

Energy, Infrastructure, Project and Asset Finance

Summary of FERC Meeting Agenda

October 2011

In This Issue...

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

Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's October 20, 2011 meeting, pursuant to the agenda as issued on October 13, 2011. Agenda item E-5 has not been summarized as it was omitted from the agenda.

Administrative Items

A-1: (Docket No. AD02-1-000)

This administrative item will address Agency Business Matters.

A-2: (Docket No. AD02-7-000)

This administrative item will address Customer Matters, Reliability, Security and Market Operations.

A-4: (Docket No. AD11-9-000)

This administrative item is the Winter 2011 – 12 Market Reliability Assessment.

Electric Items

E-1: Enhancement of Electricity Market Surveillance and Analysis Through Ongoing Electronic Delivery of Data From Regional Transmission Organizations and Independent System Operators (Docket No. RM11-17-000)

Agenda item E-1 is a new rulemaking docket regarding electricity market surveillance and analysis.

E-2: Transmission Planning Reliability Standards (Docket No. RM11-18-000)

On March 31, 2011, the North American Electric Reliability Corporation (NERC) filed a petition asking FERC to approve the adoption of the following four revised Reliability Standards and retirement of the earlier version of each Reliability Standard: (1) TPL-001-1 (System Performance Under Normal (No Contingency) Conditions (Category A)); (2) TPL-002-1b (System Performance Following Loss of a Single Bulk Electric System Element (Category B)); (3) TPL-003-1a (System Performance Following Loss of Two or More Bulk Electric System Elements (Category C)); and (4) TPL-004-1 (System Performance Following Extreme Events Resulting in the Loss of Two or More Bulk Electric System Elements (Category D)). Agenda item E-2 may be an order on NERC's petition.



Each month, White & Case provides brief summaries of the agenda items for the Federal Energy Regulatory Commission's monthly meeting. For questions relating to any of these matters, please do not hesitate to contact any of the lawyers listed below.

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E-3: Automatic Underfrequency Load Shedding and Load Shedding Plans Reliability Standards (Docket No. RM11-20-000)

On March 31, 2011, NERC filed a petition for FERC to approve two new Reliability Standards: PRC-006-1 (Automatic Underfrequency Load Shedding) and EOP-003-2 (Load Shedding Plans). To avoid duplication of requirements, NERC also requested retirement of four other Reliability Standards upon the effectiveness of the two new Reliability Standards: PRC-006-0 (Development and Documentation of Regional UFLS Programs); PRC-007-0 (Assuring Consistency of Entity Underfrequency Load Shedding Programs); PRC-009-0 (Analysis and Documentation of Underfrequency Load Shedding Performance Following an Underfrequency Event); EOP-003-1 (Load Shedding Plans). Agenda item E-3 may be an order on NERC's petition.

E-4: North American Electric Reliability Corporation (Docket No. RR11-7-000)

On August 24, 2011, NERC filed a request for FERC's acceptance of the 2012 Business Plans and Budgets of NERC, the eight Regional Entities and the Western Interconnection Regional Advisory Body, and also sought approval of the proposed assessments to fund the 2012 budgets. Agenda item E-4 may be an order on NERC's request.

E-6: North American Electric Reliability Corporation (Docket No. RD11-9-000)

On April 15, 2011, NERC filed a request for FERC's approval of an interpretation to Requirement R10 of TOP-002-2a (Normal Operations Planning). Agenda item E-6 may be an order on NERC's request.

E-7: North American Electric Reliability Corporation (Docket No. RD11-8-000)

On May 31, 2011, NERC filed a request for FERC approval of proposed Regional Reliability Standard PRC-002-NPCC-01 (Disturbance Monitoring), as well as two new associated definitions of the terms "Current Zero Time" and "Generating Plant." Agenda item E-7 may be an order on NERC's request.

E-8: North American Electric Reliability Corporation (Docket No. NP10-160-001)

On December 16, 2010, FERC issued an order upholding zero-dollar penalties assessed by NERC against the United States Army Corps of Engineers (USACE) and affirmed a prior decision finding that federal agencies must follow the requirements of the Reliability Standards. USACE sought rehearing of the December 16 order. Agenda item E-8 may be an order on rehearing.

E-9: PJM Interconnection, L.L.C. (Docket No. EL05-121-006)

On January 21, 2010, FERC issued an order establishing a paper hearing regarding the appropriate allocation method to be used by PJM Interconnection, L.L.C. (PJM) for the cost of new transmission capacity at or above 500 kV, following a remand by the United States Court of Appeals for the Seventh Circuit of a prior FERC order on this subject. Many comments were submitted in response to the order establishing a paper hearing. Agenda item E-9 may be an order addressing the cost allocation issue.

E-10: California Independent System Operator Corporation (Docket Nos. ER10-1401-001, ER10-2191-001, ER11-2705-000, -001); Green Energy Express LLC and 21st Century Transmission Holdings, LLC (Docket No. EL10-76-001)

On December 16, 2010, FERC issued an order conditionally accepting the California Independent System Operator Corporation's (CAISO) tariff revisions intended to implement a revised transmission planning process (RTPP), subject to a compliance filing. The RTPP expanded the planning process by creating a new category of network transmission facilities called "policy-driven" transmission facilities that CAISO deems necessary to achieve state and federal policy requirements such as those relating to greenhouse gas reduction requirements and renewable energy targets. Several parties sought rehearing of the December 16 order. In addition, on January 19, 2011, CAISO submitted its compliance filing in response to the December 16 order. Agenda item E-10 may be an order on rehearing and CAISO's compliance filing.

E-11: Midwest Independent Transmission System Operator, Inc. (Docket Nos. ER10-1791-001,-002)

On December 16, 2010, FERC conditionally approved, subject to two compliance filings, proposed revisions to the Midwest Independent Transmission System Operator, Inc.'s (MISO) Open Access Transmission, Energy and Operating Reserve Markets Tariff that (1) established a new category of transmission projects designated as Multi-Value Projects (MVPs) and a corresponding cost allocation methodology for MVPs; and (2) provided that Generator Interconnection Projects arising within a set period of time could share the costs of mutually required Network Upgrades. Several parties sought rehearing of the December 16 order. In addition, on February 14, 2011, MISO submitted the first compliance filing. Agenda item E-11 may be an order on rehearing and MISO's compliance filing.

**E-12: Southwest Power Pool, Inc.
(Docket No. ER10-1069-001)**

On June 17, 2010, FERC accepted Southwest Power Pool, Inc.'s (SPP) proposal to revise its Open Access Transmission Tariff (OATT) to incorporate a "Highway/Byway" methodology for allocating the cost of new and upgraded transmission facilities. Several parties sought rehearing of the June 17 order. Agenda item E-12 may be an order on rehearing.

**E-13: Southwest Power Pool, Inc.
(Docket No. ER11-3627-000)**

On May 24, 2011, SPP filed proposed revisions to its OATT to introduce a process to make resources whole for responding to SPP emergency dispatch directives. Agenda item E-13 may be an order on SPP's filing.

**E-14: Southern California Edison Company
(Docket No. ER11-4358-000); California Independent
System Operator Corp. (Docket No. ER11-4512-000)**

On August 24, 2011, Southern California Edison Company (SCE) filed a Large Generator Interconnection Agreement (LGIA) among NextEra Desert Center Blythe, LLC (NextEra), SCE and CAISO. The proposed LGIA was entered into for the interconnection of NextEra's proposed 500 MW solar generating facility to SCE's planned Colorado River Substation in order to transmit energy and/or ancillary services to the CAISO-controlled grid. On September 7, 2011, CAISO filed the LGIA for acceptance as a nonconforming LGIA as it includes up-front financing provisions and partial termination rights tied to progress of proposed network upgrades. Agenda item E-14 may be an order on the LGIA.

**E-15: City of Pasadena, California
(Docket No. ER11-4375-000)**

On August 25, 2011, the City of Pasadena, California (Pasadena) filed proposed tariff revisions to its Base Transmission Revenue Requirement (TRR) and its High Voltage TRR, as well as related modifications to its Transmission Owner Tariff to reflect the implementation of CAISO's Market Redesign and Technology Upgrade. Several parties intervened, and SCE submitted a protest, claiming the proposed revisions would result in unjust and unreasonable rates and further asking that the issue be set for discovery and hearing procedures. Agenda item E-15 may be an order on SCE's request for hearing procedures and Pasadena's filing.

**E-16: Puget Sound Energy, Inc.
(Docket No. ER11-3735-000)**

On June 6, 2011, as supplemented on August 5, 2011, Puget Sound Energy, Inc. (PSE) filed proposed revisions to its OATT to update its rates for Regulation and Frequency Response Service and to provide for differentiated cost recovery to serve dispatchable and intermittent generators exporting power from PSE's Balancing Authority Area. Several parties commented on or protested the proposed revisions. Agenda item E-16 may be an order on PSE's proposed OATT revisions.

**E-17: New York Independent System Operator, Inc.
(Docket Nos. ER11-3881-000, -001)**

On June 24, 2011, as supplemented on August 17, 2011, the New York Independent System Operator, Inc. (NYISO) filed a proposed tariff revision to its OATT to clarify and update its definition of Available Transfer Capability (ATC). NYISO stated that the revised definition would more accurately reflect the function ATC performs and the way ATC is calculated. NYISO also proposed to revise its Services Tariff and OATT to incorporate applicable North American Energy Standards Board Wholesale Electric Quadrant version 002.1 standards, as required under FERC Order No. 676-E. Agenda item E-17 may be an order on NYISO's tariff revisions.

E-18: ISO New England Inc. (Docket No. ER11-3891-000)

On June 27, 2011, ISO New England Inc. (ISO-NE) filed its Forward Capacity Auction (FCA) results and supporting testimony. The Massachusetts Attorney General and the Vermont Department of Public Service filed protests arguing that the Dynamic De-List Bid submitted by Entergy Nuclear power marketing (Entergy) for the Vermont Yankee Power Station (Vermont Yankee) would not be just and reasonable. The argument is a response to ISO-NE's rejection of the bid for reliability reasons. In such circumstances, the bid is subject to FERC's review and approval under the just and reasonable standard. The protests further argue that FERC's default presumption that Dynamic De-List bids of resources needed for reliability constitute a just and reasonable level of compensation is not appropriate with respect to Vermont Yankee. Specifically, the protests state that the bid substantially exceeds Vermont Yankee's future costs and, therefore, the just and reasonable rate should be set at the floor price of the FCA. Agenda item E-18 may be an order related to the FCA results and related protests.

E-19: Southwest Power Pool, Inc. (Docket Nos. ER09-1050-006; ER09-1192-005; ER11-121-000)

On October 15, 2010, SPP submitted a compliance filing in Docket No. ER11-121-000 proposing to revise its OATT to clarify that its Market Monitor will only inform FERC's Office of Enforcement when instances of market behavior may require investigation. This compliance filing is one in a series of filings submitted by SPP to comply with FERC's directive in Order No. 719 which mandated that Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs) submit compliance filings explaining how their existing tariff language and practices comply with Order No. 719's guidance on demand response, long-term power contracting, market monitoring and RTO and ISO responsiveness, or proposing plans to attain compliance. Also on October 15, 2010, SPP filed a request for clarification or rehearing in Docket Nos. ER09-1050-006 and ER09-1192-005 related to FERC's orders on SPP's prior compliance filings related to Order No. 719. Agenda item E-19 may be an order on SPP's compliance filing and request for clarification or rehearing.

E-20: Buckeye Power, Inc. v. American Transmission Systems, Incorporated (Docket No. EL11-54-000)

On July 18, 2011, Buckeye Power, Inc. (BPI) filed a complaint against American Transmission Systems, Incorporated (ATSI) alleging that the voltage differential rates for transmission service in the ATSI zone of PJM are unjust, unreasonable, unduly discriminatory and preferential. BPI further contends that the rates must be replaced with a single rolled-in rate that reflects the costs of all of ATSI's integrated transmission facilities, regardless of voltage. Several parties intervened in the proceeding, and American Municipal Power, Inc. and Cleveland Public Power filed a protest claiming that BPI failed to make a prima facie showing that ATSI's existing rate design is unjust, unreasonable, unduly discriminatory or preferential. Agenda item E-20 may be an order on BPI's complaint.

E-21: Duke Energy Carolinas, LLC (Docket Nos. ER11-2895-000, -001, ER11-3585-000)

On February 16, 2011, as supplemented on May 6, 2011 and August 22, 2011, Duke Energy Carolinas, LLC (Duke) filed revisions to its OATT and its OATT Point-to-Point Service Agreement with Carolina Power and Light Company in order to implement a formula rate for Point-to-Point Transmission Service, Network Integration Transmission Service, and Scheduling, System Control and Dispatch Service. The February 16 filing also contained a settlement agreement between Duke and

its network customers resolving all issues in the proceeding. Also, on May 16, 2011, Duke submitted an informational filing of its first Annual Update of its formula rate in accordance with the Settlement Agreement and Section 2(c) of the Formula Rate Protocol pending in Docket No. ER11-2895-000. Agenda item E-21 may be an order on Duke's proposed tariff revisions, settlement agreement and its formula rate filing.

E-22: E.ON Climate & Renewables North America, LLC v. Midwest Independent Transmission System Operator, Inc. (Docket No. EL11-30-000)

On March 22, 2011, the Midwest Generation Development Group (MGDG) (an ad hoc coalition comprising Clipper Windpower Development Co, Inc., E.ON Climate & Renewables North America, LLC, Horizon Wind Energy LLC, Iberdrola Renewables, Inc. and Invenergy Wind Development LLC) filed a complaint requesting that FERC find Option 1 under Attachment FF of the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff to be unjust, unreasonable and unduly discriminatory and preferential in violation of Sections 205 and 206 of the Federal Power Act. MGDG objects to Option 1 as it pertains to the cost of network upgrades required to obtain interconnection service through MISO's Generation Interconnection Procedures and further alleges that Option 1 harms interconnection customers and violates the principles of FERC's Order No. 2003 by allowing the interconnecting transmission owner to collect revenues that should be returned to the interconnection customer for funding network upgrades necessary to interconnect. Numerous parties filed comments in the proceeding. Agenda item E-22 may be an order on MGDG's complaint.

E-23: California Independent System Operator Corporation (Docket Nos. ER10-1706-001, -002)

On September 30, 2010, CAISO submitted both a compliance filing and request for rehearing in response to an August 31, 2010 order in which FERC accepted in part and rejected in part certain proposed tariff revisions related to CAISO's interconnection requirements for asynchronous generating facilities. The compliance filing proposed revisions to CAISO's interconnection requirements that FERC found objectionable in the August 31 order; CAISO's request for rehearing claims that FERC's rejection of certain proposed interconnection requirements for asynchronous generating facilities in the August 31 order was arbitrarily discriminatory and inconsistent with precedent. Agenda item E-23 may be an order on CAISO's compliance filing and request for rehearing.

E-24: Devon Power LLC (Docket No. ER03-563-067)

On April 18, 2011, the New England Power Generator's Association, the Connecticut Attorney General, the Maine Public Utilities Commission, the Massachusetts Attorney General, NSTAR Electric & Gas Corporation, the NEPOOL Industrial Customer Coalition and the Industrial Energy Consumer Group (collectively, Applicants) filed requests for rehearing of FERC's March 17, 2011 Order on Remand in this proceeding. Specifically, the Applicants object to the holding in the Order on Remand that rates for capacity set through auctions administered by ISO-NE are not contract rates and thus not inherently entitled to heightened protection from abrogation or modification under the *Mobile-Sierra* doctrine. Agenda item E-24 may be an order on rehearing.

E-25: Louisiana Public Service Commission v. Entergy Services, Inc. (Docket No. EL01-88-007)

This docket relates to a long-running proceeding involving Entergy Corporation (Entergy) and its six operating companies and the adoption of a bandwidth remedy for rough production-cost equalization on Entergy's System. In Opinion No. 480, FERC found that the bandwidth remedy should only apply prospectively in calendar year 2006 and that it could not implement a retroactive bandwidth remedy. On appeal, the DC Circuit Court of Appeals issued an order finding that FERC did not offer a reasoned explanation for denying refunds or for delaying implementation of the bandwidth remedy and remanded the case back to FERC for further proceedings. On December 17, 2009 (in Docket Nos. EL00-66-013 and EL95-53-009), FERC issued an order establishing a paper hearing concerning the refund issues. In a separate order on December 17, 2009 in this docket, FERC issued an Order on Partial Remand deferring action on this proceeding until the paper hearing was concluded. Agenda item E-25 may involve an order related to the Order on Partial Remand.

E-26: Louisiana Public Service Commission v. Entergy Services, Inc. (Docket No. EL01-88-008)

See the above description of Agenda item E-25. Union Electric Company (d/b/a AmerenUE), the Louisiana Public Service Commission and Occidental Chemical Corporation filed separate requests for rehearing arguing that FERC does not need to delay ruling on certain issues in this proceeding. Agenda item E-26 may be an order on rehearing.

E-27: Louisiana Public Service Commission v. Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, L.L.C., Entergy Arkansas, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (Docket No. EL09-50-000)

On April 30, 2010, an Administrative Law Judge issued an Initial Decision addressing one component of the complaint filed by the Louisiana Public Service Commission (LPSC) against Entergy. Specifically, the Initial Decision ruled on whether the Accumulated Deferred Income Tax (ADIT) related to the partial sale-leaseback of Entergy's Waterford 3 nuclear power plant should be functionally allocated among production, transmission and distribution or directly assigned only to the production function. The Initial Decision rejected LPSC's complaint that the relevant ADIT be directly assigned only to the production function. The LPSC filed a Brief on Exceptions to the Initial Decision. Entergy, Commission Trial Staff and the Arkansas Public Service Commission filed Briefs Opposing Exceptions. Agenda item E-27 may be an order on the Initial Decision.

E-28: Frequency Regulation Compensation in the Organized Wholesale Power Markets (Dockets Nos. RM11-7-000 and AD10-11-000)

On February 17, 2011, FERC issued a Notice of Proposed Rulemaking (NOPR) in which it proposed to revise its regulations to provide for a two-part compensation method for regulation service (an ancillary transmission service) in the organized wholesale power markets. Under this compensation method, there would be a uniform price for regulation capacity (to include opportunity costs) to be paid to all cleared resources for standing ready to provide service and a performance payment for the provision of frequency regulation that reflects the resource's performance accuracy. In its NOPR, FERC stated that these proposed revisions would serve to remedy undue discrimination in the procurement of frequency regulation service and to ensure that market rules do not function as an unnecessary barrier to the participation of all resource types in the wholesale ancillary services markets. Numerous parties filed comments on the NOPR. Agenda item E-28 may be an order on the NOPR.

Gas Items

G-1: Colorado Interstate Gas Company (Docket Nos. AC10-22-000, -001, -003, -004)

Colorado Interstate Gas Company (CIG) submitted proposed journal entries requesting approval to clear Account 102 (Gas Plant Purchased or Sold) related to the sale of the Natural Buttes Processing Plant and related facilities to Chipeta Processing L.L.C. CIG proposed to estimate the accumulated depreciation for the Natural Buttes Facility through the technical obsolescence method and claimed that it would be the most appropriate method to determine the net book value of the Natural Buttes Facility. In a September 20, 2010 letter order, FERC rejected CIG's proposed journal entries, ruling that CIG must use the actual composite depreciation rates that were used to depreciate the Natural Buttes Facility on a vintage year basis in order to find the relevant accumulated depreciation that would apply. CIG filed a request for rehearing and a compliance filing in response to the September 20 letter order. Agenda item G-1 may be an order on the rehearing request and the compliance filing.

G-2: Southern Natural Gas Company (Docket Nos. RP11-60-002, RP11-60-003)

Pursuant to a November 30, 2010 order, Southern Natural Gas Company (Southern) submitted a compliance filing with revised tariff records. On April 21, 2011, FERC conditionally accepted the tariff records, subject to Southern modifying certain provisions in its tariff concerning reservation charge credits or showing cause why it should not be required to do so. The Indicated Shippers and the Municipals filed requests for rehearing of the April 21, 2011 order. On May 23, 2011, Southern submitted a compliance filing modifying certain aspects of its reservation charge credit tariff provisions. Numerous parties filed comments on Southern's compliance filing. Agenda item G-2 may be an order on the rehearing requests and/or the compliance filing.

G-3: Natural Gas Supply Association, American Forest & Paper Association, American Public Gas Association, Independent Petroleum Association of America and Process Gas Consumers Group (Docket No. RP11-1538-001)

The Natural Gas Supply Association, the American Forest & Paper Association, Inc., the American Public Gas Association, the Independent Petroleum Association of America and the Process Gas Consumers Group (collectively, Petitioners) submitted a petition requesting that FERC examine, under its Natural Gas Act Section 5 authority, all pipeline tariffs to verify

that they comply with FERC's policy on crediting during times of service interruption. In an April 21, 2011 order, FERC denied the Petitioner's request and instead restated its reservation charge crediting policy, requested pipelines to review their tariffs and submit a compliance filing if they were not in compliance, and ordered other corrective actions. The Petitioners and BP Canada Energy Marketing Corp. and BP Energy Company submitted separate requests for rehearing of the April 21 order. Agenda item G-3 may be an order on rehearing.

Hydro Items

H-1: Northern Illinois Hydropower, LLC (Docket Nos. P-12626-003, P-12717-003)

On April 2, 2010 and April 29, 2010, FERC issued public notices of Northern Illinois Hydropower, LLC's license applications for the Dresden Island Project No. 12626 and for the Brandon Road Hydroelectric Project No. 12717, respectively. Exelon Corporation (Exelon) submitted a motion to intervene out of time in each proceeding. On July 20, 2011, FERC denied Exelon's late interventions in both dockets. Exelon filed a request for rehearing arguing that its participation in the licensing proceedings is necessary to ensure that the projects do not adversely affect the safe and reliable operation of the projects and reiterating that its intervention would not cause any prejudice or present significant burdens on FERC or the license applicant. Agenda item H-1 may be an order on rehearing.

H-2: City of Kaukauna, Wisconsin (Docket No. P-2677-020)

On May 18, 2011, FERC issued an order granting a new license to the City of Kaukauna, Wisconsin (Kaukauna) for the continued operation and maintenance of the Badger-Rapide Croche Hydroelectric Project No. 2677 on the Fox River in Outagamie County, Wisconsin. Kaukauna filed a request for rehearing asking that FERC remove Articles 408 and 409 from the new license (which relate to whitewater boating access downstream of the Project and the provision of whitewater boating flows). Agenda item H-2 may be an order on rehearing.

H-3: Kahawai Power 4, LLC (Docket No. P-14105-000); Kekaha Ditch Hydro, LLC (Docket No. P-14203-000)

On March 1, 2011, FERC accepted the application of Kahawai Power 4, LLC (Kahawai) for a preliminary permit for the proposed 1.5 MW Kekaha Waimea Water Power Project in Kauai County, Hawaii. On May 20, 2011, Kekaha Ditch Hydro, LLC (Kekaha Hydro) filed a competing application for a preliminary permit. Agenda item H-3 may be an order on the applications.

**H-4: Upper Yampa Water Conservancy District
(Docket No. P-9202-177)**

The Upper Yampa Water Conservancy District (Upper Yampa District), the licensee for the Stagecoach Hydroelectric Project No. 9202 on the Yampa River in Routt County, Colorado, filed a request with FERC to convey and lease project lands and to change the project boundary. On September 12, 2011, FERC issued an order denying the land conveyance and the change in the project boundary, finding that the relevant lands proposed to be removed from the project boundary are necessary for project purposes. Upper Yampa District filed a request for rehearing of the September 12 order. Agenda item H-4 may be an order on rehearing.

H-5: Appalachian Power Company (Docket No. P-2210-212)

On August 24, 2011, the Chief of the Land Resources Branch of the Division of Hydropower Administration and Compliance (DHAC) sent a letter to Appalachian Power Company (APC) requiring that certain docks, located in a condominium complex, must now conform to the Shoreline Management Plan (SMP) requirements. The DHAC letter explained that due to the significant work to these docks, they were no longer considered "grandfathered" from compliance with the SMP requirements. APC filed a request for rehearing of the August 24, 2011 letter and asked for an extension of time to comply with the SMP requirements pending FERC action on its rehearing request. The Gangplank Pointe Condominium Owners Association, Inc. and the Association of Lake Area Communities also filed requests for rehearing. Agenda item H-5 may be an order on rehearing.

Certificate Items**C-1: National Fuel Gas Supply Corporation
(Docket No. CP11-128-000); Tennessee Gas Pipeline
Company (Docket No. CP11-133-000)**

On March 7, 2011, National Fuel Gas Supply Corporation (National Fuel) submitted an application under Section 7 of the Natural Gas Act (NGA) for a certificate of public convenience and necessity to construct its Northern Access Project in New York and Pennsylvania. On March 9, 2011, Tennessee Gas Pipeline Company (Tennessee Gas) also submitted an application under NGA Section 7 for a certificate of public convenience and necessity to upgrade and modify compression facilities in New York (Station 230C Project). Agenda item C-1 may be an order on the applications.

**C-2: Pine Prairie Energy Center, LLC
(Docket Nos. CP11-1-001, RP11-2201-000)**

On May 19, 2011, FERC issued an order, under NGA Section 7(c), granting Pine Prairie Energy Center, LLC (Pine Prairie) a certificate of public convenience and necessity for an expansion of its existing natural gas storage facility in Evangeline Parish, Louisiana (Phase III Expansion Project), subject to Pine Prairie holding a new open season. Pine Prairie and Enstor Operating Company, LLC filed separate requests for rehearing concerning FERC's application of its open season/turn-back capacity policy. On June 20, 2011, Pine Prairie submitted a compliance filing in response to the May 19 order. Agenda item C-2 may be an order on rehearing and/or the compliance filing.

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