

FERC

Meeting Agenda Summary

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's November 16, 2017 meeting, pursuant to the agenda as issued on November 9, 2017.

Electric

E-1 – Coordination of Protection Systems for Performance During Faults and Specific Training for Personnel Reliability Standards (Docket No. RM16-22-000). On September 2, 2016, the North American Electric Reliability Corporation (NERC) submitted a petition for Commission approval of proposed Reliability Standards PRC-027-1 and PER-006-1; proposed new and revised definitions to be incorporated into the Glossary of Terms Used in NERC Reliability Standards for the following terms: (1) Protection System Coordination Study, (2) Operational Planning Analysis, and (3) Real-time Assessment; the retirement of Reliability Standard PRC-001-1.1(ii); the associated Implementation Plans; and the associated Violation Risk Factors and Violation Severity Levels. The purpose of proposed Reliability Standard PRC-027-1 is to maintain the coordination of Protection Systems installed to detect and isolate Faults on Bulk Electric System (BES) Elements. The purpose of proposed Reliability Standard PER-006-1 is to ensure that personnel are trained on specific topics essential to reliability to perform or support Real-time operations of the BES. Agenda item E-1 may be an order establishing a rulemaking on NERC's petition.

E-2 – North American Electric Reliability Corporation (Docket No. RR15-2-005). On February 21, 2017, NERC submitted its annual compliance monitoring and enforcement program (CMEP) filing, which reviews program progress and describes key program activities occurring in 2016. NERC's filing also proposes enhancements to portions of the CMEP based on NERC and the eight Regional Entities' experience with implementing such programs over the past year. Agenda item E-2 may be an order on NERC's CMEP filing.

E-3 – Public Service Company of Colorado, Tucson Electric Power Company, 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., Nevada Power Company, Sierra Pacific Power Company, Cheyenne Light, Fuel, & Power Company (Docket Nos. ER13-75-011, ER15-416-001, ER13-77-010, ER15-433-001, ER13-78-011, ER15-434-001, ER13-79-009,

ER15-413-001, ER13-82-009, ER15-411-006, ER13-91-008, ER15-426-001, ER13-96-009, ER15-431-001, ER13-97-009, ER15-430-001, ER13-105-005, ER15-423-001, ER15-428-003, ER15-424-001, ER13-120-009, ER15-432-001). Agenda item E-3 may be an order related to transmission owner participants in the WestConnect planning region and their compliance with the local and regional transmission planning and cost allocation filing requirements of Order No. 1000 and subsequent clarifying orders.

E-4 – New York Independent System Operator, Inc. (Docket No. ER17-1310-001). On March 27, 2017, the New York Independent System Operator, Inc. (NYISO) submitted a regional cost allocation methodology for an identified Public Policy Transmission Need pursuant to Section 31.5.5.4.1 of its Open Access Transmission Tariff (March 27 Filing). On May 24, 2017, the Commission issued a deficiency letter directing NYISO to provide additional information in order to process the March 27 Filing (Deficiency Letter). On July 10, 2017, NYISO submitted its response to the Deficiency Letter. Agenda item E-4 may be an order on NYISO's regional cost allocation methodology.

E-5 – New York Independent System Operator, Inc. (Docket Nos. ER15-572-000, ER15-572-002, ER15-572-006). On August 21, 2017, New York Transco, LLC (NY Transco), on behalf of numerous settling parties, submitted a settlement agreement (Settlement Agreement) to resolve all issues set for hearing or pending request for rehearing concerning NY Transco's proposed Alternating Current Transmission Projects, as defined in the Settlement Agreement. On September 14, 2017, the settlement judge certified the Settlement Agreement as uncontested. On September 20, 2017, the chief administrative law judge issued an order terminating the settlement judge's procedures in the proceeding. Agenda item E-5 may be an order on the Settlement Agreement.

E-6 – New York Independent System Operator, Inc. (Docket Nos. ER16-120-001, ER16-120-003, EL15-37-002). On April 21, 2016, the Commission issued an order on compliance and rehearing (April 21 Order) in response to NYISO's October 19, 2015 compliance filing related to the administration of reliability must run (RMR) service in New York. The April 21 Order found that NYISO's compliance filing partially complied with directives in a February 19, 2015 Commission order which found that NYISO's Market Administration and Control Area Services Tariff (Services Tariff) is unjust and unreasonable since it did not provide for the retention of and compensation to generating units need for reliability. Accordingly, the April 21 Order accepted in part, subject to condition, and rejected in part NYISO's proposed revisions to its Open Access Transmission Tariff and Services Tariff, subject to the submission of an additional compliance filing. NYISO and Independent Power Producers of New York, Inc. requested rehearing of the April 21 Order. Agenda item E-6 may be an order on the requests for rehearing of the April 21 Order.

E-7 – PJM Interconnection, L.L.C. (Docket No. ER17-2362-000). On August 25, 2017, PJM Interconnection L.L.C. (PJM) submitted amendments to the PJM Open Access Transmission Tariff, Schedule 12-Appendix A to incorporate cost responsibility assignments for 39 new baseline upgrades included in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers on July 26, 2017. Agenda item E-7 may be an order on PJM's proposed amendments to the PJM Open Access Transmission Tariff, Schedule 12-Appendix A.

E-8 – PJM Interconnection, L.L.C. (Docket No. ER17-249-001). On October 31, 2016, PJM submitted a revision to its Open Access Transmission Tariff to gradually increase the rate it charges in order to recover projected administrative cost increases through 2024. On December 22, 2016, the Commission issued an order accepting PJM's proposed changes to its tariff. On January 23, 2017, Public Citizen, Inc. submitted a request for rehearing of the Commission's December 22 Order, asserting that the Commission has failed to ensure that members of the public are afforded the same rights and privileges as energy corporations and government offices within the stakeholder processes of RTOs. Agenda item E-8 may be an order regarding the request for rehearing.

E-9 – PJM Interconnection, L.L.C. (Docket Nos. ER17-528-000 and ER17-528-001). On December 13, 2016, as amended on March 13, 2017, pursuant to section 205 of the Federal Power Act, PJM submitted, on behalf of Baltimore Gas and Electric Company (BGE), proposed revisions to BGE's formula transmission rate (Formula Rate) intended to more accurately track expenses arising from tax liabilities and clarify the timing for

recovery of various accrued tax liabilities. On May 9, 2017, the Commission issued a delegated letter order finding that preliminary analysis of the proposed tariff revisions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Agenda item E-9 may be an order from the full Commission regarding BGE's proposed tariff revisions.

E-10 – FirstEnergy Solutions Corp. (Docket No. ER17-1269-000). On March 17, 2017, FirstEnergy Solutions Corp. (FirstEnergy), pursuant to section 205 of the FPA, submitted a request for authorization to make wholesale power sales to an affiliate. Agenda item E-10 may be an order regarding FirstEnergy's request.

E-11 – FirstEnergy Solutions Corp. (Docket Nos. ER17-1272-000 and ER17-1559-000). On March 17, 2017, FirstEnergy, pursuant to section 205 of the FPA, submitted a request for authorization to make wholesale power sales to an affiliate under Docket No. ER17-1272-000. Relatedly, on May 3, 2017, under Docket No. ER17-1559-000, FirstEnergy, pursuant to section 205 of the FPA, submitted a request for authorization to make wholesale power sales to an affiliate. Agenda item E-11 may be an order regarding FirstEnergy's requests.

E-12 – Southwest Power Pool, Inc. (Docket No. ER17-889-000). On January 30, 2017, pursuant to section 205 of the FPA, SPP submitted: (1) an executed Service Agreement for Network Integration Transmission Service between SPP as transmission provider and Kansas Municipal Energy Agency (KMEA) as network customer (KMEA Service Agreement) and (2) an executed Network Operating Agreement among SPP as transmission provider, KMEA as network customer, and Sunflower Electric Power Corporation (Sunflower) as host transmission owner (KMEA NOA) (together, KMEA Agreement). On March 28, 2017, pursuant to the authority delegated under the Commission's *Order Delegating Further Authority to Staff in Absence of Quorum*, the Office of Energy Market Regulation issued a letter order finding that preliminary analysis indicates that SPP's proposal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful, and accepted SPP's proposal for filing, suspended for a nominal period, subject to refund and further Commission order. Agenda item E-12 may be an order regarding SPP's proposal.

E-13 – Southwest Power Pool, Inc. (Docket No. ER17-1482-000). On April 27, 2017, pursuant to section 205 of the FPA, SPP submitted proposed tariff revisions to replace the terms "Headroom" and "Floor-room" with the new term "Instantaneous Load Capacity." SPP further proposes to add the term "Operator input" to the list of inputs that are used in its Reliability Unit Commitment (RUC) determinations. SPP seeks an effective date for the proposed revisions of June 27, 2017. On June 21, 2017, pursuant to the authority delegated under the Commission's *Order Delegating Further Authority to Staff in Absence of Quorum*, the Office of Energy Market Regulation issued a letter order finding that preliminary analysis indicates that SPP's proposal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful, and accepted SPP's proposal for filing, suspended for a nominal period, subject to refund and further Commission order. Agenda item E-12 may be an order regarding SPP's proposed revisions.

E-14 – Entergy Arkansas, Inc. (Docket Nos. ER17-1160-000 and ER17-1160-001). On March 10, 2017, as amended on May 4, 2017, pursuant to section 205 of the FPA, Entergy Services, Inc. (Entergy), on behalf of Entergy Arkansas, Inc. (Entergy Arkansas), Entergy Louisiana, LLC, Entergy New Orleans, Inc. (Entergy New Orleans), and Entergy Mississippi, Inc., submitted for filing six amended power purchase agreements (the Amended PPAs), each of which had been previously filed with the Commission. On June 29, 2017, pursuant to the authority delegated under the Commission's *Order Delegating Further Authority to Staff in Absence of Quorum*, the Office of Energy Market Regulation issued a letter order finding that preliminary analysis indicates that Entergy's proposed Amended PPA's have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful, and accepted Entergy's proposed Amended PPA's proposal for filing, suspended for a nominal period, subject to refund and further Commission order. Agenda item E-14 may be an order regarding Entergy's proposed Amended PPA's.

E-15 – Entergy Services, Inc. (Docket No. ER10-1350-006). On February 16, 2016, Entergy Services, Inc. (Entergy) submitted a compliance filing, as required by Opinion No. 545, addressing Entergy's annual bandwidth rate filing. Opinion No. 545 affirmed in part the Initial Decision in this proceeding and directed Entergy to: 1) revise and refile its FERC Form No. 1s for 2005 through 2009 utilizing a 60-year amortization period for the Waterford 3 sale/leaseback and not the 27.5 year period that was used; 2) recalculate the amount of Waterford 3 sale/leaseback amortization expense that should have been included in the bandwidth calculation for the test years 2005 through 2008; and 3) make those refunds, with interest. The compliance filing contains the comprehensive bandwidth recalculation report showing all payment/receipt amounts and incorporating all of the changes in the methodology directed by the Commission in this and previous annual bandwidth proceedings. On September 22, 2016, the Commission issued an Order on Compliance finding that Entergy complied with the substantive requirements of Opinion No. 545. Concurrent with the issuance of the Order on Compliance, the Commission issued Order No. 545-A, an Order on Rehearing, directing Entergy to submit a compliance filing within 60 days that: 1) recalculates interest; 2) eliminates any refunds related to the Waterford 3 nuclear plant sale/leaseback for the seven-month period of June 1, 2005 and December 31, 2005; and 3) removes securitized asset Accumulated Deferred Income Tax (ADIT) and contra-securitized asset ADIT from the bandwidth calculation. On November 18, 2017, Entergy submitted its compliance filing containing a revised refund calculation of the true-up payments and receipts based on 2009 test year data, as directed by Order No. 545-A, including interest on all refunds related to bandwidth payments in this proceeding and supporting workpapers for each identified adjustment. The Louisiana Public Service Commission (LPSC) submitted a protest to the November 18 filing to which Entergy answered. Agenda item E-15 may be an Order on Compliance.

E-16 – Entergy Louisiana, Inc. (Docket No. ER17-897-000). On January 30, 2017, Entergy Services, Inc., on behalf of Energy Louisiana, LLC (ELL), submitted a request for waivers of Sections 35.14 and 35.19a of the Commission's regulations to allow ELL to credit to a wholesale cost-based requirements customer a portion, attributable to fuel, of a judgement and partial award of \$5,197,764 received by ELL on January 6, 2017 for damages incurred by ELL from the United States Department of Energy's breach of a contract for disposal of spent nuclear fuel owned by ELL. Agenda item E-16 may be an order addressing the request.

E-17 – Louisiana Public Service Commission v. Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, L.L.C., Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Gulf States Louisiana, L.L.C. and Entergy Texas, Inc. (Docket No. EL09-61-006). On June 29, 2009, the LPSC filed, pursuant to Section 206 of the FPA, a complaint alleging that sales of electric energy by Entergy Arkansas, Inc. (Entergy) to third party power marketers and others that are not members of the Entergy System Agreement: 1) violated the provisions of the System Agreement that allocate the energy generated by system resources; 2) imprudently denied the system and its ultimate consumers the benefits of low-cost system generating capacity; and 3) violated the provision of the System Agreement that prohibits sales to third parties by individual companies absent an offer of a right of first refusal to other companies. On December 7, 2009, the Commission issued an order setting the complaint for hearing and settlement judge procedures. On June 21, 2012, the Commission issued Opinion No. 521, finding that Entergy violated the System Agreement by improperly allocating lower cost energy to its sales of excess electric energy to third-party power marketers and others that were not members of the System Agreement during the period from 2000 to 2009 and establishing further hearing procedures to determine refunds. On August 28, 2013, the Presiding Judge issued an Initial Decision determining that a full re-run of the Intra-System Bill was necessary to determine damages for the period in question and declined to reduce damages based on adjustments to other Service Schedules in the System Agreement. On April 21, 2016, the Commission issued an Order on Initial Decision, Opinion No. 548, affirming in part and reversing in part the Initial Decision and remanding for further hearing procedures for a final determination of refunds. On May 23, 2016, Entergy Services, Inc. (Entergy Services) and the Arkansas Public Service Commission (APSC) filed a request for rehearing of Opinion No. 548. Entergy Services and the APSC also moved for clarification of a ruling in Opinion No. 548. The LPSC submitted Answers and Replies to the Requests. Agenda item E-17 may be an order on the request for rehearing and clarification.

E-18 – NorthWestern Corporation (Docket No. ER17-1221-000). On March 16, 2017, NorthWestern Corporation (NorthWestern) filed, pursuant to section 205 of the FPA, proposed tariff revisions intended to revise various provisions of Attachment L – Creditworthiness Procedures of its Montana Open Access Transmission Tariff (OATT). The revisions purportedly clarified processes and procedures under NorthWestern’s credit requirements and ensured consistency with Commission policy. On May 10, 2017, the Director, Division of Electric Power Regulation – West, Office of Energy Market Regulation found that the proposed tariff revisions may not be just and reasonable and issued, pursuant to authority delegated in the Order Delegating Further Authority to Staff in Absence of Quorum, a letter order accepting the proposed tariff revisions, to become effective May 16, 2017, subject to refund and further Commission order. Agenda item E-18 may be an order addressing the proposed tariff revisions.

E-19 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-1014-000). On February 22, 2017, Midcontinent Independent System Operator, Inc. (MISO) and Otter Tail Power Company jointly filed, pursuant to section 205 of the FPA, proposed tariff revisions to the Formula Rate for Otter Tail included in Attachment O of the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff). The revisions purportedly facilitate the inclusion of the annual transmission revenue requirements associated with Basin Electric Power Cooperative’s existing eligible transmission facilities located in the Otter Tail Transmission Pricing Zone. Protesters challenged the filing on various grounds. On April 26, 2017, the Director, Division of Electric Power Regulation—Central, Office of Energy Market Regulation found that the proposed tariff revisions may not be just and reasonable and issued, pursuant to authority delegated in the Order Delegating Further Authority to Staff in Absence of Quorum, a letter order accepting the proposed tariff revisions, to become effective May 1, 2017, subject to refund and further Commission order. Agenda item E-19 may be an order addressing the proposed tariff revisions.

E-20 – Arizona Public Service Company (Docket Nos. ER16-938-005, ER16-938-006). On February 12, 2016, Arizona Public Service Company (APS) filed, pursuant to Section 205 of the FPA, proposed revisions to its Open Access Transmission Tariff (OATT) to allow APS to participate in the Energy Imbalance Market (EIM) administered by the California Independent System Operator. On April 29, 2016, the Commission conditionally accepted APS’ proposed revisions and required a further filing within 30 days including further revisions to the OATT and additional information regarding operating reserve payments and charges. On May 27, 2016, APS concurrently submitted the required compliance filing and a Motion for Clarification or in the Alternative Rehearing for the limited purpose of seeking clarification on the Commission’s directives regarding section 3.2 of Attachment Q. On September 26, 2016, the Commission issued an Order on Compliance, Clarification, and Rehearing accepting APS’ compliance filing subject to further condition. On October 25, 2016, APS submitted the required compliance filing and committed to submit an informational filing containing the dollar impacts of the operational reserve payments and charges and proposed modifications to Attachment Q of APS’ OATT. The Southwest Public Power Agency protested the second compliance filing and the informational filing. Agenda item E-20 may be an Order on Compliance.

E-21 – Louisville Gas and Electric Company (Docket No. ER17-558-000). On December 16, 2016, Louisville Gas and Electric Company (LG&E) filed, pursuant to section 205 of the FPA, proposed tariff revisions intended to revise schedules 4, 5, 6, and 9 of its network operating agreement. The revisions purportedly clarify that LG&E’s imbalance and reserve ancillary services are not intended to be used as backup supply, and establish procedures in its network operating agreement that will apply if a network customer loses supply for an extended period of time. Protesters challenged the proposed revisions on various grounds. On February 14, 2017, the Director, Division of Electric Power Regulation—Central, Office of Energy Market Regulation found that the proposed tariff revisions may not be just and reasonable and issued, pursuant to authority delegated in the Order Delegating Further Authority to Staff in Absence of Quorum, a letter order accepting the proposed tariff revisions, to become effective February 15, 2017, subject to refund and further Commission order. Agenda item E-21 may be an order addressing the proposed tariff revisions.

E-22 – Bishop Hill Energy LLC (Docket No. ER17-1386-000). On April 6, 2017, Bishop Hill Energy LLC (Bishop Hill) submitted for filing an Amended and Restated Assignment, Co-Tenancy, and Shared Facilities Agreement (Agreement) to reflect the assignment of one party’s obligations as the Co-Tenancy Manager to its affiliate. Various parties to the Agreement protested the filing, arguing that Bishop Hill does not have authority

to change the Agreement unilaterally. On May 31, 2017, FERC Staff issued an order accepting and suspending the filing, stating that Bishop Hill's filing has not been shown to be just and reasonable. Agenda item E-22 may be a final order in the proceeding.

E-23 – Saguario Power Company, A Limited Partnership (Docket Nos. EL16-78-001, QF90-203-008). On October 18, 2016, Saguario Power Company (Saguario) requested rehearing of FERC's September 30, 2016 order that partially denied Saguario's petition for waiver of the cogeneration qualifying facility operating and efficiency standards for calendar years 2016 and 2017. On December 15, 2016, FERC denied Saguario's request for rehearing and stated that the effect of the loss of QF status would be determined on a monthly basis if Saguario did not meet annual operating and efficiency requirements. On April 28, 2017, the Nevada Bureau of Consumer Protection submitted a motion asking that FERC require Saguario to file a refund report showing its compliance with FERC's order and whether it has made any refunds. Saguario has replied that such a requirement would impose an additional reporting requirement that was not sought while the proceeding was pending. Agenda item E-23 may be an order addressing the request by the Nevada Bureau of Consumer Protection.

E-24 – EF Kenilworth LLC (Docket Nos. EL17-74-000, QF90-73-009). On May 12, 2017, EF Kenilworth LLC (EF Kenilworth) requested a limited waiver of the cogeneration qualifying facility operating and efficiency standards for calendar years 2016, 2017 and 2018 due to decreased steam consumption by a thermal host. Agenda item E-21 may be an order granting the requested waiver.

E-25 – Coalition of MISO Transmission Customers v. Midcontinent Independent System Operator, Inc. (Docket Nos. EL16-112-001, ER17-892-000). On December 6, 2016, FERC ordered the Midcontinent Independent System Operator, Inc. (MISO) to modify its Open Access Transmission, Energy, and Operating Reserve Markets Tariff (Tariff) to include the calculation methodology for the Sub-Regional Export Constraint (SREC) and Sub-Regional Import Constraint (SRIC) that MISO proposes to use in the Planning Resource Auction. On January 30, 2017, MISO submitted a compliance filing. Various parties have protested MISO's compliance filing, arguing that MISO's proposed calculation methodology is unjust and unreasonable because it does not accurately reflect transfer limits. Agenda item E-25 may be an order relating to MISO's compliance filing.

E-26 – American Municipal Power, Inc., et al. v. Appalachian Power Company, et al. (Docket No. EL17-13-000). On October 27, 2016, American Municipal Power, Inc., and various other parties (Complainants) filed a complaint against Appalachian Power Company and other American Electric Power operating and transmission companies (Respondents), seeking a reduction in the base return on common equity used in Respondents' formula transmission rates from 10.99% to 8.32%. The parties have filed various answers and replies. Agenda item E-26 may be a final order in the proceeding.

E-27 – East Texas Electric Cooperative, Inc. v. Public Service Company of Oklahoma, et al. (Docket No. EL17-76-000). On June 5, 2017, East Texas Electric Cooperative, Inc. (Complainant) filed a complaint against the Public Service Company of Oklahoma and various other parties (Respondents) seeking a reduction in the base return on equity used in Respondents' formula transmission rates from 10.70% to 8.36%. The parties have filed answers and replies. Agenda item E-27 may be a final order in the proceeding.

E-28 – Joint California Complainants v. Pacific Gas and Electric Company (Docket No. EL17-59-000). On March 31, 2017, the Joint California Complainants (Complainants) filed a complaint against Pacific Gas & Electric Company (PG&E), requesting that FERC order an investigation into the Transmission Owner rates of PG&E and establish the earliest possible refund effective date. The Complainants aim to ensure refunds below PG&E's last clean rates may be ordered as of the earliest date possible. On April 20, 2017, PG&E submitted an answer, stating that the Complainants are seeking to undo the settlement reached in PG&E's seventeenth Transmission Owner rate case. Agenda item E-28 may be a final order in the proceeding.

E-29 – New England Power Generators Association, Inc. v. ISO New England Inc. (Docket No. EL16-120-001). On September 30, 2016, the New England Power Generators Association, Inc. (NEPGA) filed a Complaint, seeking relief from alleged unjust and unreasonable charges imposed by ISO New England, particularly the Peak Energy Rent (PER) Adjustment provisions stemming from an extreme summer event on

August 11, 2016. Capacity suppliers in the ISO New England region (represented by NEPGA) were charged approximately \$100 million in PER Adjustment on the September 2016 invoice. On January 19, 2017, the Commission issued an order granting the Complaint and finding that the PER Adjustment charges were unjust and unreasonable, as well as establishing a new hearing to determine a new PER Strike Price and appropriate refunds. On February 15, 2017, NEPGA filed a Request for Clarification, or in the Alternative, Rehearing, seeking confirmation from the Commission that it would direct ISO New England to refund capacity suppliers according to a consistent methodology. Agenda item E-29 may be an order on the Request for Clarification submitted by NEPGA.

Gas

G-1 – Guttman Energy, Inc., d/b/a, Guttman Oil Company, and PBF Holding Company, LLC v. Buckeye Pipe Line Company, L.P. and Laurel Pipe Line Company, L.P. (Docket Nos. OR14-4-000, OR14-4-001).

On October 15, 2013, Guttman Energy, Inc. and PBF Holding Company, LLC (collectively, the Complainants) filed a Complaint against Buckeye Pipe Line Company, L.P. (Buckeye) and Laurel Pipe Line Company, L.P. (Laurel). The Complainants alleged that Buckeye charged excessively high interstate rates and that the rates were unjust, unreasonable and unduly discriminatory. Following a period of the respective parties submitting answers and responses in the proceeding, the Commission issued a Hearing Order on May 2, 2014. The order dismissed the claim raised by the Complainants, dismissed Laurel as a party, and dismissed the claims regarding discriminatory treatment. However, the Commission set the claim challenging the market-based rates of Buckeye for hearing. On June 2, 2014, the Complainants filed a Request for Rehearing and Clarification of the May 2 Order, which was denied on November 6, 2014; in that order, the Commission also established a hearing to determine whether the shipments by Guttman are classified as interstate or intrastate transportation, thereby affecting the rates imposed on Guttman. On November 20, 2014, the Administrative Law Judge (ALJ) issued an order consolidating the proceedings. On April 19, 2016, the ALJ issued an Initial Decision, finding that the Complainants did not meet their burden of proof in challenging the market-based rate authority in one destination market (Pittsburgh) and did meet the burden of proof in the other market (Harrisburg). Further, the ALJ did not find that the Complainants met their burden of proof in asserting that Buckeye had been unlawfully charging interstate rates for intrastate shipments. In June 2016, the parties submitted their respective Briefs Opposing Exceptions. Agenda item G-1 may be a final ruling affirming or modifying the Initial Decision set forth by the ALJ in this proceeding.

G-2 – Equitrans, L.P. (Docket No. RP17-887-000). On July 5, 2017, Equitrans, L.P. (Equitrans) filed new tariff sections to reflect the addition of Enhanced Firm Transportation Service. Equitrans stated that this service is in response to the increase in natural gas consumption by the electric generation market, complementing existing firm and interruptible services and offering new opportunities for its customers. Several parties filed motions to intervene during the comment period following the initial filing. On August 3, 2017, the Commission issued an Order Accepting and Suspending Filing, Subject to Refund, and Further Commission Order. The latter portion stems from the lack of quorum of the Commission for several months, as the acting Staff delegating the order did not have the authority to rule if the tariff records are just and reasonable. Agenda item G-2 may be a further Commission order clarifying or confirming the August 3 Order.

Hydro

H-1 – Red River Hydro, LLC (Docket No. P-13160-010). On August 17, 2017, Red River Hydro, LLC (Red River) requested a two-year stay of the commencement of construction deadline as established in the Federal Power Act, as well as the specific deadlines furnished in the original license issued by the Commission on April 2, 2014. On January 28, 2016, the Commission granted the one-time extension of the commencement of construction deadline; Red River asserts that this request would ensure the license is maintained as the project continues to be developed. Agenda item H-1 may be an order on the request by Red River to grant a two-year stay.

H-2 – Alabama Power Company (Docket No. P-2146-217). On February 2, 2017, the Commission issued an Order Amending License, Modifying and Approving Recreation Plan and Modifying Shoreline Management

Plan for the Coosa River Hydroelectric Project No. 2146 developed by Alabama Power Company (Alabama Power). On February 27, 2017, Pat Kelleher (a private citizen) filed a Request for Rehearing of the February 2 Order and stated his assertion that the Commission acted in an arbitrary and capricious manner. On March 3, 2017, the Coosa River Paddling Club also filed a Request for Rehearing based on largely the same reasons. On March 6, 2017, Alabama Power filed a Request for Hearing of certain aspects of the order pertaining to detailed analysis required by the Commission. The Commission denied the request for rehearing by Mr. Kelleher due to an out-of-time motion to intervene (and consequently did not have standing in the original docket). Agenda item H-2 may be an order on the requests for rehearing by Coosa River Paddling Club and Alabama Power.

H-3 – Jeffrey Lake Development, Inc. (Docket No. P-1417-269). On December 22, 2016, Jeffrey Lake Development, Inc. (JLDI) filed a Complaint pertaining to the Kingsley Dam Project, under the control of the Central Nebraska Public Power & Irrigation District (Central Nebraska). JLDI asserted that Central Nebraska had been in violation of the terms of its license granted by the Commission, in particular the provisions associated with the land and shoreline management program. On January 11, 2017 and April 7, 2017, respectively, Central Nebraska submitted responses to the Complaint. The Commission issued a letter finding no issues of non-compliance on July 27, 2017, effectively denying the Complaint as brought forth by JLDI. On August 28, 2017, JLDI filed a Request for Rehearing of the July 27 letter. Agenda item H-3 may be an order on the Request for Rehearing.

Certificates

C-1 – Millennium Pipeline Company, L.L.C. (Docket No. CP16-17-001). On June 2, 2016, Millennium Pipeline Company, L.L.C. (Millennium) filed a supplemental report to the Valley Lateral Project indicating that the pipeline route would intersect bog turtle habitat. A Stipulation between Melody Brunn (a public citizen, the Complainant) and Millennium was filed to the Commission on November 23, 2016. Subsequently, an on-site inspection conducted on November 28, 2016 confirmed the presence of bog turtle populations in protected wetlands, necessitating the approval of permitting under the Clean Water Act (jurisdiction belonging to the New York Department of Environmental Conservation (NYSDEC), not the Commission). NYSDEC prohibited further construction of the project until the habitat was sufficiently protected; however, Millennium had previously been given clearance by the US Fish and Wildlife Service. Prior to the Stipulation and on-site environmental assessment, the Commission issued an Order Denying Motion to Dismiss and Issuing Certificate on November 9, 2016. On December 7, 2016, the Complainant filed a Request for Rehearing, Consideration of Additional Evidence and Stay. A number of other intervenors in the proceeding filed Requests for Rehearing in the next several days. On January 30, 2017, the Commission issued an Order Denying Stay, while granting consideration to the rehearing requests. NYSDEC submitted a Motion for Reopening and Stay, or in the Alternative, Request for Rehearing and Stay on August 31, 2017. In the following months, a number of Answers and Motions have been filed. Agenda item C-1 may be an order on the multiple requests for rehearing.

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