

FERC

Meeting Agenda Summary

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's February 15, 2018 meeting, pursuant to the agenda as issued on February 8, 2018.

Electric

E-1 – Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators; Electric Storage Participation in Regions with Organized Wholesale Electric Markets (Docket Nos. RM16-23-000, AD16-20-000). On November 17, 2016, the Commission issued a notice of proposed rulemaking (NOPR) proposing to amend its regulations to eliminate barriers to the participation of electric storage resources and distributed energy resource aggregators in the capacity, energy, and ancillary service markets operated by independent system operators (ISO) and regional transmission organizations (RTO). Pursuant to section 206 of the Federal Power Act (FPA), the Commission specifically proposed to require each ISO and RTO to make tariff revisions to, *inter alia*, (1) establish market rules to accommodate the participation of electric storage resources and (2) classify distributed energy resource aggregators as a type of market participant that can participate in wholesale electric markets. Numerous entities provided comments in response to the Commission's NOPR and requests for information. Agenda item E-1 may be an order on the NOPR.

E-2 – Essential Reliability Services and the Evolving Bulk-Power System–Primary Frequency Response (Docket No. RM16-6-000). On February 18, 2016, the Commission issued a Notice of Inquiry (NOI) seeking comment on the need for regulatory reform regarding the provision and compensation of primary frequency response. On August 18, 2017, the Commission issued a request for supplemental comments related to the costs associated with primary frequency response capabilities for small generating facilities, and whether and when electric storage resources should be required to provide primary frequency response. Numerous entities provided comments in response to the Commission's request. Agenda item E-2 may be an order on the NOI and the Commission's requests for comments.

E-3 – Pacific Gas and Electric Company (Docket Nos. ER17-2536-000, ER17-2536-001). On September 21, 2017, at the request of the Port of Oakland (Oakland), Pacific Gas and Electric Company (PG&E)

submitted for filing and acceptance an unexecuted Interconnection Agreement (IA) between PG&E and Oakland, designated as Service Agreement No. 347 under PG&E's Transmission Owner Tariff, FERC Electric Tariff Volume No. 5. Agenda item E-3 may be an order on the IA filing.

E-4 – Monongahela Power Company, Potomac Edison Company, West Penn Power Company, AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., AEP West Virginia Transmission Company, Inc., Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company, Commonwealth Edison Company, Commonwealth, Edison Company of Indiana, Inc., Dayton Power and Light Company, Virginia Electric and Power Company, Public Service Electric and Gas Company, PECO Energy Company, PPL Electric Utilities Corporation, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, Atlantic City Electric Company, Delmarva Power & Light Company, UGI Utilities Inc., Allegheny Electric Cooperative, Inc., CED Rock Springs, LLC, Old Dominion Electric Cooperative, Rockland Electric Company, Duquesne Light Company, Neptune Regional Transmission System, LLC, Trans-Allegheny Interstate Line Company, Linden VFT, LLC, American Transmission Systems, Incorporated City of Cleveland Department of Public Utilities Division of Cleveland Public Power, Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., City of Hamilton, Ohio, Hudson Transmission Partners, LLC, East Kentucky Power Cooperative, Inc., City of Rochelle, ITC Interconnection LLC, PJM Interconnection, L.L.C. (Docket Nos. EL16-71-000, ER17-179-000). On August 26, 2016, pursuant to section 206 of the FPA, the Commission issued an order instituting an investigation into whether the PJM Transmission Owners are complying with their Order No. 890 obligations (August 26 Order). The Commission stated it was "concerned that, as implemented, the transmission planning process governed by the PJM Operating Agreement is not providing stakeholders with the opportunity for early and meaningful input and participation in the transmission planning process, as required by Order No. 890." The August 26 Order directed the PJM Transmission owners to propose Order No. 890 complying revisions to the PJM Operating Agreement, revise the PJM Open Access Transmission Tariff (PJM OATT) or their individual Open Access Transmission Tariffs (individual OATTs) to be Order No. 890 compliant, or show cause as to why the Commissions directives are not required. On October 25, 2016, the PJM Transmission owners submitted their response to the Commission's directive from the August 26 Order. Agenda item E-4 may be an order regarding the PJM Transmissions Owners' compliance with their Order No. 890 obligations.

E-5 – GridLiance West Transco LLC (Docket No. ER17-706-001). On August 17, 2017, the Commission issued an order (August 17 Order) granting incentive rate treatments requested by GridLiance West Transco LLC (GridLiance West) for the facilities GridLiance West is seeking to acquire from Valley Electric Transmission Association, LLC. The August 17 Order also set the Transmission Owner Tariff, formula rate template, implementation protocols, and projected cost of service proposed by GridLiance West for hearing and settlement judge procedures. On September 18, 2017, GridLiance West requested rehearing of the August 17 Order arguing, *inter alia*, that the August 17 Order set for hearing GridLiance West's proposed 60 percent equity/40 percent debt actual capital structure, even though the Commission summarily approved similar capital structure requests from similar transmission owning entities without hearing. Agenda item E-5 may be an order on the request for rehearing and the hearing and settlement judge procedures.

E-6 – Uniper Global Commodities North America LLC (Docket No. ER16-262-001). On September 6, 2017, Uniper Global Commodities North America LLC (UGCNA) submitted a notice of change in status to inform the Commission of a change in affiliation resulting from a transaction that consummated in late 2016 affecting the upstream ownership of UGCNA. On November 13, 2017, the Commission issued a deficiency letter. Agenda item E-6 may be an order regarding UGCNA's notice of change in status.

E-7 – Deseret Generation & Transmission Co-operative, Inc. (Docket No. ER16-2186-000). On July 13, 2016, Deseret Generation & Transmission Co-operative, Inc. (Deseret) submitted its Market-Based Triennial Review and Updated Market Power Analysis in support of its continued authority to sell energy and capacity and market-based rates pursuant to its market-based rate tariff. On September 12, 2016, EP Energy E&P Company, L.P. (EP Energy) asserting that Deseret holds market power with respect to sales it makes to

members for delivery to captive customers, such as EP Energy, and that Deseret's market-based rate authority should be revoked or limited with respect to such sales. Agenda item E-7 may be an order regarding Deseret's market-based rate authority.

E-8 – Public Service Company of New Hampshire (Docket No. ER18-465-000). On December 15, 2017, Public Service Company of New Hampshire d/b/a Eversource Energy (PSNH), submitted a request for a limited waiver of Section III.13.4.2.1.3(a) of the ISO New England, Inc. (ISO-NE) Transmission, Markets, and Services Tariff (ISO-NE Tariff). Specifically, PSNH requests the limited waiver as necessary to have the submission of its Restoration Plan for the Lost Nation generating unit deemed timely when it was submitted one day after the deadline established under the ISO-NE Tariff. Agenda item E-8 may be an order on PSNH's request for a limited waiver.

E-9 – Public Service Company of Colorado (Docket No. ER18-164). On October 25, 2017, Public Service Company of Colorado (PSCo) submitted for Commission approval a Stipulation and Offer of Settlement between PSCo and Tri-State Generation and Transmission Association (Tri-State) to resolve certain issues with respect to disputed billings for services under the Xcel Energy Operating Companies Open Access Transmission Tariff (Xcel Energy Tariff). Agenda item E-9 may be an order regarding PSCo's Stipulation and Offer of Settlement with Tri-State.

E-10 – Midcontinent Independent System Operator, Inc. (Docket No. ER17-2495-000). On October 21, 2016, Midcontinent Independent System Operator, Inc. (MISO) submitted, pursuant to Section 205 of the Federal Power Act (FPA), proposed revisions to its Generator Interconnection Procedures (GIP) and its *pro forma* Generator Interconnection Agreement (GIA) contained in Attachment X of the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (MISO Tariff). On January 3, 2018, the Commission issued an order accepting MISO's proposed revisions to the MISO Tariff, subject to condition, and directed MISO to make certain revisions to the MISO Tariff. On March 6, 2017, as directed by the Commission in its January 3 Order, MISO submitted a compliance filing with proposed revisions to the MISO Tariff to address the Commission's directives. Agenda item E-10 may be an order on MISO's compliance filing and proposed revisions to the MISO Tariff.

E-11 – New York Independent System Operator, Inc. (ER13-102-009; ER13-102-010; ER13-102-011). On October 11, 2012, the New York Independent System Operator (NYISO) and a diverse group of New York Transmission Owners jointly submitted revisions to Attachment Y of the NYISO to comply with the transmission planning and cost allocation requirements of Order No. 1000 (Initial Compliance Filing). On April 18, 2013, the Commission issued an order which accepted the Initial Compliance Filing, subject to further compliance filing. The NYISO and New York Transmission Owners submitted four rounds of compliance filings to comply with subsequent Commission directives. On March 22, 2016, the NYISO submitted an additional compliance filing to fulfill the directives in the Commission's December 23, 2015 Order (December Order) Accepting Tariff Revisions and Requiring Further Compliance (March Compliance Filing). The March Compliance Filing includes, *inter alia*, revisions that propose 1) a new transmission interconnection process located in Attachment P of the OATT with uniform procedures, specific to transmission, that purportedly ensure that all Order No. 1000 projects, whether proposed by incumbent Transmission Owners or non-incumbent Transmission Developers, go through the same interconnection process, 2) revisions to the *pro forma* Reliability Development Agreement that purportedly address the Commission's directives in the December Order including, but not limited to, those that require the responsible Transmission Owner to execute the Reliability Development Agreement when its regulated backstop transmission solution to a reliability need is selected as the more efficient or cost-effective solution or is triggered to proceed in parallel with a selected alternative regulated transmission solution, 3) a new *pro forma* Public Policy Development Agreement, and conforming revisions to Attachment Y, to fulfill the Commission's directive to develop an agreement for the Public Policy Transmission Planning Process, and 4) a new *pro forma* NYISO Operating Agreement that is comparable to the existing ISTO/TO agreement and purportedly satisfies the Commission's directive that the Operating Agreement address enrollment of new Transmission Owners in the ISO in a manner that is not unduly discriminatory and preferential. On September 13, 2016, the NYISO again submitted a compliance filing to fulfill the directives in the Commission's December Order (September Compliance Filing) and the requirements of Order No. 1000. The September Compliance Filing includes, *inter*

alia, revisions that propose 1) revisions to the OATT and Services Tariff to use a singular definition of Transmission Owner that would apply to all owners of transmission whether incumbent or non-incumbent, 2) revisions to the Reliability Planning Process contained in Attachment Y of the OATT that would ensure comparable treatment between new Transmission Owners and existing Transmission Owners, and 3) revisions to the OATT to capture the existence of Operating Agreements that govern the rights and responsibilities of new Transmission Owners. Agenda Item E-11 may be an order addressing the compliance filings.

E-12 – New York Independent System Operator, Inc. (ER15-2059-002, ER13-102-008). On October 11, 2012, the New York Independent System Operator (NYISO) and a diverse group of New York Transmission Owners jointly submitted revisions to Attachment Y of the NYISO to comply with the transmission planning and cost allocation requirements of Order No. 1000 (Initial Compliance Filing). The procedural history of this proceeding is described in Agenda Item E-11. On January 22, 2016, the New York Transmission Owners filed a Request for Rehearing of the Commission's December Order. Agenda Item E-12 may be an order addressing the Request for Rehearing.

E-13 – Michigan Electric Transmission Company, LLC (EC18-21-000). On November 17, 2017, Michigan Electric Transmission Company, LLC (METC) submitted, pursuant to section 203 of the Federal Power Act, an application requesting all authorizations and approvals necessary for the acquisition of assets. METC proposes to acquire from the City of Holland, Board of Public Works all of the assets it owns at the Black River Substation located in Holland, Michigan. Agenda Item E-13 may be an order approving the application.

E-14 – Piedmont Municipal Power Agency v. Duke Energy Carolinas, LLC (EL17-83-000). On August 10, 2017, Piedmont Municipal Power Agency submitted, pursuant to section 206 and 306 of the Federal Power Act, a Complaint and Motion for Summary Disposition (Complaint) alleging that Duke Energy Carolinas, LLC has assessed and collected charges that violate a service agreement on file with the Commission, thus violating the filed rate doctrine. Agenda Item E-14 may be an order addressing the Complaint.

E-15 – Franklin Energy Storage One, LLC, et. al. (EL18-50-000, QF17-581-001, QF17-582-001, QF17-583-002, QF17-584-001). On December 14, 2017, Franklin Energy Storage One, LLC, Franklin Energy Storage Two, LLC, Franklin Energy Storage Three, LLC, Franklin Energy Storage Four, LLC (collectively, the Franklin Energy Storage Facilities) submitted, pursuant to Rule 207 of the Commission's Rules of Procedure, a petition for a declaratory order finding that certain orders of the Idaho Public Utilities Commission (IPUC) are inconsistent with the Public Utilities Regulatory Policies Act of 1978 (PURPA). The Franklin Energy Storage Facilities also petitioned the Commission, pursuant to section 210(h) of PURPA, to initiate an enforcement action against the IPUC. Numerous parties submitted comments both in support of and opposing the petition for declaratory order. Agenda Item E-15 may be an order responding to the petition for declaratory order and the petition to initiate an enforcement action.

Miscellaneous

M-1 – Withdrawal of Pleadings (RM18-7-000). Docket RM18-7 is a new docket.

Gas

G-1 – Permian Express Terminal LLC and Permian Express Partners LLC (Docket No. OR18-2-000). On October 27, 2017, Permian Express Terminal LLC (PET) and Permian Express Partners LLC (PEP) filed a Petition for Declaratory Order relating to the proposed Permian Express 3 pipeline. The filing seeks approval for specific rate structures, terms of service, and prorationing methodology. PET and PEP assert the proposed pipeline would establish necessary additional crude oil pipeline capacity, transporting the oil from Midland, Texas to the hub located in Nederland, Texas. Agenda item G-1 may be an order on the Petition for Declaratory Order submitted by PET and PEP.

G-2 – Chesapeake Energy Marketing, L.L.C. and Territory Resources LLC (Docket No. RP18-354-000). On January 16, 2018, Chesapeake Energy Marketing, L.L.C. (CEM) and Territory Resources LLC (Territory

Resources) filed a Petition for Limited Waiver and Request for Expedited Action regarding the capacity release provisions in the tariffs of Enable Gas Transmission, LLC (EGT) and Midcontinent Express Pipeline LLC (MEP). CEM seeks to release and permanently assign specific portions of its transportation capacity on EGT and MEP to Territory Resources. In the interest of consummating a transaction among the affiliates of CEM and Territory, the applicants requested expedited Commission action in contemplating this filing. Agenda item G-2 may be an order on the Petition for Limited Waiver and Request for Expedited Action submitted by CEM and Territory Resources.

G-3 – Alliance Pipeline L.P. (Docket Nos. RP15-1022-010, RP16-581-004 (consolidated) and Docket Nos. RP16-292-004, RP16-240-003, RP16-986-001, RP16-1045-001). On July 7, 2016, Alliance Pipeline L.P. (“Alliance”) submitted an offer of settlement regarding tariff revisions to resolve issues relating to rates, authorized overrun service, and gas processing. Comments in opposition to Alliance’s filing were submitted by Badlands NGLs, LLC (“Badlands”). The presiding judge issued a certification of contested settlement, and on December 15, 2016, FERC remanded the gas processing issues for hearing, finding that genuine issues of material fact remained regarding the gas processing arrangement. On January 17, 2017, Alliance requested rehearing of FERC’s December 15, 2016 order, and FERC granted rehearing for further consideration. Alliance filed a motion requesting expedited action on its rehearing request on November 17, 2017, and Badlands filed an answer in opposition to the request for expedited action. Agenda item G-3 may be an order relating to the gas processing issues.

Hydro

H-1 – Confederated Salish and Kootenai Tribes Energy Keepers, Incorporated (Docket No. P-5-103). On May 28, 2015, Flathead, Mission and Jocko Valley Irrigation Districts and the Flathead Joint Board of Control of the Flathead, Mission, and Jocko Valley Irrigation Districts (“Districts/FJBC”) requested a hearing with FERC regarding whether the co-licensees for Kerr Hydroelectric Project No. 5 (“Project”), the Confederated Salish and Kootenai Tribes/Energy Keepers (“Tribes/Energy Keepers”), must make any part of the Project output available to the United States, for and on behalf of Districts/FJBC, and if so, on what terms and conditions. On September 17, 2015, FERC granted the request. After settlement judge procedures failed, the hearing was conducted June 7-8, 2016. On December 29, 2016, the presiding Administrative Law Judge issued an initial decision in the proceeding, finding that the Tribes/Energy Keepers have no legal obligation to make any part of the Project output available to the United States, for and on behalf of Districts/FJBC, at any price. The parties and FERC trial staff have submitted various briefs relating to the initial decision. Agenda item H-1 may be a final decision in the proceeding.

H-2 – Boyce Hydro Power, LLC (Docket No. P-10808-058). This may be a new sub-docket or a typo in the Agenda.

H-3 – Boyce Hydro Power, LLC (Docket No. P-10808-056). On November 20, 2017, FERC issued an order to cease generation at the Edenville Project No. 10808 (“Project”), which required Boyce Hydro Power, LLC (“BHP LLC”) to cease generation at the Project by November 27, 2017. On December 1, 2017, BHP LLC filed an emergency motion for a stay of the November 20 order, and on December 20, 2017, BHP LLC timely filed a request for rehearing of the November 20 order. On January 19, 2018, FERC granted rehearing for further consideration. Agenda item H-3 may be a final order in the proceeding.

H-4 – Caron Tahoe Energy, LLC (Docket No. CD18-1-001). On October 10, 2017, Caron Tahoe Energy, LLC (“CTE”) submitted an application for a qualifying conduit exemption to operate a small hydroelectric facility, pursuant to the requirements of Section 30(a) of the Federal Power Act and Section 4 of the Hydropower Regulatory Efficiency Act of 2013. On October 19, 2017, FERC rejected the application, finding that the proposed project would not serve any consumptive use. CTE requested rehearing of the October 19 rejection letter, and on December 13, 2017, FERC granted rehearing for further consideration. Agenda item H-4 may be a final order in the proceeding.

Certificates

C-1 – LA Storage, LLC (Docket No. CP08-454-000). On July 31, 2008, LA Storage, LLC (LA Storage) d/b/a Liberty Gas Storage, LLC filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity (CPCN) to construct new natural gas storage facilities located in Louisiana, comprised of three existing salt dome caverns and one new salt dome cavern, along with attendant pipeline and appurtenant facilities. An order issuing the CPCN on June 3, 2009; LA Storage accepted the certificate on June 29, 2009. LA Storage filed several requests for extension of time in order to complete and place the proposed project facilities into service, all of which were granted by the Commission. On June 29, 2017, LA Storage filed a motion to vacate the CPCN, citing that the final deadline for construction and service has passed, and the CPCN authorization has expired. Agenda item C-1 may be an order on the motion to vacate the CPCN submitted by LA Storage.

C-2 – WBI Energy Transmission, Inc. (Docket No. CP17-257-000). On April 26, 2017, WBI Energy Transmission, Inc. (WBI Energy) filed an abbreviated application pursuant to section 7(c) of the NGA for a CPCN. The application seeks Commission approval to construct, install, and operate natural gas pipeline interconnect facilities, compressor stations, and a regulator station, located in North Dakota. The proposed Valley Expansion Project would provide additional natural gas supplies to existing and new customers in eastern North Dakota and western Minnesota. On September 20, 2017, the Commission issued the Environmental Assessment finding that the Valley Expansion Project, implementing mitigating measures, would not constitute a major federal action with significant impact to the human environment. Agenda item C-2 may be an order on the abbreviated application for a CPCN submitted by WBI Energy.

C-3 – Texas Eastern Transmission, LP (Docket No. CP17-468-000). On June 30, 2017, Texas Eastern Transmission, LP (Texas Eastern) filed an abbreviated application pursuant to section 7(c) of the NGA for a CPCN. The application seeks Commission approval relating to its proposed Marshall County Mine Panel 18W Project (Marshall County Project) located in West Virginia. Texas Eastern aims to bolster longwall mining activities at the project location scheduled for October 2018, requiring authorization to excavate, elevate, and replace specific sections of four pipelines and appurtenant facilities. On December 21, 2017, the Commission issued the Environmental Assessment finding that the Marshall County Project, implementing mitigating measures, would not constitute a major federal action with significant impact to the human environment. Agenda item C-3 may be an order on the abbreviated application for a CPCN submitted by Texas Eastern.

C-4 – Southern Natural Gas Company, L.L.C. (Docket No. CP17-46-000). On February 3, 2017, Southern Natural Gas Company, LLC (SNG) filed an application pursuant to section 7(c) of the NGA for a CPCN. The application seeks Commission approval relating to its proposed Fairburn Expansion Project located in Georgia. The project entails the construction of a new pipeline lateral, acquiring an existing pipeline lateral, and constructing new compressor and meter stations. On August 18, 2017, the Commission issued the Environmental Assessment finding that the Fairburn Expansion Project would not constitute a major federal action with significant impact to the human environment. Agenda item C-4 may be an order on the application for a CPCN submitted by SNG.

C-5 – Texas Eastern Transmission, LP (Docket Nos. CP15-499-000, CP15-499-001); Pomelo Connector, LLC (Docket No. CP17-26-000). On May 22, 2015, Texas Eastern Transmission, LP (Texas Eastern) filed an application pursuant to section 7(c) of the NGA to construct and operate its proposed South Texas Expansion Project located in Texas. Through this project, Texas Eastern seeks to build a new compressor unit and modify existing compressor stations in order to increase firm capacity to downstream customers. On December 30, 2016, Texas Eastern filed an amendment to its application, requesting authorization to construct new gas release measurement equipment, acquire capacity on the proposed pipeline of Pomelo Connector, LLC, and change the capacity and in-service date of the project (from May 1, 2017 to October 1, 2018). On September 18, 2017, the Commission issued the Environmental Assessment — for the South Texas Expansion Project and now including the Pomelo Project — finding that the proposed action, accompanied by mitigating measures, would not constitute a major federal action with significant impact to the human environment. Agenda item C-5 may be an order on the application for authorization submitted by Texas Eastern.

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