

# FERC

## Meeting Agenda Summary

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**20 September 2017**

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's September 20, 2017 meeting, pursuant to the agenda as issued on September 13, 2017. Agenda items E-18 and G-1 have not been summarized due to omission from the agenda.

### Electric

**E-1 – Balancing Authority Control, Inadvertent Interchange, and Facility Interconnection Reliability Standards (Docket No. RM16-13-000).** On April 20, 2016, the North American Electric Reliability Corporation (NERC) filed a petition for Commission approval of revised Reliability Standards BAL-005-1 (*Balancing Authority Control*) and FAC-001-3 (*Facility Interconnection Requirements*); proposed new or revised definitions to be incorporated into the Glossary of Terms Used in NERC Reliability Standards; proposed retirement of currently effective Reliability Standards BAL-005-0.2b, BAL-006-2, and FAC-001-2; associated Implementation Plans; and associated Violation Risk Factors (VRFs) and Violation Severity Levels (VSLs). On September 22, 2016, the Commission issued a Notice of Proposed Rulemaking (NOPR), proposing to approve the new NERC standards. Agenda item E-1 may be an order on NERC's petition and the NOPR.

**E-2 – Remedial Action Schemes Reliability Standard (Docket No. RM16-20-000).** On August 5, 2016, the NERC filed a petition for Commission approval of proposed Reliability Standard PRC-012-2 (*Remedial Action Schemes*); retirement of currently effective Reliability Standards PRC-015-1 (*Remedial Action Scheme Data and Documentation*) and PRC-016-1 (*Remedial Action Scheme Misoperation*); withdrawal of Reliability Standards PRC-012-1 (*Remedial Action Scheme Review Procedure*), PRC-013-1 (*Special Protection System Database*), and PRC-014-1 (*Remedial Action Scheme Assessment*); Implementation Plan for PRC-012-2; and associated VRFs and VSLs for PRC-012-2. On January 19, 2017, the Commission issued an NOPR proposing to approve Reliability Standard PRC-012-2. Agenda item E-2 may be an order on NERC's petition and the NOPR.

**E-3 – Emergency Preparedness and Operations Reliability Standards (Docket No. RM17-12-000).** On March 27, 2017, the NERC filed a petition for Commission approval of proposed Emergency 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*). NERC's petition also proposes that the Commission approve: (i) the associated Implementation

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Plans; (ii) the VRFs and VSLs; and (iii) the retirement of the currently effective Reliability Standards EOP-004-3, EOP-005-2, EOP-006-2, and EOP-008-1, upon Commission approval of the proposed Reliability Standards. Agenda item E-3 may be an order on NERC's petition.

**E-4 – Arizona Public Service Company (Docket Nos. ER16-2656-000, ER16-2656-001, ER16-2656-002, ER16-2656-003).** On September 23, 2016, as amended on January 18, 2017, pursuant to section 205 of the Federal Power Act, Arizona Public Service Company (APS) submitted proposed revisions to its Open Access Transmission Tariff (OATT), stating such revisions are non-substantive and would not disturb any previous Commission-approved rates, terms, or conditions. APS stated that the proposed revisions provide clarification, adjust formatting, and update tax notice changes. On March 15, 2017, the Commission issued an order (March 15 Order) on APS's proposed OATT revisions accepting them for filing, suspended for a nominal period, to become effective November 23, 2016, as requested, subject to refund and further Commission order. On April 14, 2017, APS requested rehearing of the Commission's March 15 Order, taking issue with, *inter alia*, the Commission holding APS' proposed OATT revisions subject to refund. Agenda item E-4 may be an order on APS' request for rehearing.

**E-5 – SunZia Transmission, LLC (Docket No. ER17-388-000).** On November 18, 2016, SunZia Transmission, LLC (SunZia) submitted an application requesting that the Commission re-issue and revise authorizations the Commission previously granted in 2011 to offer and sell merchant capacity on the SunZia Southwest Transmission Project at negotiated rates, including sales through presubscribed contracts. Agenda item E-5 may be an order on SunZia's application.

**E-6 – The AES Corporation (Docket No. ER16-1564-000).** On April 29, 2016, AES Corporation (AES), pursuant to Section 1275 of the Energy Policy Act of 2005, 42 USC. § 16462 and implementing regulations, 18 C.F.R. § 466.5, submitted a filing with the Commission, electing and requesting a review and authorization of the allocation of costs of non-power goods and services from AES to Indianapolis Power & Light Company, an associate company within the AES holding company system. Agenda item E-6 may be an order on AES' election and request.

**E-7 – Exelon Generation Company, LLC (Docket No. ER17-933-000).** On February 3, 2017, Exelon Generation Company, LLC (ExGen) submitted an application pursuant to Section 205 of the Federal Power Act (FPA) and Section III.A.5 of Appendix A to Section III of the ISO New England Inc. (ISO-NE) Transmission, Markets, and Services Tariff (ISO-NE Tariff) requesting the Commission authorize recovery of actual fuel costs in the amount of \$1,495,171 for two generating units at the Mystic Generating Station. ExGen states the costs were not recovered due to market power mitigation applied during October and November, 2016, as well as associated regulatory costs. On February 24, 2017, the Internal Market Monitor (IMM) for ISO-NE filed comments and a "limited protest" regarding ExGen's application. On March 30, 2017, pursuant to 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 indicated ExGen's filing may not have been shown to be just and reasonable and may be unjust, unreasonable, and unduly discriminatory or preferential, or otherwise unlawful. The letter order accepted ExGen's request for filing, suspended it for a nominal period, subject to refund and further Commission order. Agenda item E-7 may be an order regarding ExGen's request for cost recovery.

**E-8 – Louisiana Public Service Commission and the Council for the City of New Orleans v. Entergy Services, Inc. (Docket No. EL00-66-021).** In 2004, the Commission issued Opinion No. 468 directing Entergy Services, Inc. (ESI) to exclude interruptible load when calculating each Entergy operating company's peak load responsibility under the Entergy System Agreement. The Louisiana Public Service Commission (LPSC) appealed, and in 2017, the US Court of Appeals for the D.C. Circuit (DC Circuit) issued a ruling remanding the matter to FERC for further proceedings. Following additional Commission orders implementing the DC Circuit's ruling, the Commission issued orders in 2010, determining that refunds by ESI were appropriate and setting the matter for hearing and settlement judge procedures. On May 11, 2011, the parties to the proceeding submitted an uncontested settlement agreement (Settlement Agreement). On September 26, 2016, the Commission issued an order denying rehearing and conditionally accepting the proposed uncontested settlement agreement, subject to a compliance filing that revised the settlement agreement's

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standard of review provision. ESI submitted the revised Settlement Agreement on October 26, 2016; however, ESI in the filing also asserted that the Commission's September 26th order denying rehearing "render[ed] performance of the Settlement Agreement moot." Agenda item E-8 may be an order regarding the compliance filing and/or Settlement Agreement.

**E-9 – Delmarva Power (Docket No. ER09-1158-000).** On May 16, 2016, Delmarva Power (Delmarva) submitted its 2016 Formula Rate Annual Update (2016 Update) in accordance with the [PJM] Formula Rate Implementation Protocols. On January 18, 2017, pursuant to the Delaware Municipal Electric Corporation, Inc. (DEMEC) submitted a Formal Challenge to Delmarva's 2016 Update, challenging, amongst other things, Delmarva's inclusion of \$14.04 million of prepaid pensions in its transmission rate base, changes to the approach for allocating FERC Account No. 454 revenue credit, as well as "questions" about Delmarva's inclusion of project-specific incentive adders to the equity component that it uses to calculate AFUDC purposes. Both Delmarva and DEMEC filed subsequent responsive pleadings. Agenda item E-9 may be an order regarding DEMEC Formal Challenge to Delmarva's 2016 Update.

**E-10 – Basin Electric Power Cooperative (Docket No. EL17-46-000).** On February 3, 2017, pursuant to Section 292.402 of the Commission's Rules and Regulations, Basin Electric Power Cooperative (Basin Electric) submitted, on behalf of itself and its rural electric cooperative member-owners, a Petition for Partial Waiver (Petition) of certain obligations imposed under Sections 292.303(a) and 292.203(b), implementing Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). Specifically, Basin Electric requested waiver of PURPA's obligation to make purchases from qualifying facilities (QFs) with a nameplate capacity of 150 kW or more and the obligation to make sales to all QFs. Basin Electric requests the waiver on a prospective basis and, according to the Petition, no existing contracts or legally enforceable obligations will be impacted. Agenda item E-10 may be an order regarding Basin Electric's Petition.

**E-11 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-387-001).** On November 18, 2016, pursuant to section 205 of the FPA, Midcontinent Independent System Operator, Inc. (MISO) submitted proposed revisions to Attachment FF-6 of its Open Access Transmission, Energy, and Operating Reserve Markets Tariff (MISO Tariff) providing for a cost allocation method for interregional transmission projects terminating wholly outside MISO. On January 12, 2017, the Commission issued a deficiency letter and MISO subsequently submitted an amended proposal on February 13, 2017. MISO's proposed revisions are intended to fill cost allocation "gaps" in Attachment FF-6 of the MISO Tariff concerning cost allocation methods employed for the Second Planning Area's Transition Period, which is the region of MISO consisting of Entergy Corporation and its operating companies that own and/or operate transmission facilities conveyed to the functional control of MISO. Several parties challenged or submitted a protest to MISO's proposal and/or its response to the January 12 deficiency letter. On April 11, 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 MISO'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 MISO's proposal for filing, suspended for a nominal period, subject to refund and further Commission order. Agenda item E-11 may be an order regarding MISO's proposed revisions to Attachment FF-6 of the MISO Tariff.

**E-12 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-1302-000).** On March 24, 2016, pursuant to section 205 of the FPA, MISO submitted proposed revisions to Attachment LL of the MISO Tariff to modify its existing processes with its seams and coordinating partners to include flows resulting from bidirectional External Asynchronous Resources (EARs) in the MISO market flow calculation under the Congestion Management Process. On May 26, 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 MISO'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 MISO'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 MISO's proposed revisions to Attachment LL of the MISO Tariff.

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**E-13 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-1303-000).** On March 24, 2017, Midcontinent Independent System Operator, Inc. (MISO) filed, pursuant to section 205 of the FPA, proposed revisions to Rate Schedule 8 (Seams Operating Agreement Between the Midcontinent Independent System Operator, Inc. and Manitoba Hydro (Seams Operating Agreement)) of its Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff). The proposed revisions, prompted in part by new NERC reliability guidelines, are intended to modify processes with Manitoba Hydro to include flows resulting from bi-directional EARs in MISO's market flow calculation under the Congestion Management Process (CMP). The modified CMPs purportedly align the treatment of export EARs, added for the MISO Balancing Authority in March 2015, with the treatment of import EARs in the MISO market flow. Consistent with NERC compliance requirements, MISO requested an effective date of June 1, 2017. On April 6, 2017, Manitoba Hydro submitted comments in support of the proposed tariff revisions. On May 26, 2017, FERC's Office of Energy Market Regulation issued an Order Accepting and Suspending Filing, Subject to Refund, and Further Commission Order. The Order effectively preserved the rights of the Commission, with a newly established quorum, to render a decision on the justness of the proposed revisions. Agenda item E-13 may be an order accepting the proposed revisions.

**E-14 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-1304-000).** On March 24, 2017, MISO filed, pursuant to section 205 of the FPA, proposed revisions to Rate Schedule 46 (Coordination and Operating Agreement Between the Midcontinent Independent System Operator, Inc. and Minnkota Power Cooperative, Inc. (Coordination Agreement)) of its Tariff. The proposed revisions, prompted in part by new NERC reliability guidelines, are intended to modify processes with Minnkota Power Cooperative to include flows resulting from bi-directional EARs in MISO's market flow calculation under the Congestion Management Process (CMP). The modified CMPs purportedly align the treatment of export EARs, added for the MISO Balancing Authority in March 2015, with the treatment of import EARs in the MISO market flow. Consistent with NERC compliance requirements, MISO requested an effective date of June 1, 2017. On May 26, 2017, FERC's Office of Energy Market Regulation issued an Order Accepting and Suspending Filing, Subject to Refund, and Further Commission Order. The Order effectively preserved the rights of the Commission, with a newly established quorum, to render a decision on the justness of the proposed revisions. Agenda item E-14 may be an order accepting the proposed revisions.

**E-15 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-1305-000).** On March 24, 2017, MISO filed, pursuant to section 205 of the FPA, proposed revisions to Rate Schedule 5 (Joint Operating Agreement Between the Midcontinent Independent System Operator, Inc. and PJM Interconnection, LLC (MISO-PJM JOA)) of its Tariff. The proposed revisions, prompted in part by new NERC reliability guidelines, are intended to modify processes with PJM to include flows resulting from bi-directional EARs in MISO's market flow calculation under the Congestion Management Process (CMP). The modified CMPs purportedly align the treatment of export EARs, added for the MISO Balancing Authority in March 2015, with the treatment of import EARs in the MISO market flow. The proposed revisions are also intended to specify other information sharing obligations and to align the Day-Ahead Energy Market Coordination and the Auction Revenue Rights Allocation/Financial Transmission Rights Coordination (ARR/FTR) with Market-to-Market settlement practice. Consistent with NERC compliance requirements, MISO requested an effective date of June 1, 2017. On May 26, 2017, FERC's Office of Energy Market Regulation issued an Order Accepting and Suspending Filing, Subject to Refund, and Further Commission Order. The Order effectively preserved the rights of the Commission, with a newly established quorum, to render a decision on the justness of the proposed revisions. Agenda item E-15 may be an order accepting the proposed revisions.

**E-16 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-1332-000).** On March 29, 2017, MISO filed, pursuant to section 205 of the FPA, proposed revisions to Rate Schedule 6 (Joint Operating Agreement Between the Midcontinent Independent System Operator, Inc. and Southwest Power Pool, Inc. (MISO-SPP JOA)) of its Tariff. The proposed revisions, prompted in part by new NERC reliability guidelines, are intended to modify processes with SPP to include flows resulting from bi-directional EARs in MISO's market flow calculation under the Congestion Management Process (CMP). The modified CMPs purportedly align the treatment of export EARs, added for the MISO Balancing Authority in March 2015, with the treatment of import EARs in the MISO market flow. The proposed revisions are also intended to add an additional



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notification requirement when either RTO permanently adds or removes a point of interconnection. Consistent with NERC compliance requirements, MISO requested an effective date of June 1, 2017. On May 26, 2017, FERC's Office of Energy Market Regulation issued an Order Accepting and Suspending Filing, Subject to Refund, and Further Commission Order. The Order effectively preserved the rights of the Commission, with a newly established quorum, to render a decision on the justness of the proposed revisions. Agenda item E-16 may be an order accepting the proposed revisions.

**E-17 – PJM Interconnection, L.L.C. (Docket No. ER17-1306-000).** On March 24, 2017, PJM Interconnection L.L.C. (PJM) filed proposed revisions to the Joint Operating Agreement (JOA) between PJM and the Midcontinent Independent System Operator, Inc. (MISO). PJM proposed to modify the JOA to include flows resulting from bi-directional EARs in the baseline Congestion Management Process, to identify additional information sharing responsibilities between PJM and MISO, and to align market to market settlement practices with day-ahead market, auction revenue right and financial transmission rights coordination. On May 26, FERC Staff issued an order accepting the revisions for filing, effective June 1, 2017, subject to refund and further Commission order. Agenda item E-17 may be an order confirming FERC Staff's acceptance of the revisions.

#### **E-18 – Omitted**

**E-19 – Southwest Power Pool, Inc. (Docket No. ER17-1333-000).** On March 29, 2017, Southwest Power Pool, Inc. (SPP) filed proposed revisions to the Joint Operating Agreement (JOA) between SPP and the Midcontinent Independent System Operator, Inc. (MISO). SPP proposed to modify the JOA to include flows resulting from bi-directional EARs in the baseline Congestion Management Process and to specify additional information sharing responsibilities between SPP and MISO. On May 26, 2017, FERC Staff issued an order accepting the revisions for filing, effective June 1, 2017, subject to refund and further Commission order. Agenda item E-19 may be an order confirming FERC Staff's acceptance of the revisions.

**E-20 – Southwest Power Pool, Inc. (Docket No. ER17-520-000).** On December 9, 2016, Southwest Power Pool, Inc. (SPP) submitted proposed modifications to SPP's Open Access Transmission Tariff (Tariff) to specify that all resources that are dispatched to zero by SPP will be exempt from the real-time outage reliability unit commitment make whole payment deviation charge. One party submitted comments and requested that additional flexibility be extended to quick start resources. SPP replied that such a request was beyond the scope of the docket. On February 27, FERC Staff issued an order accepting the revisions for filing, effective March 1, 2017, subject to refund and further Commission order. Agenda item E-20 may be an order confirming FERC Staff's acceptance of the revisions.

**E-21 – Southwest Power Pool, Inc. (Docket Nos. ER17-772-000, ER17-772-001, ER17-772-002).** On January 11, 2017, to comply with Order No. 825's requirements that RTOs and ISOs align certain settlement and dispatch intervals and implement a mechanism to trigger shortage pricing for specified intervals, Southwest Power Pool, Inc. (SPP) submitted revisions to its Open Access Transmission Tariff (Tariff) to address the shortage pricing requirement and noted that its settlement and dispatch intervals were already aligned. The Commission requested further information to determine SPP's compliance with the requirement to settle intertie transactions at the same time intervals in which they are scheduled, or to provide an explanation of why an alternative practice is consistent with or superior to Order No. 825's requirement. SPP responded on March 29, 2017, stating that its interval for scheduling intertie transactions is shorter than the interval for settlement of intertie transactions, but that its practice is superior because it provides additional flexibility for scheduling. Agenda item E-21 may be an order relating to SPP's compliance with Order No. 825.

**E-22 – Alcoa Corporation (Docket No. EL17-34).** On December 22, 2016, Alcoa Corporation (Alcoa) filed a petition for a declaratory order for an exemption under the Public Utility Holding Company Act of 2005. Alcoa became a holding company in 2016 due to the separation of vertically integrated business units into two independent companies, and Alcoa requested an exemption based on the fact that its utility operations are incidental to its manufacturing business. Agenda item E-22 may be a declaratory order granting Alcoa's exemption request.

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**E-23 – Pacific Gas and Electric Company (Docket No. ER16-2320-001).** On July 29, 2016, Pacific Gas and Electric Company (PG&E) submitted proposed revisions to its Transmission Owner Tariff (TO Tariff) to implement a rate increase. Various parties intervened and generally protested the rate increase as unjust, unreasonable, and excessive. On September 30, 2016, the Commission accepted PG&E's proposed rates for filing, suspended them for five months to become effective March 1, 2017, subject to refund, and established hearing and settlement judge procedures to determine certain issues of material fact. In late October 2016, various parties, including the California Public Utilities Commission, filed requests for rehearing regarding the Commission's approval of PG&E's request for a 50 basis point return on equity adder for ongoing membership in the California System Operator Corporation ("CAISO"). On November 28, 2016, the Commission granted rehearing of its September 30th order for the limited purpose of further consideration. Agenda item E-23 may be an order relating to PG&E's approved rate increase.

## Gas

### G-1 – Omitted

**G-2 – Black Marlin Pipeline Company (Docket No. RP17-349-000).** On January 24, 2017, Black Marlin Pipeline Company (Black Marlin) submitted a Petition for Extension of Exemptions from Certain Tariff Provisions. In particular, Black Marlin seeks a two-year renewal of the exemptions initially granted by the Commission on March 1, 2008 and extended on March 1, 2015. Black Marlin ceased providing offshore transportation in 2014 and onshore transportation in 2016, respectively. However, the exemptions are necessary — until Black Marlin either files an abandonment application in the future or pursues a new contract for service — as Black Marlin cannot provide jurisdictional transportation service as directed by Commission policies embedded within the existing Tariff. Agenda item G-2 may be an order on the Petition, granting or denying the requested extension of exemptions.

**G-3 – Texas Eastern Transmission, LP (Docket No. RP17-519-000).** On March 3, 2017, Texas Eastern Transmission, LP (Texas Eastern) submitted a Stipulation and Agreement among itself and its shippers. The Stipulation resolves a true-up of the incurred, but unrecovered, Eligible PCB-Related Costs of Texas Eastern on or after December 1, 1990 and through March 31, 2017. The costs are related to the environmental remediation program implemented by Texas Eastern to address the contamination of its system with polychlorinated biphenyls. During the comment period, a number of shippers filed respective motions to intervene and comments in support of the Stipulation. Agenda item G-3 may be an order on the Stipulation and Agreement submitted by Texas Eastern.

**G-4 – Western Refining Pipeline, LLC (Docket No. OR13-14-002).** On December 16, 2016, Western Refining Pipeline, LLC (Western) submitted a Request to Amend Temporary Waiver of Filing and Reporting Requirements initially granted by the Commission on February 27, 2013 and amended on June 4, 2015. Western provides interstate common carrier transportation by pipeline and the Waiver pertains to new lines under construction to transport crude oil from tankage facilities in New Mexico. Two of the new lines began operations in 2017; the remaining four are in advanced stages of development, and Western states that all are expected to be in service by the end of 2017. On May 9, 2017, Western submitted a supplemental letter indicating that two new lines would be operational prior to the Commission restoring a quorum and committing to file any additional information when agency business resumed in the future. Agenda item G-4 may be an order on the Request filed by Western.

## Hydro

**H-1 – Public Utility District No. 1 of Okanogan County, Washington Docket No. (P-12569-014).** On June 22, 2017, Okanogan Public Utility District No. 1 (Okanogan) requested, pursuant to section 13 of the FPA, a second two-year stay of the commencement and completion of construction deadlines set forth in Article 301 of the Enloe Project License. Citing extensive delays due to litigation related to Okanogan's water rights, Okanogan argues that the requested stays are in the public interest. Numerous comments were submitted by environmental groups and citizen intervenors. Agenda item H-1 may be an order rendering a decision on the requested stays of the commencement and completion of construction deadlines.

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**H-2 – City of Nashua, Iowa (Docket No. P-12628-013).** On February 20, 2016, Dwight Shanak submitted a request for rehearing of the Commission’s January 24, 2017 order denying a request to amend the Operational Monitoring and Compliance Plan and Water Quality Monitoring Plan of the City of Nashua, Iowa to remove dissolved oxygen monitoring criteria. On March 22, 2017 the Commission issued an Order Granting Rehearing for Further Consideration, or tolling order, to afford additional time for consideration of the request for rehearing. Agenda Item H-2 may be an order rendering a decision on the request for rehearing.

**H-3 – Public Utility District No. 2 of Grant County, Washington (Docket No. P-2114-289).** On February 13, 2017, Sunland Estates Homeowners Association (Sunland) filed a request for rehearing of the order issued by the Commission on January 19, 2017. The order approved Public Utility District No. 2 of Grant County’s (Grant PUD) petition for an order granting authority to amend its project boundary to include a residential lot within Sunland. On March 13, 2017, the Commission issued an order granting rehearing for further consideration. Agenda item H-3 may be an order on Sunland’s request for rehearing.

**H-4 – Alcoa Power Generating Inc. (Docket No. P-2197-112); Cube Yadkin Generation LLC (Docket No. P-2197-113).** On January 12, 2017, New Energy Capital Partners, LLC (NEC) and the State of North Carolina respectively filed requests for rehearing of the order issued by the Commission on December 13, 2016. The order approved the transfer of the license for licensed assets of Alcoa Power Generating Inc. (Alcoa) to Cube Yadkin Generation, LLC (the Yadkin Project). However, the approval was not for an annual license, but rather a new license for a 38-year term. NEC contends that an annual license is fundamentally different than a new, long-term license pursuant to the Federal Power Act (FPA). On February 13, 2017, the Commission issued an order granting rehearing for further consideration. Agenda item H-4 may be an order on NEC’s request for rehearing.

**H-5 – Alcoa Power Generating Inc., Cube Yadkin Generation LLC (Docket No. P-2197-110).** On October 24, 2016, NEC, the State of North Carolina, and the City of Salisbury, North Carolina respectively filed requests for rehearing of the orders issued by the Commission on September 22, 2016 and September 30, 2016. The orders issued the License and approval pursuant to Section 203 of the FPA. NEC asserts that the Commission acted without properly contemplating the public interest and the future usage and stewardship of the Yadkin River. Alcoa submitted a response to issues furnished in the City of Salisbury request on November 8, 2016. On November 21, 2016, the Commission issued an order granting rehearing for further consideration. On November 23, 2016, the City of Salisbury filed a response to the Alcoa response. Agenda item H-5 may be an order on NEC’s request for rehearing.

**H-6 – Public Utility District No. 2 of Grant County, Washington (Docket No. P-2114-286; P-2114-287).** On October 17, 2016 and October 18, 2016, several unaffiliated individuals respectively filed requests for rehearing of the order issued by the Commission on September 21, 2016. The order granted partial approval to the Grant PUD Recreation Resources Management Plan. The requests for rehearing seek clarification on the environmental impacts of the plan and potential Commission action to reconsider the initial order. On November 14, 2016, the Commission issued an order granting rehearing for further consideration. Agenda item H-6 may be an order on the various requests for rehearing.

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