

FERC

Meeting Agenda Summary

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's July 21, 2016 meeting, pursuant to the agenda as issued on July 14, 2016. Agenda items E-6, E-19, E-21 and E-22 have not been summarized due to omission from the agenda.

Electric

E-1 – Southwest Power Pool, Inc. (Docket No. ER12-959-007). Agenda item E-1 may be an order related to a new sub docket regarding Tri-County Electric Cooperative, Inc. formula rates.

E-2 – Southwest Power Pool, Inc. (Docket No. ER16-791-000). On January 27, 2016, Southwest Power Pool, Inc. (SPP) filed revisions to its Open Access Transmission Tariff (Tariff) under section 205 of the Federal Power Act (FPA) and Part 35 of the Commission's regulations. The proposed Tariff revisions govern the distribution of revenues received by SPP from Midcontinent Independent System Operator, Inc. (MISO) and NRG Energy, Inc. (NRG) under a Settlement Agreement accepted by the Commission in Docket No. ER14-1174-000, *et al.* On March 25, 2016, the Commission issued an order accepting in part, and rejecting in part, SPP's proposed revisions. The March order suspended the proposed revisions accepted by the Commission for a nominal period, to become effective February 1, 2016, subject to refund. The March order also established hearing and settlement judge procedures. Agenda item E-2 may be an order on the hearing and settlement judge procedures.

E-3 – Southwest Power Pool, Inc. (Docket No. EL16-91-000). Agenda item E-3 may initiate a new proceeding regarding SPP.

E-4 – Association of Businesses Advocating Tariff Equity, Coalition of MISO Transmission Customers, Illinois Industrial Energy Consumers, Indiana Industrial Energy Consumers, Inc., Minnesota Large Industrial Group, and Wisconsin Industrial Energy Group v. Midcontinent Independent System Operator, Inc., ALLETE, Inc., Ameren Illinois Company, Ameren Missouri, Ameren Transmission Company of Illinois, American Transmission Company LLC, Cleco Power LLC, Duke Energy Business Services, LLC, Entergy Arkansas, Inc., Entergy Gulf States Louisiana, LLC, Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., Indianapolis Power & Light

Company, International Transmission Company, ITC Midwest LLC, Michigan Electric Transmission Company, LLC, MidAmerican Energy Company, Montana-Dakota Utilities Co., Northern Indiana Public Service Company, Northern States Power Company-Minnesota, Northern States Power Company-Wisconsin, Otter Tail Power Company, and Southern Indiana Gas & Electric Company (Docket No. EL14-12-001). On November 12, 2013, the Association of Business Advocating Tariff Equity et al. (collectively, the Complainants) filed a complaint pursuant to Section 206 of the Federal Power Act (FPA) against Midcontinent System Operator, Inc. (MISO), as tariff administrator, and ALLETE, Inc. et al. (collectively, the MISO Transmission Owners) requesting the Commission to reduce the Base return on equity (ROE) used by the MISO Transmission Owners from 12.38 percent to 9.15 percent or, in the alternative, to set the matter for hearing and settlement procedures. On October 16, 2014, the Commission issued an order setting the matter for hearing and settlement procedures. On or around November 17, 2014, certain Complainants and MISO Transmission Owners filed requests for rehearing, or, in the alternative, requests for clarification of the Commission's October 16 Order. Agenda item E-4 may be an order on the requests for rehearing and/or clarification of the Commission's October 16 Order.

E-5 – Arkansas Electric Cooperative Corporation, Mississippi Delta Energy Agency, Clarksdale Public Utilities Commission Public Service Commission of Yazoo City, and Hoosier Energy Rural Electric Cooperative, Inc. v. ALLETE, Inc., Ameren Illinois Company, Ameren Missouri, Ameren Transmission Company of Illinois, American Transmission Company LLC, Cleco Power LLC, Duke Energy Business Services, LLC, Entergy Arkansas, Inc., Entergy Gulf States Louisiana, LLC, Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., Indianapolis Power & Light Company, International Transmission Company, ITC Midwest LLC, Michigan Electric Transmission Company, LLC, MidAmerican Energy Company, Montana-Dakota Utilities Co., Northern Indiana Public Service Company, Northern States Power Company-Minnesota, Northern States Power Company-Wisconsin, Otter Tail Power Company, and Southern Indiana Gas & Electric Company (Docket No. EL15-45-001); and Midcontinent Independent System Operator, Inc. (EL16-99-000). On February 12, 2015, Arkansas Electric Cooperative Corporation et al. (collectively, the Complainants) submitted a complaint pursuant to Section 206 of the FPA against Midcontinent System Operator, Inc. (MISO), as tariff administrator, and ALLETE, Inc. et al. (collectively, the MISO Transmission Owners) requesting the Commission to reduce the Base ROE used by the MISO Transmission Owners from 12.38 percent to 8.67 percent, or, in the alternative, to set the matter for hearing and settlement proceedings. On June 18, 2015, the Commission issued an order setting the matter for hearing and settlement proceedings. On or around July 20, 2015, certain Complainants and MISO Transmission Owners filed requests for rehearing or, in the alternative, clarification of the Commission's June 18 Order. Agenda item may be an order on the request for rehearing and/or clarification of the June 18 Order or other matters related to the MISO Transmission Owners' Base ROE.

E-6 – Omitted

E-7 – Data Collection for Analytics and Surveillance and Market-Based Rate Purposes (Docket No. RM16-17-000). Agenda item E-7 may initiate a new proceeding for a notice of proposed rulemaking on data collection for analytics and surveillance and market-based rate purposes.

E-8 and E-9 – Revised Critical Infrastructure Protection Reliability Standards (Docket No. RM15-14-002 and RM15-14-001). On January 21, 2016, the Commission approved seven Revised Critical Infrastructure Protection Reliability Standards (CIP Standards): CIP-003-6 (Security Management Controls), CIP-004-6 (Personnel and Training), CIP-006-6 (Physical Security of BES Cyber Systems), CIP-007-6 (Systems Security Management), CIP-009-6 (Recovery Plans for BES Cyber Systems), CIP-010-2 (Configuration Change Management and Vulnerability Assessments), and CIP-011-2 (Information Protection). On March 21, 2016, the Commission granted rehearing of the January 21, 2016 Order for reconsideration. Agenda item E-8 may be an order on rehearing of the approved CIP Standards. On March 29, 2016, the Foundation for Resilient Societies, Isologic, LLC, and Applied Control Solutions, LLC, moved to reopen the evidentiary record in RM15-14. Agenda item E-9 may be an order on these parties' motion.

E-10 – Cyber Systems in Control Centers (Docket No. RM16-18-000). Agenda item E-10 may address a new rulemaking docket concerning control center cyber systems.

E-11 – Requirements for Frequency and Voltage Ride Through Capability of Small Generating Facilities (Docket No. RM16-8-000). On March 17, 2016, the Commission issued a Notice of Proposed Rulemaking (NOPR) proposing to revise the *pro forma* Small Generator Interconnection Agreement (SGIA). Specifically, the NOPR proposes to modify the *pro forma* SGIA to require newly interconnecting small generating facilities to ride through abnormal frequency and voltage events and not disconnect during such events. Agenda item E-11 may address the March 17, 2016 NOPR regarding the proposed SGIA revisions.

E-12 – Standards for Business Practices and Communication Protocols for Public Utilities (Docket No. RM05-5-025). On October 26, 2015, the North American Energy Standards Board (NAESB) voluntarily submitted to FERC a report that summarizes Version 003.1 of the Wholesale Electric Quadrant (WEQ) Business Practice Standards as well provides as a list of the standards that were created or modified as part of this new version of the standards. Agenda item E-12 may address the new NAESB WEQ Business Practice Standards.

E-13 – Collection of Connected Entity Data from Regional Transmission Organizations and Independent System Operators (Docket No. RM15-23-000). On September 17, 2015, the Commission issued a Noticed of Proposed Rulemaking (NOPR) proposing to amend section 35.28 of the Commission's regulations, 18 C.F.R. § 35.28, to require each regional transmission operator (RTO) and independent system operator (ISO) to electronically deliver to the Commission, on an ongoing basis, data about its market participants' "Connected Entities," which includes entities that have certain ownership, employment, debt or contractual relationships to the market participants. The NOPR further proposed identifying each market participant using a common, alpha-numeric identifier, as well as to describe in brief the nature of the relationships of each "Connected Entity." The NOPR requested comments from industry participants on the proposed revisions to the Commission's regulations, and Commission Staff held a Technical Conference on December 10, 2015. Agenda item E-13 may be an order on the "Connected Entity" NOPR.

E-14 – Ownership Information in Market-Based Rate Filings (Docket No, RM16-3-000). On December 17, 2015, the Commission issued an NOPR proposing to amend section 35.37(a)(2) of the Commission's regulations, 18 C.F.R. § 35.37(a)(2), to clarify the scope of ownership information that sellers seeking to obtain or retain market-based rate authority must provide. Specifically, the NOPR proposes that the seller (or proposed seller) would describe two categories of upstream owners: (1) the identity and description of further upstream affiliate owner(s) in its ownership chain, i.e., the "ultimate affiliate owner(s)"; and (2), the identity and description of all affiliate owners that have a franchised service area or market-based rate authority, or that directly own or control generation, transmission, intrastate natural gas transportation, storage or distribution facilities, physical coal supply sources or ownership of or control over who may access transportation of coal supplies. The NOPR requested comments from industry participants on the proposed revisions to the Commission's regulations. Agenda item E-14 may be an order on the NOPR.

E-15 – Southwest Power Pool, Inc. (Docket No. ER16-1774-000). On May 24, 2016, Southwest Power Pool (SPP) filed, on behalf of Western Farmers Electric Cooperative (WFEC), pursuant to section 205 of the FPA, proposed revisions to its Open Access Transmission Tariff (OATT) to update WFEC's Annual Transmission Revenue Requirement (ATRR) and adopt a formula rate template and implementation protocols (together, the Formula Rate). The filing reflects a base ROE of 10.37 percent and includes a request for a 50-basis point adder in recognition of WFEC's membership in SPP (RTO adder). Agenda item E-15 may be an order regarding the proposed Formula Rate.

E-16 – Southwest Power Pool, Inc. (Docket No. ER16-13-002). On October 2, 2015, Southwest Power Pool (SPP), pursuant to section 205 of the FPA, submitted revisions to its Open Access Transmission Tariff (OATT) to reduce the number of Auction Revenue Rights (ARRs) made available in the annual ARR allocation. The proposed revisions place limits on the percentage of available Transmission System capability used to determine the ARRs' simultaneous feasibility. On November 23, 2015, the Office of Energy Market Regulation (OEMR) issued a deficiency letter requesting, *inter alia*, justification for the specified reductions, explanation of the potential impacts, and clarification of the method of reduction; and directed a response within 30 days. SPP responded to the requests in the deficiency letter on December 23, 2015. On February 19, 2016, the Commission issued an order conditionally accepting the proposed tariff revisions, and directed SPP to modify

its capability assumptions for the Spring, Summer, and Fall periods within 30 days. On March 21, 2016, SPP submitted its compliance filing proposing revisions to its Tariff consistent with the directives in the Commission's February 19 order. Agenda item E-16 may be an order on the compliance filing either accepting the proposed revisions or requiring further revisions.

E-17 – Midwest Independent Transmission System Operator, Inc. (Docket No. ER12-678-006). On December 23, 2011, the Midwest Independent Transmission System Operator (MISO), pursuant to section 205 of the FPA, submitted proposed revisions to its Open Access Transmission, Energy, and Operating Reserve Markets Tariff (Tariff) to modify the allocation of Revenue Sufficiency Guarantee (RSG) costs incurred due to Voltage and Local Reliability (VLR) commitments. On March 30, 2012, the Commission issued an order conditionally accepting the proposed Tariff revisions, suspending them for five months, subject to a technical conference and further order by the Commission. The March 13 Order directed Commission Staff to explore issues related to the allocation of costs related to VLR commitments and to supplement the existing record. The technical conference was conducted May 15, 2012. On August 31, 2012, the Commission conditionally accepted MISO's VLR RSG cost allocation proposal, subject to further compliance requirements. On October 1, 2012, MISO submitted a compliance filing addressing the conditions imposed by the Commission in the August 31 Order. Also, on October 1, 2012, WPPI submitted a request for rehearing of the August 31 Order reiterating the claims in its Motion to Intervene and Protest that pseudo-tied loads would be allocated VLR RSG costs in Local Balancing Authorities (LBAs) in which they were not physically located. On June 30, 2014, the Commission issued an order granting rehearing, instituting section 206 proceedings, establishing hearing and settlement judge procedures, and conditionally accepting compliance filings. In the June 30 Order, the Commission found that MISO had not met its burden of demonstrating that all of the cost allocation provisions of its original filing were just and reasonable and that further investigation into the allocation of VLR RSG costs of pseudo-tied loads was required. On July 30, 2014, MISO submitted a compliance filing addressing the concerns raised by the Commission in the June 30 Order. Also on July 30, 2014, WPPI submitted a request for rehearing of the June 2014 Order alleging that the Commission erred in instituting a section 206 and instead should have made WPPI eligible to receive refunds back to the original effective date under section 205. On December 11, 2014, the parties reached an agreement in principle on Tariff revisions that would address the allocation of costs to pseudo-tied loads. On December 16, 2014, MISO posted its Tariff revisions for stakeholder review in the MISO Market Subcommittee (MSC). On January 6, 2014, MISO presented the Tariff revisions to the MSC. On February 18, 2015, MISO submitted, on behalf of the settling parties, a formal Offer of Settlement, addressing the allocation of VLR RSG costs to pseudo-tied loads as directed by the Commission in the June 30 Order. The Offer of Settlement does not address WPPI's request for rehearing of the Commission's decision to initiate a section 206 investigation, which would limit it to prospective relief only. Agenda item E-17 may be an order on the Offer of Settlement.

E-18 – Midwest Independent Transmission System Operator, Inc. (Docket Nos. ER12-678-004; EL14-58-001). On June 30, 2014, the Commission issued an order granting WPPI's request for rehearing, instituting section 206 proceedings, establishing hearing and settlement judge procedures, and conditionally accepting compliance filings. In the June 30 Order, the Commission found that MISO had not met its burden of demonstrating that all of the cost allocation provisions of its original filing were just and reasonable and that further investigation into the allocation of VLR RSG costs of pseudo-tied loads was required. On July 30, 2014, WPPI submitted a request for rehearing of the June 2014 Order alleging that the Commission erred in instituting a section 206 and instead should have made WPPI eligible to receive refunds back to the original effective date under section 205. On August 27, 2014, the Commission issued a tolling order granting rehearing for the sole purpose of further consideration. Agenda item E-18 may be an order on WPPI's request for rehearing.

E-19 – Omitted

E-20 – Windham Solar LLC and Allco Finance Limited (Docket Nos. EL16-69-000, QF16-362-001, QF16-363-001, QF16-364-001, QF16-365-001, QF16-366-001, QF16-367-001, QF16-368-001, QF16-369-001, QF16-370-001, QF16-371-001, QF16-372-001, QF16-373-001, QF16-374-001, QF16-375-001, QF16-376-001, QF16-377-001, QF16-378-001, QF16-379-001, QF16-380-001, QF16-381-001, QF16-382-001, QF16-383-001, QF16-384-001, QF16-385-001, QF16-386-001, QF16-387-001). On May 19, 2016, Windham Solar

LLC and Allco Finance Limited (collectively, the Petitioners) filed a petition to initiate enforcement action against the Connecticut Public Utilities Regulatory Authority (PURA) concerning the alleged improper implementation of the Public Utility Regulatory Policies Act (PURPA). On January 22, 2016, Windham offered to sell all energy and capacity from 26 solar electric generating facilities—all of which are qualifying facilities (QFs)—interconnected to Eversource Energy (Eversource), a Connecticut utility. Eversource has not purchased the energy and capacity from each QF due to “no obligation” as mandated by PURA. On May 31, 2016, Eversource filed a motion to intervene. On June 6, 2016, PURA filed a motion to intervene and separately filed a protest on June 15, 2016. On June 15, 2016, the Connecticut Office of Consumer Counsel filed a motion to intervene and protest; the Petitioners interpreted this filing as a motion to dismiss and accordingly submitted an answer on June 16, 2016. Agenda item E-20 may be an order on the protests in this docket or an order on the petition to initiate enforcement under PURPA.

E-21 – Omitted

E-22 – Omitted

E-23 – Nebraska Public Power District (Docket No. QM16-1-000). On February 12, 2016, the Nebraska Public Power District (NPPD) submitted an application to be relieved of the requirement under PURPA to enter into contracts to purchase energy from QFs. In March of 2016, several parties filed motions to intervene and protests; NPPD submitted answers to these filings in April of 2016. The Commission requested additional information from NPPD on April 19, 2016, citing a deficient application. NPPD filed a response to the deficiency letter on April 26, 2016. Agenda item E-23 may be an order on the application filed by NPPD.

Hydro

H-1 – BOST1 Hydroelectric LLC (Docket No. P-13458-003). On October 1, 2015, BOST1 Hydroelectric LLC (BOST1) filed an application for a successive preliminary permit—initially granted by the Commission on October 7, 2010 and extended by two years on September 6, 2013—in order to complete the license application to develop the Coons Rapids Hydroelectric Project in Minnesota. BOST1 indicated the significant progress in completing this project and outlined the remaining obstacles. On January 20, 2016, the Commission denied the request for a successive permit application, stating the obstacles were “common challenges” and did not warrant an additional extension of time. On February 19, 2016, BOST1 filed a request for rehearing and a request to issue a successor preliminary permit. Agenda item H-1 may be an order on the request for rehearing.

Certificates

C-1 – Eastern Shore Natural Gas Company (Docket No. CP15-498-000). On May 22, 2015, Eastern Shore Natural Gas Company (Eastern Shore) submitted an Abbreviated Application for a Certificate of Public Convenience and Necessity (CPCN) requesting authorization to construct a pipeline and facilities for the System Reliability Project. In the following months, a number of parties filed motions to intervene and comments; Eastern Shore subsequently submitted answers to these filings, including data requests furnished by the Commission. On April 25, 2016, the Commission released the Environmental Assessment for this project, indicating a finding of no significant impact on the environment. Agenda item C-1 may be an order on the Eastern Shore application for a CPCN of the System Reliability Project.

C-2 – Eastern Shore Natural Gas Company (Docket Nos. CP15-18-000, CP15-18-001). On November 21, 2014, Eastern Shore submitted an Abbreviated Application for a CPCN requesting authorization to construct a pipeline and facilities for the White Oak Mainline Expansion Project. Similar to Docket No. CP15-498-000 described in agenda item C-1 above, many parties filed motions to intervene and comments, and Eastern Shore responded to these motions and data requests in a timely manner. The Environmental Assessment reflects the same finding as in Docket No. CP15-498-000 of no significant impact. Agenda item C-2 may be an order on the Eastern Shore application for a CPCN of the White Oak Mainline Expansion Project.

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