

FERC

Meeting Agenda Summary

In this issue...

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

16 January 2018

Authors: [Daniel A. Hagan](#), [Jane E. Rueger](#)

Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's January 18, 2018 meeting, pursuant to the agenda as issued on January 11, 2018. Agenda items E-15 and E-16 have not been summarized due to omission from the agenda.

Electric

E-1 – California Independent System Operator Corporation (Docket Nos. ER18-1-000, ER18-1-001). On September 29, 2017, the California Independent System Operator (CAISO) submitted proposed tariff revisions that arise from the CAISO's reliability services initiative, Phase 1B and Phase 2. The Phase 1B proposed tariff revisions include: streamlining the outage evaluation process for resource adequacy (RA) capacity; adjusting the timeline for the monthly RA process; capping a load serving entity's monthly local RA requirement at its system requirement; and creating a deadline for local regulatory authorities that elect to allocate flexible capacity needs to inform the CAISO of that election. The Phase 2 proposed tariff revisions include: providing that capacity located in a local area but procured by a load serving entity as system capacity and not shown as Listed Local Capacity, has a system, rather than local, substitution obligation; and modifying and streamlining the RA reporting obligations for small load serving entities. Agenda item E-1 may be an order on the CAISO's proposed tariff revisions.

E-2 – Supply Chain Risk Management Reliability Standards (Docket No. RM17-13-000). On September 27, 2017, the North American Electric Reliability Corporation (NERC) filed a petition for approval of proposed Reliability Standards CIP-013-1 (Cyber Security – Supply Chain Risk Management), CIP-005-6 (Cyber Security – Electronic Security Perimeter(s)), and CIP-010-3 (Cyber Security – Configuration Change Management and Vulnerability Assessments). NERC states the proposed Reliability Standards address the Commission's directives from Order No. 829 to develop new or modified Reliability Standards that address supply chain cybersecurity risk management for industrial control system hardware, software, and computing and networking services associated with Bulk Electric System operations. Agenda item E-3 may be an order on the NERC's petition.

E-3 – Emergency Preparedness and Operations Reliability Standards (Docket No. RM17-12-000). On September 20, 2017, the Commission issued a notice of proposed rulemaking (NOPR) that proposes to approve Emergency Preparedness and Operations (EOP) Reliability Standards EOP-004-4 (Event Reporting), EOP-005-3 (System Restoration from Blackstart Resources), EOP-006-3 (System Restoration Coordination), and EOP-008-2 (Loss of Control Center Functionality), all of which were submitted for approval by the NERC in a prior petition. The NOPR states the proposed EOP Reliability Standards are intended to provide accurate reporting of events to NERC’s event analysis group to analyze the impact on the reliability of the bulk electric system (EOP-004-4); delineate the roles and responsibilities of entities that support system restoration from blackstart resources which generate power without the support of the grid (EOP-005-3); clarify the procedures and coordination requirements for reliability coordinator personnel to execute system restoration processes (EOP-006-3); and refine the required elements of an operating plan used to continue reliable operations of the bulk electric system if that primary control functionality is lost (EOP-008-2). Agenda item E-3 may be an order on the NOPR.

E-4 – Logan Generating Company, L.P., Chambers Cogeneration, Limited Partnership (Docket Nos. ER16-2217-005, ER17-2515-001). On November 6, 2017, Chambers Cogeneration, Limited Partnership (Chambers) and Logan Generating Company, L.P. (Logan) filed an information filing pursuant to Schedule 2 of the PJM Interconnection L.L.C. Open Access Transmission Tariff and Request for Waiver, in advance of the expected transfer of upstream ownership interests in Logan and Chambers. Agenda item E-4 may be an order on the informational filing.

E-5 – Bear Swamp Power Company LLC (Docket No. ER17-603-000). On December 21, 2016, Bear Swamp Power Company LLC (Bear Swamp) filed a notice of nonmaterial change in status and amendments to its market-based rates tariff to conform with Commission Order No. 816 (December 21 Filing). On April 13, 2017, Commission staff issued a letter requesting that Bear Swamp provide additional information to process the December 21 Filing. Specifically, Commission staff requested that Bear Swamp explain whether it had accounted for Emera-affiliated generation, transmission, and inputs to electric power production in its updated market power analyses subsequent to when Bear Swamp received market-based rate authority in 2005. On May 15, 2017, Bear Swamp submitted an amendment to its December 21 Filing, in response to Commission staff’s request. Agenda item E-5 may be an order on the December 21 Filing.

E-6 – California Independent System Operator Corporation (Docket Nos. ER17-1459-000, ER06-615-000, ER02-1656-027, ER02-1656-029, ER02-1656-030, ER02-1656-031). On April 21, 2017, pursuant to FPA sections 205 and 206, the CAISO submitted a filing requesting that the Commission find the CAISO tariff is just and reasonable and that the CAISO need not implement specific outstanding directives from a September 21, 2006 Commission order related to the CAISO’s Market Redesign and Technology Upgrade (MRTU) tariff amendment. The CAISO states it is required by the directives to: implement a two-tier allocation of real-time bid cost recovery uplift; implement bid cost recovery changes to account for units running over multiple operating days; implement multi-hour constraints in the residual unit commitment process; assess whether and how to develop more flexibility for ancillary services substitution; develop software functionality to support exports for ancillary services; and undertake a stakeholder process to examine rebating the over-collection of transmission losses to renewable resources. Agenda item E-6 may be an order on the CAISO’s MRTU-related request.

E-7 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-2113-000). On July 24, 2017, Midcontinent Independent System Operator, Inc. (MISO) submitted a request for a limited, one-time waiver of Section 69A.7.1 of the MISO Open Access, Transmission, Energy and Operating Reserve Markets Tariff (MISO Tariff) to allow market participants to have additional time to submit zonal resource credit offers into the planning resource auction – due to intermittent connectivity issues experienced with the MISO market portal and module E capacity tracking tool. On August 9, 2017, Public Citizen, Inc. submitted a limited protest, to which MISO filed an answer in response on August 24, 2017. Agenda item E-7 may be an order regarding MISO’s request for waiver.

E-8 – South Carolina Electric & Gas Company (Docket No. ER16-2493-002). On August 26, 2016, South Carolina Electric & Gas Company (SCE&G) submitted for filing with the Commission an Amended Interchange Agreement with South Carolina Public Service Authority (Santee Cooper). On January 17, 2017, the Commission issued an order rejecting the agreement, ruling that the original agreement does not permit the addition of points of interconnection and the addition of new interconnection points modifies the nature of the service provided so as

to implicate Order No. 888's requirements. On February 16, 2017, SCE&G submitted a request for rehearing of the Commission's January 17 order. Agenda item E-8 may be an order on the request for rehearing.

E-9 – Ameren Illinois Company (Docket No. ER16-1169-001). On March 14, 2016, Ameren Illinois Company (Ameren Illinois) submitted its annual informational formula rate update and true-up (2016 Annual Update) as required by the formula rate protocols of Attachment O to the MISO Tariff. On April 15, 2016, Southwestern Electric Cooperative, Inc. (Southwestern Electric) and Southern Illinois Power Cooperative (Southern Illinois) submitted a formal challenge against certain inputs of Ameren Illinois' formula rate. On September 22, 2016, the Commission issued an order denying the formal challenge. On October 21, 2016, Southwestern Electric submitted a request for rehearing of the Commission's September 22, 2016 order. Further, on October 24, 2016, Ameren Illinois submitted a request for rehearing as well. Agenda item E-9 may be an order on the requests for rehearing regarding the formal challenge to Ameren Illinois' 2016 Annual Update.

E-10 – Entergy Louisiana, LLC, Entergy Texas, Inc. and Entergy New Orleans, Inc. (Docket Nos. ER16-1251-003 and ER13-1508-004). On August 31, 2016, the Commission issued an order accepting, subject to condition: (1) two amended power purchase agreements filed by Entergy Services, Inc. (Entergy) on behalf of Entergy Louisiana, LLC (Entergy Louisiana), Entergy Texas, Inc. (Entergy Texas), and Entergy New Orleans, Inc. (Entergy New Orleans) in Docket No. ER16-1251-000; and (2) an informational filing of four additional amended power purchase agreements in Docket No. ER13-1508-000. The Louisiana Public Service Commission (Louisiana Commission) filed a request for rehearing, which was denied in an Order issued by the Commission on January 13, 2017. On February 3, 2017, the Louisiana Commission filed a motion for clarification of the Commission's January 13 order. Agenda item E-10 may be an order on the Louisiana Commission's motion for clarification.

E-11 – Southwest Power Pool, Inc. (Docket No. ER17-2495-000). On September 15, 2017, Southwest Power Pool, Inc. (SPP) submitted a Request for Approval to Reprice, notifying the Commission of certain errors made in the pricing of one individual settlement location under the SPP Open Access Transmission Tariff (SPP Tariff), which occurred between December 1, 2016, and December 14, 2016. According to the filing, SPP is informing the Commission that it intends to take steps to remedy the errors and is requesting approval to reprice in accordance with Section 8.4(3)(b) of Attachment AE of the SPP Tariff. Agenda item E-11 may be an order on SPP's request.

E-12 – Entergy Arkansas, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., and Midcontinent Independent System Operator, Inc. (Docket Nos. ER17-2579-000, ER15-1436-000, ER15-1453-000, ER16-1528-000 (consolidated) and ER17-827-000). 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. Agenda item E-12 may be an order regarding the Entergy Operating Companies tariff sheets.

E-13 – Wheatridge Wind Energy, LLC (Docket No. TX17-1-000). On January 6, 2017, Wheatridge Wind Energy, LLC (Wheatridge) submitted an application to the Commission for an order requiring Umatilla Electric Cooperative (UEC) to interconnect with Wheatridge's proposed wind-generation project (Project) and to provide transmission service to a substation owned and operated by the Bonneville Power Administration. On January 17, 2017, Columbia Basin Electric Cooperative (Columbia Basin) moved to intervene and protest Wheatridge's request, arguing that the proposed transmission service from UEC to the Project would violate Columbia Basin's exclusive service territory established under Oregon law, and is therefore prohibited by Section 212(g) of the Federal Power Act (FPA). Columbia Basin's motion also requested an order from the Commission to temporarily stay the proceeding to allow the Public Utility Commission of Oregon to resolve a complaint filed by Columbia Basin against UEC. On August 15, 2017, Wheatridge filed a motion to hold the proceeding in abeyance for 120 days so that it could continue working towards a settlement with Columbia Basin. Agenda item E-13 may be an order on Wheatridge's application and/or the motions filed in the docket.

E-14 – Virginia Electric and Power Company (Docket Nos. EL16-89-000, EL17-40-000, ER06-554-000, ER17-512-000, ER17-512-001, ER17-512-002, ER17-512-003). On February 3, 2017, the Commission issued an order in Docket No. EL17-40-000, pursuant to section 206 of the FPA, instituting an investigation into whether the Reactive Service rates of Virginia Electric and Power Company are just and reasonable. On June 29, 2017, the Settlement Judge issued a Report of Contested Settlement, and forwarded the settlement to the Commission for review. On June 30, 2017, the Acting Chief Administrative Law Judge issued an order terminating settlement judge procedures. Agenda item E-14 may be an order on the contested offer of settlement.

E-15 – Omitted

E-16 – Omitted

E-17 – West Deptford Energy, LLC (Docket Nos. EL16-100-000 and ER14-1193-003). On June 16, 2016, West Deptford Energy, LLC (West Deptford), under Docket No. ER16-1949, submitted an information filing regarding a planned indirect transfer of interests, including payment of reactive revenue requirements for Reactive Supply and Voltage Control from Generation Source Services (Reactive Services), in an approximately 669 MW natural-gas fired generating facility (the West Deptford Facility). On June 17, 2016, under Docket No. ER14-1193, West Deptford filed a request for waiver of the 90-day prior notice requirement set forth in Schedule 2 of the PJM Interconnection, L.L.C. Open Access Transmission Tariff (PJM Tariff). In an order issued August 1, 2016, the Commission accepted the information filing, granted the waiver request and, under Docket No. ER16-100-000, instituted a proceeding pursuant to Section 206 of the Federal Power Act regarding the continued justness and reasonableness of West Deptford's reactive power rates and instituting hearing and settlement judge proceedings. After settlement proceedings, on October 10, 2017, West Deptford filed an offer of settlement with the presiding settlement judge resolving all issues under Docket Nos. EL16-100-000 and ER14-1193-003. On November 15, 2017, the presiding settlement judge issued an order certifying the settlement as uncontested and recommended it for approval by the Commission. Agenda item E-17 may be an order regarding the uncontested settlement.

E-18 – Calpine Bethlehem, LLC, Calpine Mid-Atlantic Generation, LLC, Calpine Mid Merit, LLC, Calpine New Jersey Generation, LLC, Garrison Energy Center LLC, and Zion Energy LLC (Docket Nos. ER14-874-001, EL18-25-000, ER14-875-001, ER17-2566-000, ER12-954-003, ER14-873-001, ER15-2495-001, ER15-2735-003, and ER10-2214-003). On September 29, 2017, Calpine Bethlehem, LLC (Calpine Bethlehem), Calpine Mid-Atlantic Generation, LLC (Calpine Mid-Atlantic), Calpine Mid Merit, LLC (Calpine Mid-Merit), Calpine New Jersey Generation, LLC (Calpine New Jersey), Garrison Energy Center LLC (Garrison), and Zion Energy LLC (Zion) submitted an information filing pursuant to Schedule 2 of the PJM Tariff, regarding planned transfers of interest in generating facilities owned by or by affiliates of Calpine Corporation, that provide Reactive Service. Agenda item E-18 may be an order regarding to the information filing.

E-19 – PJM Interconnection, L.L.C. (Docket Nos. ER17-1236-000, ER17-1236-001). On March 17, 2017, PJM Interconnection, L.L.C. (PJM) filed proposed revisions to Schedule 12-Appendix A of the PJM Open Access Transmission Tariff (Tariff), pursuant to section 205 of the Federal Power Act. According to PJM, the revisions incorporate cost responsibility assignment for new baseline upgrades included in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers in February of 2017. On June 1, 2017, FERC Staff, operating under delegated authority, accepted PJM's proposed revisions, subject to refund and further FERC order. On June 30, 2017, Dominion Energy Services, Inc. (Dominion Energy) requested rehearing of FERC Staff's June 1 order, requesting that FERC's acceptance of PJM's tariff revisions that assign costs to rebuild certain lines to Dominion Energy be delayed until an order is issued by the D.C. Circuit Court of Appeals in an appellate proceeding on the cost assignment issue. Agenda item E-19 may be an order addressing Dominion Energy's request for delay.

E-20 – PJM Interconnection, L.L.C. (Docket Nos. ER17-419-000, ER17-419-003). On November 28, 2016, on behalf of American Electric Power Services Corporation, Transource Pennsylvania, LLC and Transource Maryland, LLC, PJM Interconnection, L.L.C. (PJM) submitted a request for authorization of Transource Pennsylvania formula rate and a Transource Maryland formula rate to determine and recover the costs of each of the companies' investments in transmission facilities, and a request for authorization to use certain inventive rate treatments for a competitively assigned project in Pennsylvania and Maryland. On January 31, 2017, FERC

conditionally accepted the formula rates of the Transource companies, subject to a further compliance filing, accepted the base return on equity (ROE) proposed by the Transource companies, subject to refund, and set the base ROE for hearing and settlement procedures. On October 2, 2017, PJM, on behalf of the Transource companies, submitted an Offer of Settlement, which was certified by the settlement judge on November 6, 2017. Agenda item E-20 may be an order on the Offer of Settlement in the proceeding.

E-21 – PJM Interconnection, L.L.C. Docket Nos. ER16-2401-000, ER16-96-000). On August 10, 2016, PJM Interconnection, L.L.C. (PJM) filed proposed revisions to Schedule 12-Appendix A of the PJM Open Access Transmission Tariff (Tariff) to incorporate cost assignment for certain baseline upgrades, and proposed revisions to Schedule 6 of the PJM Amended and Restated Operating Agreement. On August 31, 2016, LSP Transmission Holdings, LLC, submitted a protest to PJM's proposed revisions, including a protest of PJM's Revised Definition of Immediate-need Reliability Projects. Agenda item E-21 may be a final order in the proceeding.

E-22 – PJM Interconnection, L.L.C (Docket Nos. ER15-623-010, EL15-29-006, EL15-41-002). On May 10, 2016, FERC issued an order on rehearing of the Capacity Performance Order that required certain modifications to section 10A(d) of the Reliability Pricing Market and related rules of PJM's Open Access Transmission Tariff and Reliability Assurance Agreement. The May 10 order also rejected the Illinois Municipal Electric Agency's (IMEA) request for FERC to find that PJM's process for reviewing unit-specific parameter limitations required more specificity and transparency. On June 9, 2016, IMEA filed a request for rehearing of the May 10 Order, stating that provisions of PJM's Capacity Performance Rules are unworkable to large coal-fired plants that cannot respond instantly to emergency scheduling. On July 8, 2016, FERC granted IMEA's request for rehearing. Agenda item E-22 may be an order relating to IMEA's arguments concerning unit-specific parameter limitations.

E-23 – GridLiance West Transco LLC (Docket No. EC17-49-001). On August 17, 2017, FERC authorized GridLiance West Transco LLC's (GridLiance West) acquisition from Valley Electric Transmission Association, LLC, of certain transmission assets and related facilities. On September 18, 2017, GridLiance West requested rehearing of FERC's finding, contained in the August 17 authorization order, that its proposed accounting entries do not conform to FERC's Uniform System of Accounts. FERC granted the requested rehearing on October 17, 2017. Agenda item E-23 may be a final order in the proceeding.

E-24 – Belmont Municipal Light Department, et al v. Central Maine Power Company, et al (Docket No. EL16-64-001). On April 29, 2016, various Eastern Massachusetts consumer-owned entities, including the Belmont Municipal Light Department, filed a complaint pursuant to sections 205 and 206 of the Federal Power Act (FPA) against various New England transmission owners, contending that the New England transmission owners' base return on equity (ROE) and cap on ROE incentives had become unjust and unreasonable. On September 20, 2016, FERC established hearing and settlement judge procedures and set a refund date. On October 20, 2016, the various New England transmission owners filed a request for rehearing of the September 20 order, stating that the existing challenged rate is within the zone of reasonableness, and that the September 20 order would improperly circumvent the maximum 15-month refund period under section 206(b) of the FPA. On November 21, 2016, FERC issued an order granting rehearing for further consideration. Agenda item E-24 may be a final order in the proceeding.

E-25 – Southern Maryland Electric Cooperative, Inc. and Choptank Electric Cooperative, Inc. (EL16-107-001). On November 17, 2016, FERC dismissed Southern Maryland Electric Cooperative's and Choptank Electric Cooperative's (collectively the Cooperatives) petition for declaratory order that requested FERC find regulations promulgated by the Public Service Commission of Maryland regarding community solar energy generation systems inconsistent with federal law. On December 15, 2016, the Cooperatives requested FERC clarify that FERC's order dismissing their petition is without prejudice, or grant rehearing, and on December 20, 2017, the Cooperatives moved to supplement their request for clarification or rehearing with revisions and documents relevant to the community solar regulations. Agenda item E-25 may be a final order in the proceeding.

E-26 – NextEra Desert Center Blythe, LLC v. California Independent System Operator Corporation (Docket No. EL15-47-002). On February 18, 2015, NextEra Desert Center Blythe, LLC (NextEra) filed a complaint requesting that FERC require CAISO to allocate congestion revenue rights to NextEra that were created by NextEra's investment in the Interim West of Devers upgrades project. On June 2, 2015, FERC issued an order denying NextEra's complaint, finding that NextEra contractually agreed to give up its right to receive congestion

rights. On July 2, 2015, NextEra filed a request for rehearing, arguing that FERC erred as a matter of law in interpreting the relevant arguments. On March November 19, 2015, FERC issued an order denying rehearing. On January 7, 2016, NextEra submitted a petition for review of FERC's decision to the D.C. Circuit Court of Appeals. Agenda item E-26 may be further action in the proceeding.

Gas

G-1 – Wood River Pipe Line LLC (Docket No. OR17-11-000). On May 8, 2017, Wood River Pipe Line LLC (Wood River) filed an Application for Authorization to Charge Market-Based Rates (MBR). Wood River is seeking MBR authority for the transportation of all refined petroleum products through pipelines from Wood River's origin markets. Currently, Wood River charges rates based on its Tariff on file with the Commission effective July 1, 2016. Multiple parties filed motions to intervene during the comment period; Phillips 66 Company (Phillips 66) filed a Protest on July 7, 2017. Principally, Phillips 66 alleged that Wood River did not provide sufficient evidence to prove that it lacks market power in the relevant markets, and a full evidentiary hearing should be set. Agenda item G-1 may be an order on the Application by Wood River or an order initiating an evidentiary hearing as proposed by Phillips 66.

G-2 – Leveret Pipeline Company LLC (Docket Nos. IS17-498-000, IS17-498-001, IS17-499-000, IS17-499-001, IS17-506-000, IS17-506-001); Mid-America Pipeline Company, LLC (Docket Nos. IS17-500-000, IS17-500-001, IS17-501-000, IS17-501-001). On June 12, 2017, Leveret Pipeline Company LLC (LPC) filed proposed modifications to its Tariff in order to partially adopt Tariffs of Mid-America Pipeline Company, LLC (MAPL) following the acquisition of certain MAPL assets, located in New Mexico, by LPC on June 9, 2017. On June 26, 2017, INEOS USA LLC (INEOS) filed a Protest, alleging that the Tariff revisions would deny INEOS from utilizing portions of the MAPL pipeline system. Further, INEOS states the filing would be in violation of the effective MAPL Tariff as well as the laws governing common carrier natural gas liquid pipelines. On July 12, 2017, the Commission issued an order accepting the proposed revisions to the LPC Tariff. INEOS filed a request for rehearing of the July 12 order on August 4, 2017. Agenda item G-2 may be an order on the request for rehearing by INEOS.

G-3 – Equitrans, L.P. (Docket No. RP17-944-000). On July 31, 2017, Equitrans, L.P. (Equitrans) filed notice regarding its storage ratchets and minimum storage gas balances in accordance with its Tariff, which requires annual updates of this information. Following an evaluation, Equitrans determined that it is able to meet all delivery obligations and does not seek to update the rate schedule on file. On August 14, 2017, Peoples Natural Gas Company, LLC (Peoples), a customer of Equitrans, filed a Protest and Motion to Require Supplemental Filing. Peoples asserted that Equitrans may not have exhaustively determined if the storage ratchets may be modified to enable more flexibility in its rate schedule; consequently, Peoples requested that Equitrans furnish the underlying data from which its evaluation was made. On September 14, 2017, the Commission requested Equitrans to provide supplemental information and data. Equitrans submitted a response to the data request on September 29, 2017. Agenda item G-3 may be an order on the Equitrans notice.

Hydro

H-1 – FirstLight Hydro Generating Company (Docket No. P-2485-076). On September 11, 2017, FirstLight Hydro Generating Company (FirstLight) filed an Application for Temporary Amendment of License for the Northfield Mountain Pumped Storage Project. The proposed license amendment would authorize a temporary change in the water surface elevation limits of the Project from December 1, 2017, through March 31, 2018. FirstLight maintains that no adverse market impacts will emanate from this temporary change and will continue to supply sufficient resources to ISO New England (ISO-NE). On October 18, 2017, ISO-NE submitted comments in support of the proposed amendment. Two parties filed motions to intervene and one filed substantive comments in opposition. Agenda item H-1 may be an order on the Application for Temporary Amendment of License.

H-2 – Public Utility District No. 1 of Okanogan County, Washington (Docket No. P-12569-015). On July 9, 2013, the Commission issued a license to the Public Utility District No. 1 of Okanogan County (Okanogan PUD) for the Enloe Project. The order dictated that Okanogan PUD commence construction on the Project by July 9, 2015. On March 19, 2015, Okanogan PUD filed a request for a two-year extension on the construction date, citing

pending litigation involving state water rights. The Commission granted this request and extended the deadline to commence construction to July 9, 2017. Okanogan PUD requested a Stay of the extension on June 22, 2017, subsequently granted by the Commission on September 20, 2017. On October 20, 2017, a number of opposing parties denied intervenor status in this docket (collectively known as the Conservation Groups) filed a request for rehearing on the September 20 order. Agenda item H-2 may be an order on the request for hearing brought forward by the Conservation Groups.

Certificates

C-1 – Transcontinental Gas Pipe Line Company, LLC (Docket No. CP17-58-000). On February 6, 2017, Transcontinental Gas Pipe Line Company, LLC (Transco) filed an Application for Certificate of Public Convenience and Necessity (CPCN) for the authorization, under Section 7(c) of the Natural Gas Act (NGA), to construct and operate its St. James Supply Project. Located in Louisiana, the Project would expand the interstate natural gas transmission system and provide firm transportation capacity to one customer, a methanol manufacturing plant. A number of current shippers on Transco pipelines filed motions to intervene in the following comment period. On July 24, 2017, the Commission issued the Environmental Assessment for the Project, finding that approval would not constitute a major federal action adversely affecting the environment. Agenda item C-1 may be an order on the Application for CPCN by Transco.

C-2 – EQT Gathering LLC (Docket No. CP13-520-000). On July 15, 2013, EQT Gathering LLC (EQT) filed an Abbreviated Application for Limited Jurisdiction CPCN, under Section 7(c) of the NGA, to construct and operate compression services in order to increase capacity and operational reliability of gathering facilities that EQT owns in southwestern Pennsylvania. On August 27, 2013, the Commission issued the Environmental Assessment, finding that since no new jurisdictional facilities are proposed, the Application qualifies as a categorical exclusion and does not warrant further scrutiny. The Commission issued the CPCN to EQT on October 2, 2013. EQT filed for an extension of time to complete construction of the proposed facilities on July 31, 2015; the Commission granted this request and extended the implementation deadline to October 2, 2016. On September 29, 2016, EQT filed a motion to vacate the authorization and CPCN, citing unanticipated market forces precluding EQT from pursuing the specific business opportunity contemplated in the original CPCN Application in 2013. Agenda item C-2 may be an order on the request to vacate the Limited Jurisdiction Certificate previously issued by the Commission to EQT.

White & Case LLP
701 Thirteenth Street, NW
Washington, District of Columbia 20005-3807
United States

T +1 202 626 3600

In this publication, White & Case means the international legal practice comprising White & Case LLP, a New York State registered limited liability partnership, White & Case LLP, a limited liability partnership incorporated under English law and all other affiliated partnerships, companies and entities.

This publication is prepared for the general information of our clients and other interested persons. It is not, and does not attempt to be, comprehensive in nature. Due to the general nature of its content, it should not be regarded as legal advice.