

Energy, Infrastructure, Project and Asset Finance

Summary of FERC Meeting Agenda

May 2014

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's May 15, 2014 meeting, pursuant to the agenda as issued on May 8, 2014. Agenda item H-2 has not been summarized as it was omitted from the agenda.

Administrative Items

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

This administrative docket addresses Agency Business Matters.

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

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

A-3: Docket No. AD07-13-006

This administrative docket is the Energy Market and Reliability Assessment.

Electric Items

E-1: South Carolina Electric & Gas Company, Docket Nos. ER13-107-003,-005

This docket involves South Carolina Electric & Gas Company's (SCE&G) Order No. 1000 (*Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*) Open Access Transmission Tariff (OATT) filings. On October 16, 2013, SCE&G submitted a compliance filing pursuant to an April 18, 2013 Order on Compliance Filing that accepted SCE&G's initial Order No. 1000 OATT filing subject to a further compliance filing. Parties filed for rehearing of the April 18 Order. Agenda item E-1 may be an order on rehearing and/or SCE&G's compliance filing.



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

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E-2: Midwest Independent Transmission System Operator, Inc. and the MISO Transmission Owners, Docket Nos. ER13-187-002, -003, -004, ER13-186-001; MidAmerican Energy Company and Midwest Independent Transmission System Operator, Inc., Docket Nos. ER13-89-001, -002; American Transmission Company LLC and Midwest Independent Transmission System Operator, Inc., Docket Nos. ER13-101-002, -003; Cleco Power LLC, Docket No. ER13-84-001; and Entergy Arkansas, Inc., Docket No. ER13-95-001

These dockets involve the parties' Order No. 1000 OATT filings. On July 22, 2013, the above-named parties submitted compliance filings pursuant to a March 22, 2013 Order on Compliance Filings and Tariff Revisions that accepted their initial OATT filings subject to a further compliance filing. Parties filed for rehearing of the March 22 Order. Agenda item E-2 may be an order on rehearing and/or the compliance filings.

E-3: PJM Interconnection, L.L.C., Docket Nos. ER13-198-001, -002; Indicated PJM Transmission Owners, Docket No. ER13-195-001; PJM Interconnection, L.L.C. and Public Service Electric and Gas Company, Docket Nos. ER13-90-001, -002

These dockets involve the parties' Order No. 1000 OATT filings. On July 22, 2013, the above-named parties submitted compliance filings pursuant to a March 22, 2013 Order on Compliance Filings that accepted the initial OATT filings subject to a further compliance filing. Parties filed for rehearing of the March 22 Order. Agenda item E-3 may be an order on rehearing and/or the compliance filings.

E-4: Maine Public Service Company, Docket Nos. ER13-85-001, -002, ER13-1909-000

This docket involves Maine Public Service Company's (MPSC) Order No. 1000 OATT filings. On May 21, 2013, MPSC submitted a compliance filing pursuant to a February 21, 2013 Order on Compliance Filing that accepted MPSC's initial Order No. 1000 OATT filing subject to a further compliance filing. Parties filed for rehearing of the April 18 Order. Agenda item E-4 may be an order on rehearing and/or MPSC's compliance filing.

E-5: Terra-Gen Dixie Valley, LLC, Docket Nos. ER11-2127-003, -004, EL11-37-001; Terra-Gen Dixie Valley, LLC, TGP Dixie Development Company, LLC and New York Canyon, LLC, Docket No. EL10-29-003; Green Borders Geothermal, LLC v. Terra-Gen Dixie Valley, LLC, Docket No. EL10-36-003

These dockets involve the "Dixie Valley Line" being developed by Terra-Gen Dixie Valley, LLC and two of its affiliates, TGP Dixie Development Company, LLC, and New York Canyon, LLC (together, Terra-Gen) and a request for transmission service on the Dixie Valley Line by Green Borders Geothermal, LLC. Terra-Gen had

requested priority access rights to existing and future planned expansion transmission capacity on the Dixie Valley Line, and on September 16, 2010, the Commission issued an order that required Terra-Gen to file an OATT as a result of a valid transmission service request by Green Borders and only partially granted Terra-Gen's request for priority access rights. Terra-Gen submitted its proposed OATT and amended compliance filings in the dockets, and requests for rehearing were filed. Agenda item E-5 may be an order on rehearing and/or Terra-Gen's compliance filings.

E-6: Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities, Docket No. RM14-11-000

This is a newly established rulemaking docket.

E-7: Southern Cross Transmission LLC and Pattern Power Marketing LLC, Docket No. TX11-1-001

On February 20, 2014, Southern Cross Transmission LLC (SCT) and Pattern Power Marketing LLC (PPM) submitted final, unexecuted interconnection agreements between (1) Oncor Electric Delivery Company LLC (Oncor) and Garland Power & Light Company (Garland) and (2) Garland and SCT, in compliance with a December 15, 2011 Proposed Order Directing Interconnection and Transmission Service and Conditionally Approving Settlement Agreement. SCT also filed a final, executed offer of settlement among SCT, PPM, Garland, Oncor and CenterPoint Energy Houston Electric, LLC (CEHE). Agenda item E-7 may be an order on the interconnection agreements and/or the settlement agreement.

E-8: Gregory and Beverly Swecker v. Midland Power Cooperative, Docket Nos. EL14-9-000, QF11-424-002; Gregory and Beverly Swecker v. Midland Power Cooperative and Central Iowa Power Cooperative, Docket No. EL14-18-000

On November 3, 2013, amended December 4, 2013, Gregory and Beverly Swecker filed a Petition for Enforcement requesting the Commission order Midland Power Cooperative to interconnect and purchase the excess power made available by a new wind turbine owned by the Sweckers. The Sweckers allege Midland has refused to interconnect and enter into a power purchase agreement pursuant to the QF purchase requirements set forth in the Public Utility Regulatory Policies Act (PURPA). Further, on January 10, 2014, the Sweckers filed a Petition for Enforcement requesting the Commission to exercise its authority and initiate enforcement action against Midland and Central Iowa Power Cooperative (CIPCO) for payment of excess electric energy and capacity delivered to Midland at Midland and/or CIPCO's full avoided costs rates. Agenda item E-8 may be an order on the Petitions for Enforcement.

Miscellaneous Items

M-1: Electronic Tariff Filings, Docket No. RM01-5-001

This is a newly established sub-docket under the Commission's Order No. 714, *Electronic Tariff Filings*, docket.

M-2: BP America Inc., BP Corporation North America Inc., BP America Production Company, BP Energy Company, Docket No. IN13-15-000

On August 5, 2013, the Commission issued an Order to Show Cause to BP America Inc., BP Corporation North America Inc., BP America Production Company and BP Energy Company (together, BP) why they should not be found to have violated section 1c.1 of the Commission's regulations and section 4A of the Natural Gas Act by manipulating the next-day, fixed-price gas market at the Houston Ship Channel from mid-September 2008 through November 30, 2008. The August 5 order directed BP to show cause why it should not be assessed a civil penalty in the amount of US\$28 million and disgorge US\$800,000 plus interest, or a modification to these amounts as warranted. BP responded to the Order to Show Cause on October 4, 2013. Agenda item M-2 may be a final order.

Gas Items

G-1: North Dakota Pipeline Company LLC, Docket No. OR14-21-000

On February 12, 2014, North Dakota Pipeline Company, LLC filed a petition requesting a declaratory order approving the general tariff rate and service structure and apportionment principles for its revised Sandpiper Project to move Bakken crude to an interconnection with the Lakehead System at Superior, WI. Agenda item G-1 may be an order on the request for declaratory order.

G-2: Columbia Gas Transmission, LLC, Docket No. RP14-393-000

On January 24, 2014, Columbia Gas Transmission LLC (Columbia Gas) filed a settlement between Columbia and the former customers of Commonwealth Gas Pipeline Corporation (Commonwealth), Columbia Gas of Virginia, Inc., (CGV), the City of Richmond, Virginia (COR) and Virginia Natural Gas, Inc. (VNG) (collectively, Commonwealth Customers) regarding the restructuring of historic non-conforming service agreements

between Columbia and the Commonwealth Customers that stem from Columbia's 1990 acquisition of facilities through merger with Commonwealth. The settlement clarifies the various parties' rights and obligations related to 54,632 dekatherms per day of capacity on the Commonwealth facilities. Agenda item G-2 may be an order on the settlement.

G-3: Tennessee Gas Pipeline Company, L.L.C., Docket Nos. RP12-514-002, RP11-1566-014, RP11-2066-003

On October 17, 2013, the Commission issued an Order on Technical Conference and Denying Rehearing that approved Tennessee Gas Pipeline Company, L.L.C.'s (Tennessee) *pro forma* tariff records to modify the secondary in-the-path scheduling priority provisions of Tennessee's FERC Gas Tariff and denied rehearing of a previous related order. Parties filed for rehearing of the October 17 order. Agenda item G-3 may be an order on rehearing.

Hydro Items

H-1: Christopher M. Anthony, Docket No. P-6618-007

On February 7, 2014, the Commission initiated a revocation of exemption proceeding regarding the Frankfort Project located in Waldo County, Maine. The project's exemption from licensing was granted on September 20, 1982. The Commission found Christopher M. Anthony (the exemptee) has failed to comply with terms and conditions set by the US Fish and Wildlife Service and the state of Maine for designing, constructing and operating fish passage facilities at the project. Mr. Anthony and his agent (his son) have protested the revocation. Agenda item H-1 may be an order on the revocation of exemption.

H-3: Appalachian Power Company, Docket No. P-1290-013

On January 31, 2014, the Commission issued a new major license to Appalachian Power Company (Appalachian) to continue operation and maintenance of the Winfield Hydroelectric Project located at the US Army Corps of Engineers (Corps) Winfield dam located on the Kanawha River in Putnam County, West Virginia. Appalachian filed for rehearing of the January 31 order regarding the inclusion of one substation at the Project site as a "project work" of the Project. Agenda item H-3 may be an order on rehearing.

Certificate Item

C-1: Arlington Storage Company, LLC, Docket No. CP13-83-000

On February 26, 2013, Arlington Gas Storage Company, LLC (Arlington) filed for authorization to convert two existing salt caverns, previously used for propane storage, to natural gas storage at its Seneca Lake Storage facility in Schuyler County, New York. The conversion of the caverns to natural gas storage would add 0.55 billion cubic feet (Bcf) of working gas capacity, and 0.20 Bcf of base gas capacity to the Seneca Lake Storage facility, increasing the total working gas capacity from 1.45 Bcf to 2.0 Bcf. An Environmental Assessment of the project was made available on September 13, 2013. Agenda item C-1 may be an order on Arlington's request for authorization.

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