Filing). On June 13, 2019, the Commission issued a deficiency letter informing Tucson Electric that its Order No. 845 Compliance Filing was deficient because it did not include in its tariff an expedited process for interconnection customers to use surplus interconnection service. On July 12, 2019, Tucson Electric submitted a filing in response to the Commission's deficiency letter. Agenda item E-16 may be an order regarding Tucson Electric's Order No. 845 Compliance Filing.

**E-17 – UNS Electric, Inc. (Docket No. ER19-1935-001).** In Order No. 845, the Federal Energy Regulatory Commission (FERC or Commission) adopted revisions to the Commission's *pro forma* Large Generator Interconnection Procedures (LGIP) and *pro forma* Large Generator Interconnection Agreement (LGIA) to, among other things, enable a new interconnection customer to utilize the unused portion of an existing interconnection customer's interconnection service within specific parameters. Order No. 845 required that a transmission provider's tariff must: (1) include a definition of surplus interconnection service; (2) provide an expedited interconnection process outside of the interconnection queue for surplus interconnection service; (3) allow affiliates of the original interconnection customers to use surplus interconnection service for another interconnecting generating facility; (4) allow for the transfer of surplus interconnection service that the original interconnection customer or one of its affiliates does not intend to use; and (5) specify what reliability-related studies and approvals are necessary to provide surplus interconnection service and ensure the reliable use of surplus interconnection service. On May 22, 2019, UNS Electric, Inc. (UNS) submitted, pursuant to the directives in Commission Orders No. 845 and 845-A, a compliance filing containing revisions to the UNS Open Access Transmission Tariff (OATT) LGIP and LGIA. On June 13, 2019, the Director of the Office of Energy Market Regulation issued, pursuant to 18 C.F.R. § 375.307 (b)(3)(ii) (2018), a deficiency letter requesting an explanation of how UNS' filing provide for an expedited process for surplus interconnection service. On July 12, 2019, UNS submitted an amendment to its May 22, 2019 compliance filing proposing additional revisions to its LGIP and LGIA. Agenda item E-17 may be an order addressing UNS' compliance filing.

**E-18 – New York Independent System Operator, Inc. (Docket Nos. ER19-2276-000, ER19-2276-001, ER19-2276-002).** On June 27, 2019, New York Independent System Operator, Inc. (NYISO) filed, pursuant to section 205 of the Federal Power Act, proposed revisions to its Open Access Transmission Tariff (OATT) and its Market Administration and Control Area Services Tariff (Services Tariff) to establish a new Aggregation Participation Model and related requirements. The proposed revisions would enable a Market Participant to group individual facilities located on the transmission and/or distribution systems to form a single entity – an Aggregation – for the purpose of participating in the NYISO-administered Energy, Ancillary Services, and Installed Capacity markets. On August 23, 2019, the Director of the Division of Electric Power Regulation – East issued, pursuant to 18 C.F.R. § 375.307, a deficiency letter requesting additional information. On September 4, 2019, the NYISO submitted an "Informational Comment" in response to the deficiency letter emphasizing the need for approval of the proposed tariff revisions by September 11, 2019 to allow sufficient time to implement the proposed tariff revisions by the start of the upcoming Capability Period. On September 18, 2019, NYISO submitted responses to the information requests in the deficiency letter along with amendments to the proposed tariff revisions. Specifically, the NYISO proposed to change the requested effective date of the proposed tariff revisions from November 1, 2019 to May 1, 2020 to align with the start of the next Capability Period. On October 30, 2019, the Director of the Division of Electric Power Regulation – East again issued a deficiency letter requesting additional information. On November 26, 2019, the NYISO submitted responses to the information requests in the second deficiency letter. Agenda item E-18 may be an order addressing the proposed tariff revisions.

**E-19 – NRG Curtailment Solutions, Inc. v. New York Independent System Operator, Inc. (Docket No. EL18-188-000).** On July 24, 2018, NRG Curtailment Solutions, Inc. (NRG Solutions) submitted, pursuant to sections 206 and 306 of the Federal Power Act (FPA), a request for waiver of the New York Independent System Operator,

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Inc.'s (NYISO) Market Administration and Control Area Services Tariff (Services Tariff) and manual provisions, or, in the alternative, a complaint against NYISO regarding NYISO's metering requirement. NRG alleges that NYISO's requirement, that Curtailment Service Providers (CSPs) and Responsible Interface Parties (RIPs) that participate in NYISO's installed capacity (ICAP) markets must use New York State Department of Public Service (NY DPS)-certified Meter Service Providers (MSPs) or Meter Data Service Providers (MDSPs) to install and read non-revenue grade interval meters, is unjust and unreasonable, and unduly discriminatory. On December 20, 2018, the Commission issued an order: 1) denying the request for waiver of the NYISO's tariff; 2) granting, in part, the complaint, finding that the NYISO's tariff provisions are unjust and unreasonable, unduly discriminatory or preferential; and 3) establishing a paper hearing. Pursuant to the directives in the Commission order, NRG Solutions and NYISO exchanged Initial and Reply Briefs. Agenda item E-19 may be an order on paper hearing.

**E-20 – North American Electric Reliability Corporation (Docket No. RR19-7-000).** On July 22, 2019, the North American Electric Reliability Corporation (NERC) submitted, pursuant to 18 C.F.R. § 39.3(c), its Five-Year Electric Reliability Organization Performance Assessment Report for the 2014-2018 assessment period (Performance Assessment). Agenda item E-20 may be an order addressing the Performance Assessment.

**E-21 – Transmission Planning Reliability Standard TPL-001-5 (Docket No. RM19-10-000).** On December 7, 2018, the North American Electric Reliability Corporation (NERC) submitted, pursuant to section 215(d)(1) of the Federal Power Act (FPA), proposed Reliability Standard TPL-001-5 – Transmission System Planning Performance Requirements – for Federal Energy Regulatory Commission (Commission) approval. On June 20, 2019, the Commission issued a Notice of Proposed Rulemaking proposing to approve Reliability Standard TPL-001-5. Agenda item E-21 may be a Final Rule approving Reliability Standard TPL-001-5.

**E-22 – Critical Infrastructure Protection Reliability Standard CIP-012-1 – Cyber Security – Communications between Control Centers. (Docket No. RM18-20-000).** On September 18, 2018, the North American Electric Reliability Corporation (NERC) submitted, pursuant to section 215(d)(1) of the Federal Power Act (FPA), proposed Reliability Standard CIP-012-1 – Cyber Security – for Federal Energy Regulatory Commission (Commission) approval. On April 18, 2019, the Commission issued a Notice of Proposed Rulemaking proposing to approve Reliability Standard CIP-012-1. Agenda item E-22 may be a Final Rule approving Reliability Standard CIP-012-1.

**E-23 – Standards for Business Practices and Communication Protocols for Public Utilities (Docket Nos. RM05-5-025, RM05-5-026, RM05-5-027).** On July 21, 2016, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking proposing to incorporate by reference Version 003.1 of certain Standards for Business Practices and Communication Protocols for Public Utilities adopted by the Wholesale Electric Quadrant (WEQ) of the North American Energy Standards Board (NAESB). On October 4, 2018, the Commission issued a Notice of Proposed Rulemaking proposing to remove the incorporation by reference of the WEQ-006 Time Error Correction Business Practice Standards as adopted by the NAESB in its WEQ Version 003.0 Businesses Practice Standards. On May 16, 2019, the Commission issued a Notice of Proposed Rulemaking proposing to incorporate by reference Version 003.2 of certain Standards for Business Practices and Communication Protocols for Public Utilities adopted by the WEQ of the NAESB. Agenda item E-23 may be a proposed or final rule addressing NAESB standards.

**E-24 – Electric Reliability Organization Proposal to Retire Requirements in Reliability Standards Under the NERC Standards Efficiency Review (Docket Nos. RM19-16-000, RM19-17-000).** On June 7, 2019, the North American Electric Reliability Corporation (NERC) submitted, pursuant to section 215(d)(1) of the Federal Power Act (FPA), three proposed Reliability Standards for Federal Energy Regulatory Commission (Commission) approval: (1) proposed Reliability Standard IRO-002-7 – Reliability Coordination – Monitoring and Analysis; (2) proposed Reliability Standard TOP-001-5 – Transmission Operations; and (3) proposed Reliability Standard VAR-001-6 – Voltage and Reactive Control. On June 7, 2019, NERC submitted, pursuant to section 215(d)(1) of the FPA, a proposal to retire: 1) ten currently effective Reliability Standards in their entirety, without replacement (FAC-013-2, INT-004-3.1, INT-010-2.1, MOD-001-1a, MOD-004-1, MOD-008-1, MOD-020-0, MOD-028-2, MOD-029-2a, MOD-030-3); and 2) individual requirements of four proposed revised Reliability Standards (FAC-008-4, INT-006-5, INT-009-3, PRC-004-6). Agenda item E-24 may be a final rule addressing the NERC Reliability Standards.



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**E-25 – New England Power Pool Participants Committee (Docket No. ER18-2208-002).** On August 13, 2018, the New England Power Pool Participants Committee (NEPOOL) filed, pursuant to section 205 of the Federal Power Act (FPA), revisions to the Second Restated NEPOOL Agreement (NEPOOL Agreement) to state that members of the press are not eligible to become NEPOOL members and to define press (NEPOOL Press Amendments). On January 29, 2019, the Commission issued an order rejecting the proposed Press Amendments. On February 28, 2019, NEPOOL submitted, pursuant to section 313 of the FPA, a request for clarification, or in the alternative, rehearing of the Commission's Order denying the Press Amendments. The February 28 NEPOOL submission questions the Commission's jurisdiction of membership provisions of an entity that does not "provide wholesale power or transmission service to any customer." Agenda item E-25 may be an order addressing the request for clarification, or in the alternative, rehearing of its January 29 order.

**E-26 – RTO Insider LLC v. New England Power Pool Participants Committee (Docket No. EL18-196-001).** On August 31, 2018, RTO Insider LLC (RTO Insider) filed a Complaint against the New England Power Pool Participants Committee (NEPOOL), alleging that the NEPOOL policy of prohibiting press and public attendance at stakeholder meetings contravened Commission policy. On April 10, 2019, the Commission issued an order rejecting the Complaint brought forward by RTO Insider, stating that NEPOOL stakeholder meetings are beyond the scope of its jurisdiction and therefore not in the regulatory purview. On May 10, 2019, Public Citizen Inc. (Public Citizen) filed a request for rehearing of the April 10 order. Public Citizen asserts that the Commission committed errors of fact and that restricting access to such stakeholder meetings may in fact affect rates borne by customers of NEPOOL utilities. Agenda item E-26 may be an order of the request for rehearing as brought forward by Public Citizen.

**E-27 – Potomac-Appalachian Transmission Highline, LLC; PJM Interconnection, L.L.C. (Docket Nos. ER09-1256-003, ER09-1256-005, ER12-2708-004, ER12-2708-005, ER12-2708-007).** On September 28, 2012, PJM Interconnection, L.L.C. (PJM) filed proposed revisions to its Tariff in order to recover prudently-incurred costs as a result of the abandoned Potomac-Appalachian Transmission Highline Project (PATH Project). The PATH Project, to be constructed and operated by Potomac-Appalachian Transmission Highline, LLC (PATH LLC), was originally approved by the PJM Board of Managers in 2007; however, on August 24, 2012, the PATH Project was cancelled due to a lack of justification, citing reliability needs that no longer existed. PATH LLC and its related companies seek to recover approximately \$121 million in costs, stating that the PATH Project was abandoned for reasons beyond its control. In its proposed revisions to the PJM Tariff, the PATH companies seek to implement a sixty-month amortization period for recovery of the costs. On November 30, 2012, the Commission issued an order accepting in part and rejecting in part the proposed rates, and setting the proposed rates for hearing and settlement judge proceedings. On April 6, 2015, PATH and Commission trial staff entered into a Stipulation Agreement under which the parties resolved certain issues, namely the long-term debt input in the respective formula rate templates for the amortization period. On January 19, 2017, the Commission issued an order (known as Opinion No. 554), directing the PATH companies to amend its return on equity (ROE) for the PATH Project formula rate under the PJM Tariff. In the January 19 order, the Commission approved an ROE of 8.11 percent for the PATH Project, reflecting a removal of certain incentive adders granted to PATH during the construction phase of the project. On March 20, 2017, and February 19, 2019, respectively, PATH filed compliance filings to recalculate the recoverable cost of services for each Rate Year from 2008 through the present as well as delineating a plan to cease operations once refunds have been issued. Agenda item E-27 may be an order on the compliance filings as submitted by the PATH companies in response to Opinion No. 554.

**E-28 – Entergy Gulf States Louisiana, L.L.C., Entergy Arkansas, Inc., Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., and Entergy Texas, Inc. (Docket No. ER15-1436-001).** On December 16, 2016, the Commission issued an order accepting proposed tariff changes submitted by Entergy on behalf of the following operating companies: Entergy Arkansas, Inc.; Entergy Louisiana, LLC; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; and Entergy Texas, Inc. (collectively, the Entergy Operating Companies). In accordance with the Commission's December 16 order, on January 23, 2017, Entergy, on behalf of the Entergy Operating Companies and MISO, submitted for filing conforming tariff sheets in eTariff reflecting the accepted tariff revisions. On February 13, 2017, Cooperative Energy, Arkansas Electric Cooperative Corporation, and East Texas Electric Cooperative submitted a Protest and Motion to Consolidate. On September 29, 2017, Entergy filed a motion requesting that the Chief Judge in the proceedings sever the one unresolved issue and establish new hearing procedures. The issue at hand was whether the Entergy Operating Companies' proposal to include their

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Accrued Pension Cost / Prepaid Pension Cost associated with their defined benefit pension plans in rate base under the transmission formula rate templates in MISO. On October 10, 2017, the Chief Judge issued an order severing that issue for hearing and designating an administrative law judge (ALJ) to oversee the hearing. Following initial briefs and post-hearing briefs, the ALJ issued an Initial Decision on October 23, 2018. The ALJ determined that the Entergy Operating Companies' proposal to include the pension costs in their rate base is not just and reasonable and consequently denied the motion. Agenda item E-28 may be a final order on the ALJ decision as rendered.

**E-29 – Electric Quarterly Reports; Mint Energy, LLC; Westmoreland Partners; E-T Global Energy, LLC; BBPC, LLC; Amerigreen Energy, Inc.; Mac Trading, Inc.; Liberty Hill Power LLC; Imperial Valley Solar Company (IVSC) 1, LLC; Lexington Power & Light, LLC; Clear Choice Energy, LLC; Energy Discounters, LLC; Infinite Energy Corporation; North Energy Power, LLC (Docket Nos. ER02-2001-02, ER10-1110-000, ER10-2291-001, ER11-2039-001, ER11-3028-002, ER11-3879-001, ER11-4447-000, ER12-1202-001, ER12-1170-003, ER15-455-000, ER13-183-000, ER14-663-001, ER14-2421-000, ER15-626-000).** The above-captioned dockets pertain to a number of petitions for acceptance of initial Tariff records, waivers, and blanket authorization to engage in sales of energy, capacity, and ancillary services under market-based rates (MBR). Agenda item E-29 may be an order on the respective petitions to sell with MBR authority.

**E-30 – PJM Interconnection, L.L.C. (Docket No. EL17-84-001).** On July 10, 2017, PJM filed an unexecuted, amended Interconnection Service Agreement (ISA) in order to revise the existing ISA among PJM, Hudson Transmission Partners, LLC (HTP), and Public Service Electric and Gas Company (PSE&G). The rationale was centered on HTP converting its Firm Transmission Rights (FTWRs) to non-FTWRs and thereby enabling HTP to not be considered as part of the RTEP cost methodology for transmission projects in PJM. On September 8, 2017, the Commission issued an order rejecting the amended ISA and instituting a new proceeding to address the Section 206 concerns of the RTEP cost allocation. Following a period of additional scrutiny in the new proceeding, the Commission issued an order on December 15, 2017, finding that the original ISA is unjust and unreasonable as it does not permit HTP to convert FTWRs and non-FTWRs. On January 12, 2018, the New Jersey Board of Public Utilities (NJBPUB) filed a request for rehearing of the December 15 order, stating that the Commission capriciously ignored the relationship between HTP's effort to reduce transmission costs and the resulting cost allocation that would likely burden New Jersey and other PJM ratepayers. Agenda item E-30 may be an order on the request for rehearing as brought forward by NJBPUB.

**E-31 – Helix Ravenwood, LLC and Ravenswood Development, LLC (Docket No. ER20-323-000).** On November 6, 2019, Helix Ravenswood, LLC and Ravenswood Development, LLC (Ravenswood, collectively) filed a request for limited Tariff waiver in order to grant a three-year interim period set forth in the New York Independent System Operator (NYISO) Tariff. Ravenswood seeks the waiver to transfer 129 MW of its existing capacity deliverability rights to its new energy storage resource project. Agenda item E-31 may be an order on the request for limited Tariff waiver as brought forward by Ravenswood.

**E-32 – New York Independent System Operator, Inc. (Docket No. ER18-1743-002).** On June 5, 2018, NYISO filed proposed revisions to its Tariff in order to revise the rules by which the locational capacity requirements (LCR) for each locality will be determined. Namely, NYISO would implement an Alternative LCR Method which would align costs and benefits without any adverse impact on system reliability. On September 5, 2018, the Commission issued an order accepting the proposed Tariff revisions without amendment or further compliance obligation. On November 5, 2018, the Long Island Power Authority (LIPA) filed a request for rehearing of the September 5 order, asserting that the Commission acted in a manner unsupported by substantial evidence and that the Alternative LCR Method does not comport with the "beneficiary pays" principle. Agenda item E-32 may be an order on the request for rehearing as brought forward by LIPA.

**E-33 – ISO New England Inc. (Docket No. ER17-795-003).** On January 13, 2017, ISO New England Inc. (ISO-NE) filed proposed updates to the Net CONE (Net Cost of New Entry) and Offer Review Trigger Price values for effect beginning in the Forward Capacity Auction 12. On October 6, 2017, the Commission issued an order accepting the proposed update based on a simple-cycle frame Combustion Turbine technology. On November 6, 2017, the New England Power Generators Association, Inc. (NEPGA) filed a request for rehearing of the October 6 order, stating that the Commission erred in its judgment and should require ISO-NE to utilize the Combined-

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Cycle reference technology as a just and reasonable basis for the Net CONE value. Agenda item E-33 may be an order on the request for rehearing as brought forward by NEPGA.

#### **E-34 – Omitted**

**E-35 – Linden VFT, LLC v. Public Service Electric and Gas Company and PJM Interconnection, L.L.C. (Docket No. EL17-90-001).** On August 9, 2017, PJM, at the request of Linden VFT, LLC (Linden VFT), filed an amended ISA pursuant to Section 205 of the Federal Power Act (FPA). The amended ISA would convert 330 MW of FTWRs to non-FTWRs. On October 5, 2017, the Commission issued an order rejecting the initial filing and instituted a proceeding under Section 206 of the FPA in order to examine why the existing ISA had prohibited the conversion of FTWRs to non-FTWRs. Following an exchange of information among the parties, the Commission issued a new order on December 15, 2017 finding the existing ISA to be unjust and unreasonable. In particular, the Commission directed PJM to make a compliance filing amending the existing ISA in order to reflect the conversion of 330 MW FTWRs to zero. On January 12, 2018, the New Jersey Board of Public Utilities (NJBPU) filed a request for rehearing of the December 15 order, alleging that the Commission acted arbitrarily and capriciously, resulting in a potentially discriminatory reallocation of previously allocated costs to New Jersey and PJM ratepayers. On July 19, 2018, the Commission issued an order establishing settlement judge procedures relating to the outstanding contested cost responsibility assignments for PJM transmission projects. Following a number of settlement conferences and negotiations, on July 19, 2019, the chief ALJ in the proceeding issued an order declaring impasse and returning the matter to the Commission for deliberation and ultimately a ruling. Agenda item E-35 may be an order on the issues that were unresolved during settlement proceedings.

**E-36 – City Utilities of Springfield, Missouri v. Southwest Power Pool, Inc. (Docket No. EL19-62-001).** On April 12, 2019, City Utilities of Springfield, Missouri (City Utilities) filed a Complaint against the Southwest Power Pool, Inc. (SPP), alleging that analyses by SPP do not commensurately allocate costs to benefits with regard to highway/byway transmission cost allocation. On August 12, 2019, the Commission issued an order denying the Complaint, finding that making a determination of a specific pricing zone was under its purview in formula ratemaking under Section 206 of the FPA. On September 11, 2019, City Utilities filed a request for rehearing and clarification of the August 12 order, seeking potential relief or a more detailed explanation regarding methodology. Agenda item E-36 may be an order on the request for rehearing as brought forward by City Utilities.

**E-37 – Golden Valley Electric Association, Inc., Eco Green Generation LLC (Docket Nos. EL19-53-001, QF19-855-002).** On March 5, 2019, Golden Valley Electric Association, Inc. (Golden Valley) filed a petition for declaratory order challenging the qualifying facility (QF) status of an Eco Green Generation LLC (Eco Green) facility self-certified in Docket No. QF19-855-000. On June 5, 2019, the Commission issued an order (June Order) finding that the Eco Green facility does not meet the requirements for QF status and revoking Eco Green's self-certification of QF status without prejudice to Eco Green filing a new Form No. 556 addressing the deficiencies identified in the Commission's June Order. On July 5, 2019, Eco Green requested rehearing of the Commission's June Order. Agenda item E-37 may be an order on Eco Green's request for rehearing.

**E-38 – PJM Interconnection, L.L.C. (Docket No. ER20-45-000).** On August 30, 2019 in Docket No. EL19-61-000, the Commission issued an order (August Order) pursuant to section 206 of the Federal Power Act (FPA) to require PJM Interconnection, L.L.C. (PJM) to revise Schedule 6 of the PJM Amended and Restated Operating Agreement (Operating Agreement) to no longer exempt from the competitive proposal window process projects needed solely to address individual transmission owner Form No. 715 local planning criteria, or to show cause why such changes are not necessary. On October 7, 2019, in compliance with the August Order, PJM submitted proposed revisions to Schedule 6 of the Operating Agreement in Docket No. ER20-45-000 (October Compliance Filing). PJM's October Compliance Filing also requested additional Commission guidance on how to properly effectuate the Commission's directives in the August Order. Agenda item E-38 may be an order on PJM's October Compliance Filing.

## **Gas**

**G-1 – Medallion Delaware Express, LLC and Medallion Pipeline Company, LLC (Docket No. OR19-28-000).** On June 13, 2019, Medallion Delaware Express, LLC (Delaware Express) and Medallion Pipeline Company, LLC (Medallion, and collectively with Delaware Express, the Medallion Carriers) filed a petition for declaratory order

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seeking Commission approval of the open season procedures, tariff rate structure, terms of service, and proposed joint tariff service, all for the expansion of the Medallion Carriers' facilities and existing transportation services. The Medallion Carriers state in their petition that the expansion will include new gathering facilities to connect crude oil production in Reeves County, Texas to the Delaware Express mainline; an expansion of the Delaware Express mainline; and an expansion of certain segments of the Medallion pipeline system along the existing joint tariff route. Agenda item G-1 may be an order on the Medallion Carriers' petition for declaratory order.

**G-2 – Medallion Delaware Express, LLC and Medallion Pipeline Company, LLC (Docket No. OR19-34-000).**

On September 9, 2019, Medallion Midland Gathering, LLC (MMG) and Medallion filed a petition for declaratory order seeking Commission approval of open season procedures, transportation services agreements, rate structure, and proposed joint tariff service on MMG and Medallion's respective pipeline systems. MMG and Medallion state in their petition that they will provide integrated crude oil gathering and transportation service pursuant to a joint tariff to be filed with the Commission, for transportation from origin points on MMG, a new crude oil gathering and transportation system in the Texas Midland Basin, to destination points on an expanded Medallion pipeline system. Agenda item G-2 may be an order on MMG and Medallion's petition for declaratory order.

## Hydro

**H-1 – PacifiCorp (Docket No. P-2337-079).** On December 30, 2016, pursuant to sections 4(e) and 15 of the FPA, PacifiCorp filed an application for a new license to continue operation and maintenance of the Prospect No. 3 Hydroelectric Project No. 2337 (the Prospect Project). The 7.2 MW Prospect Project is located on the South Fork Rogue River in Jackson County, Oregon. On September 27, 2019, the Commission issued a new 40-year license for the Prospect Project (September Order). Ordering paragraph (D) of the September Order stated that the license is subject to the conditions submitted by the Oregon Department of Environmental Quality (ODEQ) under section 401(a)(1) of the Clean Water Act. On October 25, 2019, PacifiCorp requested rehearing of the Commission's September Order noting that PacifiCorp filed a state administrative challenge to the Prospect Project's water quality certification and such challenge remained pending at the time of PacifiCorp's request for rehearing. PacifiCorp's request for rehearing asked the Commission to revise ordering paragraph (D) of the September Order to expressly reserve the Commission's authority to modify the Prospect Project license after the state-level challenge to the water quality certification is resolved. On January 10, 2019, PacifiCorp filed a letter to inform the Commission that on December 31, 2019, PacifiCorp and ODEQ entered into a settlement agreement resolving PacifiCorp's state-level challenge to the water quality certification for the Prospect Project. Agenda item H-1 may be an order on PacifiCorp's request for rehearing.

**H-2 – Grand River Dam Authority (Docket No. P-1494-450).** On September 9, 2019, the Director of the Commission's Office of Energy Projects issued an order extending license term, modifying relicensing process plan and schedule, granting extensions of time, and amending storm adaptive management plan to the Grand River Dam Authority (GRDA) for the Pensacola Hydroelectric Project No. 1494 (GRDA Order). On October 9, 2019, the City of Miami, Oklahoma (Miami) filed a request for clarification and/or rehearing of the GRDA Order stating that Miami did not challenge the extension of the license, but rather sought rehearing and/or clarification of new deadlines related to a required Hydrology and Hydraulic Modeling Study to insure that the relicensing process proceeds efficiently and without further delay. Agenda item H-2 may be an order on Miami's request for rehearing.

## Certificates

**C-1 – Columbia Gas Transmission, LLC (Docket No. CP18-137-000).** On March 26, 2019, pursuant to Sections 7(c) and 7(b) of the Natural Gas Act (NGA), Columbia Gas Transmission, LLC (Columbia) filed a certificate application requesting authority to construct and operate its Buckeye Xpress Project in Vinton, Jackson, Gallia and Lawrence Counties, Ohio and Wayne County, West Virginia. As proposed, the Buckeye Xpress Project will provide 275,000 dekatherms per day of firm transportation service through the construction of approximately 66.2 miles of 36-inch-diameter pipeline and appurtenances, and the abandonment of approximately 60.8 miles of 20- and 24-inch-diameter pipeline and appurtenances. On May 20, 2019, the Commission issued an



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environmental assessment for the Buckeye Xpress Project. Agenda item C-1 may be an order on Columbia's certificate application for the Buckeye Xpress Project.

**C-2 – Rio Grande LNG, LLC, Rio Bravo Pipeline Company, LLC (Docket Nos. CP16-454-001, CP16-455-001).** On May 5, 2016 in Docket No. CP16-454-000, Rio Grande LNG, LLC (Rio Grande) filed an application, for authorization under section 3 of the Natural Gas Act (NGA) and Part 153 of the Commission's regulations to site, construct, and operate facilities for the liquefaction and export of domestically-produced natural gas at a proposed liquefied natural gas (LNG) terminal located in Cameron County, Texas (Rio Grande LNG Terminal). Also on May 5, 2016 in Docket No. CP16-455-000, Rio Bravo Pipeline Company, LLC (Rio Bravo) filed an application under NGA section 7(c) and Parts 157 and 284 of the Commission's regulations, for a certificate of public convenience and necessity to construct and operate a new interstate natural gas pipeline system (Rio Bravo Pipeline Project). As proposed, the Rio Bravo Pipeline Project will be comprised of two parallel 135.5 mile 42-inch-diameter natural gas pipelines and related facilities located in Jim Wells, Kleberg, Kenedy, Willacy, and Cameron Counties, Texas, to transport natural gas in interstate commerce to the Rio Grande LNG Terminal for processing, liquefaction, and export. On November 22, 2019, the Commission issued an order authorizing the construction and operation of the Rio Grande LNG Terminal and Rio Bravo Pipeline Project (November Order). In December 2019, an individual requested rehearing of the November Order and the Sierra Club, *et al.*, requested rehearing and stay of the November Order. Agenda item C-2 may be an order on the requests for rehearing and stay of the November Order.

**C-3 – PennEast Pipeline Company, LLC (Docket No. RP20-41-000).** On October 4, 2019, PennEast Pipeline Company, LLC (PennEast) filed petition for declaratory order asking the Commission to issue an order stating that (1) under NGA section 7(h), a certificate holder's authority to condemn "the necessary right-of-way to construct, operate, and maintain a [natural gas] pipeline" and the "necessary land or other property, in addition to right-of-way, for the location of compressor stations [and other associated equipment]," applies to property in which a state holds an interest; (2) in NGA section 7(h), Congress delegated the federal government's eminent domain authority to certificate holders; and (3) in delegating the federal government's eminent domain authority in NGA section 7(h), Congress necessarily delegated to certificate holders the federal government's exemption from claims of state sovereign immunity. Numerous entities moved to intervene, comment on, and/or protest PennEast's petition for declaratory order. Agenda item C-3 may be an order on PennEast's petition for declaratory order.

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