

Energy, Infrastructure, Project and Asset Finance

Summary of FERC Meeting Agenda

May 2015

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's May 14, 2015 meeting, pursuant to the agenda as issued on May 7, 2015. Agenda Items E-11, H-1, and C-4 have not been summarized as they were omitted from the agenda.

Administrative Items

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

This administrative docket addresses Agency Business Matters.

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

This administrative docket addresses Customer Matters, Reliability, Security and Market Operations.

A-3: Docket No. AD6-3-000

This docket addresses Market Updates.

Electric Items

E-1: Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events (Docket No. RM15-11-000).

On January 11, 2015, the North American Electric Reliability Corporation (NERC) filed a Petition for Approval of Proposed Reliability Standard TPL-007-1 Transmission System Planned Performance for Geomagnetic Disturbance Events ("Petition"). Agenda item E-1 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.

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E-2: ISO New England Inc., New York Independent System Operator, Inc., and PJM Interconnection, L.L.C., (Docket Nos. ER13-1957-000; ER13-1942-000; ER13-1946-000; ER13-1960-000; ER13-1947-000; ER13-1926-000).

On July 10, 2013, or shortly thereafter, ISO New England Inc. (ISO-NE), New York Independent System Operator, Inc. (NYISO) and PJM Interconnection, L.L.C. (PJM) jointly submitted certain compliance filings and proposed tariff revisions for Commission approval pursuant to the interregional coordination requirements of Order No. 1000, including: (1) an ISO/RTO Planning Coordination Protocol under Docket No. ER13-1957; (2) a compliance filing submitted by NYISO regarding interregional planning arrangements amongst NYISO, ISO-NE and PJM under Docket No. ER13-1942; (3) a Designation of Filing Party under Docket No. ER13-1946; and (4) proposed revisions to the ISO-NE Tariff to comply with interregional coordination and cost allocation requirements under Docket No. ER13-1960. In addition, on July 10, 2013, PJM submitted for Commission Approval the Interregional Transmission Coordination Procedures between PJM and NYISO under Docket No. ER13-1947. Last, on July 10, 2013, the PJM Transmission Owners, acting pursuant to PJM Consolidated Transmission Owners Agreement (CTOA) filed for Commission approval proposed revisions to the Joint Operating Agreement between PJM and NYISO that addresses allocation of costs of interregional transmission system expansions and enhancement approved by PJM and NYISO under Docket No. ER13-1926. Agenda item E-2 may be an order on the various Order No. 1000 compliance filings and proposed tariff revisions.

E-3: Public Service Company of Colorado, Tucson Electric Power Co., UNS Electric, Inc., Public Service Company of New Mexico, Arizona Public Service Company, El Paso Electric Company, Black Hills Power, Inc., Black Hills Colorado Electric Utility Company, LP, NV Energy, Inc., and Cheyenne Light, Fuel, & Power Co. (Docket Nos. ER13-75-006 *et seq.*; ER15-416-000; ER13-77-004 *et seq.*; ER13-78-004 *et seq.*; ER15-434-000; ER13-79-004 *et seq.*; ER15-413-000; ER13-82-004 *et seq.*; ER15-411-000; ER13-91-004 *et seq.*; ER15-431-000; ER13-97-004 *et seq.*; ER15-430-000; ER13-105-004; ER15-423-000 *et seq.*; ER13-120-004 *et seq.*; ER15-432-000).

On November 11, 2012, the above-referenced parties submitted revisions to their transmission planning process under their respective Open Access Transmission Tariff (OATT) to comply with Order No. 1000. On March 22, 2013, the Commission issued an order finding that the filing partially complied with Order No. 1000 requirements and directed further compliance filings to address those areas in which the filing did not comply. Multiple

requests for rehearing or clarification were filed. In addition, on November 11, 2014, the Arizona Public Service Company (APS) submitted the WestConnect Planning Participation Agreement setting forth the rights and obligations of the parties developed pursuant to Order No. 1000 for the WestConnect Planning Region, filed as Rate Schedule No. 274, for Commission approval. Last, multiple entities submitted certificates of concurrence in accordance with the procedures of Order No. 714, a joint tariff to be filed by a single designated utility in situations where multiple utilities are parties to the same tariff. Agenda item E-3 may be an order on the requests for rehearing or clarification and/or Rate Schedule No. 274.

E-4: Avista Corporation, Puget Sound Energy, Inc., and MATL LLP (Docket Nos. ER13-94-004; ER15-422-000; ER13-99-003; ER15-429-000; ER13-836-003).

On or around November 17, 2014, Avista Corporation, Puget Sound Energy, Inc., and MATL LLP separately submitted compliance filings reflecting revisions to their Attachment K of their OATTs to meet the requirements of Order No. 1000. The compliance filings were ordered by the Commission pursuant to an Order issued September 14, 2014. Agenda item E-4 may be an order on the compliance filings.

E-5: ENE (Environment Northeast) et al. v. Bangor Hydro-Electric Co. et al. (Docket Nos. EL13-33-001, -003; EL14-86-001).

On December 27, 2012, a group of complainants filed a complaint pursuant to Section 206 of the Federal Power Act (FPA) against a group of New England Transmission Owners alleging that the 11.14 base return on equity (ROE) was unjust and unreasonable and that the complainants' DCF analysis showed the just and reasonable rate should not exceed 8.7 percent. The Commission set that complaint for hearing and commenced settlement judge procedures. On October 24, 2014, the Chief Administrative Law Judge terminated settlement procedures and the proceeding was set for hearing. On July 31, 2014, the complainants again filed a complaint pursuant to section 206 of the FPA against the New England Transmission Owners, alleging the 11.14 base ROE was unjust and unreasonable. In an order issued on November 24, 2014, the Commission consolidated the two complaints, established a trial-type evidentiary hearing and set a refund effective date of July 31, 2014. On December 12, 2014, the New England Transmission Owners moved for rehearing. Agenda item E-5 may be an order on the request for rehearing.

E-6: Golden Spread Electric Corporation, Inc. v. Southwestern Public Service Co. (Docket Nos. EL13-78-001; EL12-59-001).

On July 19, 2013, Golden Spread filed a Complaint pursuant to FPA Section 206 against Southwestern Public Service Co. (SPS). Golden Spread alleged that the input value for rate of return on common equity in the SPS formula rate applicable to the Replacement Power Sales Agreement, pursuant to which SPS sells capacity and energy to Golden Spread, and the formula rate applicable to determination of the SPS annual transmission revenue requirement within both the Xcel Energy, Inc. tariff and the Southwest Power Pool, Inc. tariff is no longer just and reasonable. Golden Spread also moved to consolidate these proceedings with the complaint proceedings in EL12-51 which also involved issues relating to SPS' production and transmission rates. On July 21, 2014, Xcel moved for rehearing of the Commission's June 19, 2014, order setting the matters for hearing and settlement judge procedures. Agenda item E-6 may be an order on Xcel's request for rehearing.

E-7: Nevada Power Co. (Docket No.15-1196).

On March 6, 2015, NV Energy filed proposed amendments to its tariff to provide for voluntary participation in the energy imbalance market with the California Independent System Operator. Agenda item E-7 may be an order on NV Energy's proposed amendments.

E-8: Northern States Power Co, a Minnesota Corporation (Docket No. QM15-2-000).

On February 18, 2015, Northern States filed an application pursuant to Section 210(m) of the Public Utilities Regulatory Policies Act of 1978 to terminate its obligation to purchase power from a small qualifying facility owned by Twin Cities Hydro, LLC. Agenda Item E-8 may be an order on Northern State's application.

E-9: PowerMinn 9090, LLC, Fibrominn, LLC, Benson Power, LLC, and CPV Biomass Holdings, LLC (Docket No. EC15-76-000).

On February 18, 2015, pursuant to FPA Section 203, the above parties filed for authorization for the disposition of jurisdictional facilities that will result from a state court supervised transfer of a 64 MW poultry-litter and other biomass-fueled electric generating facility located in Benson, Minnesota, from PowerMinn and Fibrominn to Benson. Agenda item E-9 may be an order on the application for authorization of disposition of jurisdictional facilities.

E-10: NorthWestern Corporation (Docket No. ES15-14-000).

On March 19, 2015, NorthWestern filed a request for Commission authorization to issue certain securities and engage in methods of issuance other than competitive bidding and negotiated offers. Agenda item E-10 may be an order on NorthWestern's application.

E-12: Entergy Services, Inc. (Docket No. ER07-956-008).

On September 14, 2014, pursuant to July 2014 Commission orders, Entergy Services, Inc. (ESI), acting as agent for numerous Entergy Operating Companies, submitted a comprehensive bandwidth recalculation report. The September filing consisted of the 2007 bandwidth filing recalculation and true-up payments and receipts based on 2006 test year data and supporting workpapers for each identified adjustment, along with the applicable interest calculation through September 24, 2014, the date the payments and receipts were effectuated amongst the referenced Entergy Operating Companies. On October 6, 2014, Texas Industrial Energy Consumers (TIEC) protested ESI's filing. On October 21, 2014, ESI filed an answer to TIEC's protest. Agenda Item E-12 may be an order on ESI's comprehensive recalculation filing.

E-13: Entergy Services, Inc. (Docket Nos. ER10-3357-000, ER10-3357-001).

On January 3, 2011, ESI, acting as agent for numerous Entergy Operating Companies, submitted reliability standards and business operating standards revisions to its OATT in conformance with the Commission's directives in Order Nos. 729 and 676-E. Multiple parties filed motions to intervene and comments. On May 13, 2011, Commission staff issued a deficiency letter requesting that ESI identify any tariff changes in the January 3 Compliance Filing that go beyond compliance with Order Nos. 729 and 676-E. On July 12, 2011, ESI responded to the deficiency letter, stating that no proposed changes went beyond the changes necessary to comply with Orders Nos. 729 and 676-E. On August 2, 2011, Union Power Partners, L.P. and Lafayette Utilities Systems L.P. filed a protest of ESI's July 2011 response. On August 17, 2011, ESI filed an answer to the August 2011 protest. Agenda Item E-13 may be an order on ESI's compliance filing.

E-14: Avista Corporation (Docket No. EL15-19-000).

On November 10, 2014, Avista Corporation (Avista) submitted a petition for declaratory order requesting exemption from certain requirements under the Public Utility Holding Company Act of 2005. Avista argued the books, accounts, memoranda and other records of all the non-public utility associate companies within Avista's holding company system are not relevant to the jurisdictional rates of a public utility, because Avista and its associate companies have taken appropriate steps to ensure that there will be no improper cross-subsidization between any public utility and any associate company within Avista's holding company system. Agenda Item E-14 may be an order on Avista's petition for declaratory order.

E-15: Southwest Power Pool, Inc. (Docket No. ER15-990-000).

On February 4, 2015, Southwest Power Pool, Inc. (SPP) filed a petition requesting the Commission waive applicable provisions of SPP's OATT to recognize the establishment of certain resource hubs in SPP's Integrated Marketplace. In February 2015, numerous parties filed motions for intervention, while Xcel Energy Services, Inc. and Golden Spread Electric Cooperative, Inc. also filed comments in support of SPP's petition. Agenda Item E-15 may be an order on SPP's petition for waiver of tariff provisions.

Gas Item

G-1: Californians for Renewable Energy, Inc., Michael E. Boyd, Robert M. Sarvey v. Pacific Gas and Electric Company (Docket No. RP13-436-001).

On April 1, 2013, the Commission issued an order dismissing a complaint filed by Californians for Renewable Energy, Inc. (CARE), Michael E. Boyd, and Robert M. Sarvey, against Pacific Gas and Electric Company (PG&E), alleging that PG&E violated the terms and conditions of its blanket certificate through failure to meet requirements to maintain its natural gas system leading up to, and including, the events following the explosion of PG&E's pipeline facilities in San Bruno, California. On May 23, 2013, CARE requested rehearing of the Commission's April 2013 order, arguing in part that the Commission failed to provide proper notice of its April 2013 order. Agenda Item G-1 may be an order on the request for rehearing.

Hydro Items

H-2: Brookfield Smoky Mountain Hydropower, LLC (Docket No. P-2169-109):

On March 11, 2015, FERC issued an order incorporating the North Carolina Department of Environment and Natural Resources revised Clean Water Act Section 401(a) Water Quality Certification for the Brookfield Smoky Mountain Hydro Project. American Whitewater submitted a motion to intervene and request for rehearing of the March 11, 2015, order requesting that American Whitewater be added to the group of stakeholders that take part in consultations on the Cheoah River's flow regime. Agenda item H-2 may be an order on the motion to intervene and/or request for rehearing.

H-3: Commencement of Assessment of Annual Charges (Docket No. RM15-18-000):

This is a new rulemaking docket. This docket may concern FERC's assessment of annual charges to be used for the administration of Part I of the Federal Power Act.

H-4: TransCanada Hydro Northeast Inc. (Docket Nos. P-1892-027, P-1855-046, P-1904-074):

On February 21, 2014, FERC issued a letter order on Study Plan Determination for Aquatic Studies—Wilder, Bellows Falls and Vernon Hydroelectric Projects. TransCanada Hydro Northeast Inc. (TransCanada), the owner and licensee for the Wilder, Bellows Falls and Vernon Hydroelectric Projects, submitted a request for rehearing, arguing that the letter order requires TransCanada to perform a new study and therefore is in error, arbitrary and capricious and unsupported by substantial evidence. TransCanada also submitted certain informational reports on fish passage and tagging. Agenda item H-4 may be an order on the request for rehearing and/or the informational reports.

Certificate Items

C-1: Impulsora Pipeline, LLC (Docket No. CP14-513-000):

On July 1, 2014, as supplemented and amended, Impulsora Pipeline, LLC (f/k/a Columbia Pipeline, LLC) applied for authorization under Section 3 of the Natural Gas Act (NGA) and for a Presidential Permit to site, construct, connect, operate and maintain certain natural gas pipeline facilities to export natural gas at a point on the international boundary between Webb County, Texas, United States and Colombia, Nuevo Leon, Mexico. FERC has prepared an Environmental Assessment Report. Agenda item C-1 may be an order on the application of Impulsora Pipeline, LLC.

C-2: Paiute Pipeline Company (Docket No. CP14-509-000):

On June 27, 2014, as supplemented, Paiute Pipeline Company (PPC) submitted an abbreviated application under section 7(c) of the NGA for a Certificate of Public Convenience and Necessity (CPCN) for the construction and operation of the 2015 Elko Area Expansion Project. The 2015 Elko Area Expansion Project would expand PPC's system from Ruby Pipeline, L.L.C.'s Wieland Flat Compressor Station to PPC's existing Elko Lateral and is expected to provide approximately 22,000 decatherms per day of incremental firm transportation to two shippers. FERC has prepared an Environmental Assessment Report. Agenda item C-2 may be an order on PPC's application.

C-3: Algonquin Gas Transmission, LLC (Docket No. CP14-522-000).

On July 10, 2014, Algonquin Gas Transmission, LLC (Algonquin) filed an abbreviated application for a CPCN for its Salem Lateral Project that is intended to supply gas to the Salem Harbor Station generating facility in Massachusetts. Agenda item C-3 may be an order on Algonquin's application.

C-5: Roadrunner Gas Transmission, LLC (Docket No. CP15-161-000).

On April 9, 2015, Roadrunner Gas Transmission, LLC (Roadrunner) filed an application for authorization under Section 3 of the NGA to construct border-crossing pipeline facilities from West Texas into Mexico. Agenda item C-5 may be an order on Roadrunner's application.

C-6: Black Hills Shoshone Pipeline, LLC and Energy West Development, Inc. (Docket Nos. CP15-32-000 and CP15-33-000).

On December 16, 2014, Black Hills Shoshone Pipeline, LLC (Black Hills) and Energy West Development, Inc. (Energy West) filed a joint application for (1) authorization of Energy West's abandonment by sale of the Shoshone Pipeline to Black Hills and (2) a CPCN for Black Hills to own and operate the Shoshone Pipeline. Agenda item C-6 may be an order on the joint application.

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