

Energy, Infrastructure, Project and Asset Finance

Summary of FERC Meeting Agenda

December 2014

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's December 18, 2014 meeting, pursuant to the agenda as issued on December 11, 2014. Agenda items C-1, E-7, E-17, E-18 and E-23 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. AD15-3-000:

This administrative docket addresses Discussion on Coal Delivery.

Electric Items

E-1: Public Service Company of New Mexico; NorthWestern Corporation; Arizona Public Service Company; Deseret Generation & Transmission Cooperative, Inc.; Tucson Electric Power Company; UNS Electric, Inc.; Portland General Electric Company; El Paso Electric Company; NV Energy, Inc.; Idaho Power Company; Public Service Company of Colorado; California Independent System Operator Corporation; Cheyenne Light, Fuel & Power Company; Black Hills Power, Inc.; PacifiCorp; Black Hills/Colorado Electric Utility Company, LP; Puget Sound Energy, Inc.; Avista Corporation; MATL LLP; Bonneville Power Administration (Docket Nos. ER13-1447-000, ER13-1448-000, ER13-1450-000, ER13-1457-000, ER13-1461-000, ER13-1462-000, ER13-1463-000, ER13-1465-000, ER13-1466-000, ER13-1467-000, ER13-1469-000, ER13-1470-000, ER13-1471-000, ER13-1472-000, ER13-1473-000, ER13-1474-000, ER13-1729-000, ER13-1730-000, ER14-346-001, NJ13-10-000):

On May 10, 2013, California Independent System Operator Corporation (CAISO); Deseret Generation & Transmission Cooperative, Inc.; Idaho Power Company; NorthWestern Corporation; PacifiCorp; Portland General Electric Company; Arizona Public Service Company; Black Hills Power, Inc.; Black Hills Colorado Electric Utility Company, LP; Cheyenne Light, Fuel & Power Company; El Paso Electric Company; NV Energy; Public



Each month, White & Case provides brief summaries of the agenda items for the Federal Energy Regulatory Commission's monthly meeting.

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Service Company of Colorado; Public Service Company of New Mexico; Tucson Electric Power Company; and UNS Electric, Inc. submitted Order No. 1000 interregional compliance filings to develop common tariff language to meet the requirements of Order No. 1000. On June 19, 2013, Puget Sound Energy, Inc. and Avista Corp. separately filed Order No. 1000 compliance filings. Bonneville Power Administration filed on June 16, 2013, proposed revisions to Attachment K of its tariff and requested a declaratory order that the proposed revisions conform or are superior to the *pro forma* OATT as amended by Order No. 1000 and its progeny. MATL LLP submitted an Order No. 1000 compliance filing on November 14, 2013. Agenda item E-1 may be an order on the compliance filings.

E-2: PJM Interconnection, L.L.C.; Midcontinent Independent System Operator, Inc.; Duquesne Light Company; Entergy Services, Inc.; Cleco Power LLC (Not Consolidated) (Docket Nos. ER13-1944-000, ER13-1943-000, ER13-1943-001, ER13-1924-000, ER13-1945-000, ER13-1955-000, ER13-1956-000):

On July 10, 2013, the Midcontinent Independent System Operator, Inc. (MISO) and PJM Interconnection, L.L.C. (PJM) each submitted separate compliance filings in connection with Order No. 1000's interregional transmission planning coordination and cost allocation requirements. Agenda item E-2 may be an order on the compliance filings.

E-3: Northern Indiana Public Service Co. v. Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C. (Docket No. EL13-88-000):

On September 11, 2013, Northern Indiana Public Service Company (NIPSC) filed a complaint against MISO and PJM to remedy alleged flaws in the interregional planning process of the Joint Operating Agreement between MISO and PJM. Agenda item E-3 may be an order on NIPSC's complaint.

E-4: Public Service Company of Colorado (Docket No. EL14-97-000):

On August, 26, 2014, Public Service Company of Colorado (PSCo) petitioned for an order declaring that: (i) the City of Boulder, Colorado's attempt to acquire PSCo's transmission facilities and associated substations by condemnation requires prior approval by the Commission under FPA Section 203; (ii) the Commission, when exercising its Section 203 jurisdiction, will apply its longstanding criteria that consider, *inter alia*, the effect of the proposed transfer on rates, regulation and other relevant factors; and (iii) the Commission's exercise of its section 203 jurisdiction does not diminish the authority of the Colorado Public Utilities

Commission (CPUC) over the transfer of facilities that are the subject matter of the condemnation. Agenda item E-4 may be a declaratory order addressing PSCo's petition.

E-5: PPL Corp.; RJS Power Holdings, LLC (Docket No. EC14-112):

On July 15, 2014, PPL Corp. and RJS Power Holdings LLC jointly submitted pursuant to FPA Section 203 an application seeking approval to complete a multi-step transaction in which the interests in PPL Energy Supply's public utility subsidiaries will be separated from PPL Corp., distributed to PPL Corp.'s shareowners, and combined with the RJS Power Holdings Companies to constitute a new company, Talen Energy Corporation. Agenda item E-5 may be an order on the PPL Corp. and RJS Power Holdings Section 203 application.

E-6: Revisions to Part 46 Filing Requirements (Docket No. RM5-3-000):

Agenda item E-6 may relate to a rulemaking on revisions to Part 46 Public Utility Filing Requirements and Requirements for Persons Holding Interlocking Positions.

E-8: Entergy Arkansas, Inc.; Entergy Gulf States Louisiana, L.L.C.; Entergy Louisiana, LLC; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; and Entergy Texas, Inc. (Docket Nos. ER14-75-000, ER14-75-001, ER14-76-000, ER14-76-001, ER14-1329-000 (Consolidated), ER14-77-000, ER14-77-001, ER14-1328-000, ER14-78-000, ER14-78-001, ER14-79-000, ER14-79-001, ER14-80-000, ER14-80-001, ER14-128-000):

On October 11, 2013, Entergy Services, Inc., on behalf of Entergy Gulf States Louisiana, L.L.C. (EGSL); Entergy Louisiana, LLC (ELL); Entergy Mississippi, Inc.; and Entergy New Orleans, Inc., filed amendments to Section 1.01 of the Entergy System Agreement (ESA) proposing to shorten the notice period for an Entergy Operating Company to terminate its participation in the ESA from ninety-six (96) months to sixty (60) months. On October 18, 2013, Entergy Texas, Inc. (ETI) filed a notice of cancellation to terminate ETI's participation in the ESA Agreement and requested that the Commission accept an effective date of October 18, 2018, *i.e.*, sixty months from the date that ETI provided notice to the other Operating Companies consistent with the ESA amendment. On February 14, 2014, EGSL and ELL filed notices of cancellation of ELL's Third Revised Rate Schedule No. 69 and EGSL's Rate Schedule No. 181 to terminate ELL's and EGSL's participation in the ESA and requested an effective date of February 14, 2019. Agenda item E-8 may be an order on Entergy's proposed amendments and notices of cancellation.

**E-9: Southwest Power Pool, Inc.
(Docket Nos. ER12-1179-019, ER13-1173-000):**

On February 29, 2012, Southwest Power Pool, Inc. (SPP) proposed revisions to its Tariff to transition from its Energy Imbalance Service Market to its Integrated Marketplace. As conditionally accepted by the Commission, the Integrated Marketplace became effective and commenced operation on March 1, 2014. On July 11, 2014, SPP filed a request for clarification of an issue addressed in various Commission orders regarding SPP's Integrated Marketplace, specifically, the allocation of costs associated with manual resource commitments to address Local Reliability Issues in the SPP Integrated Marketplace. Agenda item E-9 may be an order on SPP's request for clarification.

**E-10: NV Energy, Inc.
(Docket Nos. ER14-2979-000, ER14-2979-001):**

On September 30, 2014, NV Energy submitted revisions to its OATT pursuant to Section 205 of the FPA to modify Schedule 5 (Spinning Reserve Service) and Schedule 6 (Supplemental Reserve Service). NV Energy stated that the purpose of its filing is to amend the tariff sections to comply with Regional Reliability Standard BAL-002-WECC-2 (Contingency Reserve), which was approved by the Commission in Order No. 789. Agenda item E-10 may be an order on NV Energy's proposed revisions to its OATT.

E-11: Entergy Services, Inc.; Louisiana Public Service Commission v. Entergy Corporation; Entergy Services, Inc.; Entergy Louisiana, LLC; Entergy Arkansas, Inc.; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; Entergy Gulf States Louisiana, L.L.C.; and Entergy Texas, Inc. (Docket Nos. ER14-2085-000, ER11-3658-000, ER12-1920-000, ER13-1595-000, EL10-65-000 (Consolidated)):

On May 6, 2010, the LPSC filed a formal complaint against Entergy Corp. and its subsidiaries seeking to change the rates included in the Entergy rough equalization bandwidth formula found in Service Schedule MSS-3 of the ESA. Docket Nos. ER14-2085-000, ER11-3658-000, ER12-1920-000, and ER13-1595-000 relate to annual filings by Entergy Services, Inc. for the payments/receipts among the Entergy Operating Companies implementing the bandwidth formula set forth in Service Schedule MSS-3 containing the calculation of production costs for each of the Entergy Operating Company. Agenda item E-11 may be an order on the LPSC's complaint and/or Entergy's annual bandwidth calculation filings.

**E-12: The Midcontinent Independent System Operator
(Docket No. ER14-2022-000):**

On May 22, 2014, MISO submitted a filing to request a limited, one-time waiver of certain provisions of MISO's Tariff and from certain standards in 18 CFR § 38.2 relating to Long-Term Firm Transmission Service Requests (TSRs). Specifically, MISO requested a waiver from: (1) Attachment Q of its Tariff, which incorporates applicable requirements of the North American Energy Standards Board (NAESB) regarding MISO's Open Access Same-Time Information System (OASIS); (2) Sections 17.2, 17.6, 17.7 and 19 of the Tariff, which set forth timing and response requirements for MISO when evaluating a TSR, including those involving exports to load outside MISO; and (3) Attachment J to the Tariff, which sets forth time periods for the processing of TSRs. Agenda item E-12 may be an order on MISO's requested waiver.

**E-13: California Independent System Operator, Inc.
(Docket No. ER15-129-000):**

On October 17, 2014, CAISO submitted proposed tariff amendments that it claimed would (1) clarify the timing of reimbursement to interconnection customers for network upgrades that they have financed, and (2) modify how CAISO distributes non-refundable interconnection financial security and study funds to apply them directly to reduce transmission rates, either through reductions to the costs of associated interconnection-related network upgrades, or as offsets to the applicable participating transmission owners' transmission revenue requirements. CAISO stated that these proposed modifications constitute the last of CAISO's planned tariff revisions resulting from its Interconnection Process Enhancements stakeholder initiative, which commenced in 2013. Agenda item E-13 may be an order on CAISO's proposed revisions to its OATT.

**E-14: California Independent System Operator
Corporation (Docket No. ER15-66-000):**

On October 9, 2014, CAISO proposed an amendment to its tariff (2015 GMC Update) to revise its grid management charge (GMC) that would extend the current GMC structure and increase the revenue requirement cap, revise the allocation of the revenue requirement to service categories and revise certain fees and charges. Numerous parties filed motions to intervene. Agenda item E-14 may be an order on the CAISO filing.

E-15: California Independent System Operator Corporation (Docket No. ER15-50-000):

On October 6, 2014, CAISO proposed amendments to its tariff that would adjust the flexible ramping constraint parameter from US\$247 to US\$60 and include the parameter in its tariff. Numerous parties filed motions to intervene and comments. Agenda item E-15 may be an order on CAISO's proposed amendments to its tariff.

E-16: California Independent System Operator Corporation (Docket Nos. ER13-103-004, ER13-103-005):

On April 18, 2013, the Commission issued an order accepting CAISO's proposed tariff revisions to comply with Order No. 1000, subject to CAISO submitting a second compliance filing. On August 20, 2013, CAISO submitted a second compliance filing. On March 20, 2014, the Commission filed an order on clarification and compliance accepting CAISO's August 20, 2013 compliance filing subject to further tariff changes. CAISO sought rehearing of the March 20 order and on May 19, 2014, CAISO submitted its third compliance filing. Agenda item E-16 may be an order on the CAISO's request for rehearing and/or compliance filing.

E-19: PJM Interconnection, L.L.C. (Docket No. EL05-121-009)

In 2009, the US Court of Appeals for the Seventh Circuit remanded a case to FERC for further proceedings that involved allocation of costs for certain new high voltage transmission lines in PJM. On March 30, 2012, FERC issued an order on remand that reached the same conclusion regarding cost allocation as the order the court remanded. On March 22, 2013, FERC issued an order denying a request for rehearing of the March 30, 2012 order. Numerous parties petitioned the Seventh Circuit for review and on June 25, 2014, the Seventh Circuit again remanded the case to FERC for further proceedings. Agenda item E-19 may be an order in response to the remand.

E-20: Alaska Power & Telephone Company and the City of Saxman, Alaska (Docket Nos. EL15-12-000, QF98-54-001):

On October 30, 2014, the Commission issued a notice of petition for enforcement in response to Alaska Power & Telephone Company's (AP&T) petition for enforcement asking the Commission to require that Southeast Alaska Power Agency make available avoided cost data pursuant to Section 292.302(c)(1) of PURPA. Agenda item E-20 may be an order on AP&T's petition.

E-21: Louisiana Public Service Commission v. Entergy Corporation; Entergy Services, Inc.; Entergy Louisiana, LLC; Entergy Arkansas, Inc.; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; Entergy Gulf States Louisiana, L.L.C.; Entergy Texas, Inc. (Docket Nos. EL10-65-000, EL10-65-001):

On May 5, 2010, the Louisiana Public Service Commission (LPSC) filed a complaint pursuant to Sections 206 and 306 of the Federal Power Act against Entergy Corporation, Entergy Services, Inc. and the Entergy Operating Companies (collectively, Entergy) relating to the rates included in Entergy's bandwidth formula under the ESA. Numerous parties filed motions to intervene. On August 4, 2010, the Commission issued an order denying the complaint in part, setting the complaint for hearing in part, and holding procedures in abeyance in part. On September 3, 2010, the LPSC filed a request for rehearing of the Commission's August order. Agenda item E-21 may be an order on the LPSC's request for rehearing.

E-22: Louisiana Public Service Commission v. Entergy Corporation; Entergy Services, Inc.; Entergy Louisiana, LLC; Entergy Arkansas, Inc.; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; Entergy Gulf States Louisiana, L.L.C.; Entergy Texas, Inc. (Docket Nos. EL11-65-000, EL11-65-001):

On September 27, 2011, the LPSC filed a complaint under Section 206 of the Federal Power Act and Rule 206 of the Commission's Rules of Practice and Procedure against Entergy relating to the annual bandwidth remedy calculations under the ESA. On May 7, 2012, the Commission filed an order on the complaint denying in part and holding in abeyance in part the LPSC's complaint. On June 6, 2012, the LPSC filed a request for rehearing. Agenda item E-22 may be an order on the LPSC's request for rehearing.

E-24: State Corporation Commission of the State of Kansas v. Westar Energy, Inc. (Docket No. EL14-93-000):

On August 20, 2014, the State Corporation Commission of the State of Kansas (KCC) filed a Section 206 complaint with regards to the base return on equity (ROE) component in Westar's transmission formula rate. Numerous parties filed motions to intervene and comments. Agenda item E-24 may be an order on KCC's complaint.

E-25: Energy Producers and Users Coalitions (Docket No. EL15-14-000):

On November 4, 2014, the Energy Producers and Users Coalition (EPUC) filed a petition for declaratory order requesting that the Commission find that the California EPUC's approval of as-available procurement options relying on short-run avoided cost pricing as part of the QF/CHP settlement was within the State's delegated authority under PURPA. Agenda item E-25 may be an order on the EPUC's petition.

E-26: Gregory and Beverly Swecker v. Midland Power Cooperative and Gregory and Beverly Swecker v. Midland Power Cooperative and Central Iowa Power Cooperative (Docket Nos. EL14-9-001, QF11-424-003, EL14-18-001):

On November 3, 2013, Gregory and Beverly Swecker (Sweckers) filed a complaint against Midland Power Cooperative (Midland) pursuant to section 210(h)(2)(A) of PURPA requesting the enforcement of PURPA for the interconnection of their qualifying facility (QF11-424). On January 10, 2014, the Sweckers filed a second petition for enforcement against Midland and Central Iowa Power Cooperative (CIPC). On May 15, 2014, the Commission issued a notice of Intent Not to Act on the Sweckers' complaint. On May 16, 2014, the Sweckers filed a request for rehearing of the Commission's May 15, 2014 order or in the alternative a renewed petition for enforcement of PURPA. Agenda item E-26 may be an order on the Swecker's rehearing request.

E-27: Evergreen Gen Lead, LLC (Docket No. ER15-203-000):

On October 28, 2014, Evergreen Gen Lead, LLC filed with the Commission for acceptance of its proposed rate schedule that specifies the rights of Evergreen Wind Power III, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC and Champlain Wind, LLC to access and use Evergreen Gen Lead's 115 kV, 38-mile generator lead and related relay protection equipment. Agenda item E-27 may be an order on Evergreen Gen Lead's rate filing.

E-28: RITELine Illinois, LLC and RITELine Indiana, LLC (Docket Nos. ER11-4069-001, ER11-4070-002)

On July 18, 2011, pursuant to Sections 205 and 219 of the Federal Power Act and Order No. 679, RITELine Illinois, LLC and RITELine Indiana, LLC (collectively, "RITELine Companies") filed an application for the acceptance of a formula rate and approval of rate incentives for the Reliability Interregional Transmission Extension Project in the PJM Interconnection region. On October 14, 2011, the Commission issued an order accepting in part and rejecting in part RITELine Companies' application. On November 14, 2011, the RITELine Companies requested rehearing of that order. Agenda item E-28 may be an order on the RITELine Companies' request for rehearing.

E-29: GDF Suez Energy Resources, NA v. New York Independent System Operator, Inc. and Consolidated Edison Company of New York, Inc. (Docket No. EL14-89-000):

On August 8, 2014, GDF Suez Energy Resources (GDF) filed a request that FERC reopen and resettle billings for electricity supplied by the New York Independent System Operator (NYISO) during a two month billing period and refund certain alleged over-charges paid by GDF during that period that GDF claimed were due to erroneous consumption data submitted by Consolidated Edison Company of New York, Inc. (ConEd). In the alternative, GDF asked FERC to require ConEd to reimburse GDF for the alleged over-charges. Agenda item E-29 may be an order on GDF's request.

Gas Items

G-1: Arkansas Oklahoma Gas Corporation (Docket No. PR14-55-000):

On September 23, 2014, Arkansas Oklahoma Gas Corporation (AOGC) filed a request for limited waiver of the requirements imposed by certain Commission orders in order to permit AOGC, through January 15, 2020, to charge currently effective rates for interruptible transportation service provided under its Order No. 63 blanket certificate and identify "production pool" instead of specific receipt points for each transaction reported in Form 549-D. Agenda item G-1 may be an order on AOGC's waiver request.

G-2: Sea Robin Pipeline Company, LLC (Docket Nos. RP14-247-000 et seq.):

On December 2, 2013, Sea Robin Pipeline Company, LLC (Sea Robin) filed a general rate case increase pursuant to Section 4 of the Natural Gas Act (NGA), as well as various other tariff changes. On December 30, 2013, FERC issued an order accepting and suspending Sea Robin's tariff records subject to refund and established a hearing. Several parties sought clarification of the December 30 Order. On July 23, 2014, Sea Robin filed a settlement agreement which was not contested and was certified to the Commission. Agenda item G-2 may be an order relating to Sea Robin's rate case or settlement.

G-3: American Airlines, Inc. v. Buckeye Pipe Line Company, L.P. (Docket No. OR14-41-000):

On September 17, 2014, American Airlines, Inc. (American) filed a complaint under the Interstate Commerce Act challenging the rates charged by Buckeye Pipe Line Company for transportation of jet or aviation turbine fuel from Linden, NJ to the New York City market. Agenda item G-3 may be an order on American's complaint.

Hydro Item

H-1: Catamount Metropolitan District (Docket No. P-14368-001):

On March 1, 2012, the Catamount Metropolitan District (Catamount) filed an application to exempt its proposed 695-kilowatt hydroelectric project from the requirements of Part I of the FPA. On August 13, 2013, the Commission granted the requested exemption. Catamount filed a request for rehearing of the August 13 order relating to certain conditions imposed in the order. Agenda item H-1 may be an order on Catamount's request for rehearing.

Certificate Items

C-2: Transcontinental Gas Pipeline Company, LLC (Docket No. CP13-551-000):

On September 27, 2013, Transcontinental Gas Pipeline Company (Transco) filed an application for a certificate of public convenience and necessity to construct and operate its Leidy Southeast Project. Agenda item C-2 may be an order on Transco's application.

C-3: Bison Pipeline LLC (Docket No. CP09-161-000):

On February 26, 2014, Bison Pipeline, LLC (Bison) filed a motion to vacate a portion of a certificate issued to Bison in 2010 for the Bison Pipeline Project. Agenda item C-3 may be an order on Bison's motion.

C-4: Columbia Gas Transmission, LLC (Docket No. CP14-17-000):

On November 1, 2013, Columbia Gas Transmission, LLC (Columbia) filed an application for a certificate to replace compressors and install some looping and related facilities. Agenda item C-4 may be an order on Columbia's application.

C-5: Texas Eastern Transmission, LP (Docket No. CP14-104-000):

On March 11, 2014, Texas Eastern Transmission, LP (TETCo) filed an application for a certificate to construct and operate its U2GC Project to provide 425,000 dekatherms per day of pipeline capacity from Appalachian supply sources to an interconnection with the Panhandle Eastern Pipe Line Company, LP's system near Gas City, Indiana. Agenda item C-5 may be an order on TETCo's application.

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