

FERC

Meeting Agenda Summary

In this issue...

- Electric Items
 - Gas Items
 - Hydro Items
 - Certificate Items
-

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Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's March 15, 2018 meeting, pursuant to the agenda as issued on March 8, 2018. Items E-9 and C-2 have not been summarized due to omission from the agenda.

Electric

E-1 – Inquiry Regarding the Effect of the Tax Cuts and Jobs Act on Commission-Jurisdictional Rates (Docket No. RM18-12-000). Agenda item E-1 may be an order establishing a proposed rulemaking regarding the effect of the Tax Cuts and Jobs Act on Commission-jurisdictional rates.

E-2 – Alcoa Power Generating Inc.-Long Sault Division, Alcoa Power Generating Inc.-Tapoco Division, Avista Corporation, Black Hills/Colorado Electric Utility Company, L.P., Central Hudson Gas & Electric Corporation, Cheyenne Light, Fuel and Power Company, Consolidated Edison Company of New York, Inc., Cube Yadkin Transmission LLC, DATC Path 15, LLC, Deseret Generation and Transmission Cooperative, Inc., El Paso Electric Company, Electric Energy, Inc., Essential Power Rock Springs, LLC, Florida Power & Light Company, Monongahela Power Company, Potomac Edison Company, West Penn Power Company, Nevada Power Company, Sierra Pacific Power Company, New York State Electric & Gas Corporation, NorthWestern Corporation, Ohio Valley Electric Corporation, Orange & Rockland Utilities, Inc., Pacific Gas and Electric Company, Portland General Electric Company, Rochester Gas and Electric Corporation, Rockland Electric Company, Sky River LLC, Smoky Mountain Transmission LLC, Startrans, IO, LLC, The Dayton Power & Light Company, Trans Bay Cable LLC, Tucson Electric Power Company (Docket Nos. EL18-72-000, EL18-73-000, EL18-75-000, EL18-76-000, EL18-77-000, EL18-79-000, EL18-89-000, EL18-90-000, EL18-91-000, EL18-93-000, EL18-95-000, EL18-96-000, EL18-97-000, EL18-98-000, EL18-101-000, EL18-102-000, EL18-103-000, EL18-104-000, EL18-105-000, EL18-107-000, EL18-108-000, EL18-109-000, EL18-110-000, EL18-111-000, EL18-112-000, EL18-113-000, EL18-115-000, EL18-117-000, EL18-118-000, EL18-119-000 (not consolidated)). Agenda item E-2 may be an order establishing new electric-related proceedings involving the above captioned entities.

E-3 – AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Ohio Transmission Company, Inc., AEP West Virginia Transmission Company, Inc., AEP Oklahoma Transmission Company, Inc., AEP Southwestern Transmission Company, Inc., Baltimore Gas and Electric Company, Black Hills Power, Inc., Citizens Sunrise Transmission LLC, San Diego Gas & Electric Company, Transource Maryland, LLC, Transource Pennsylvania, LLC, Transource West Virginia, LLC, UNS Electric, Inc. (Docket Nos. EL18-62-000, EL18-63-000, EL18-64-000, EL18-65-000, EL18-66-000, EL18-67-000, EL18-68-000, EL18-69-000, EL18-70-000, EL18-71-000 (not consolidated)). Agenda item E-3 may be an order establishing new electric-related proceedings involving the above-captioned entities.

E-4 – *Indicated SPP Transmission Owners v. Southwest Power Pool, Inc.* (Docket No. EL18-20-000). On October 13, 2017, pursuant to section 206 of the Federal Power Act, the Indicated SPP Transmission Owners filed a complaint against Southwest Power Pool, Inc. (SPP) seeking revision of SPP's Open Access Transmission Tariff (SPP OATT) to stop cost-shifting when new SPP Transmission Owners are added to existing transmission pricing zones. The Indicated SPP Transmission Owners specifically request that the Commission, *inter alia*, find that the SPP OATT's lack of cost-shift mitigation for zonal integration is unjust, unreasonable and unduly discriminatory. Numerous entities filed motions to intervene in the proceeding. Agenda item E-4 may be an order on the Indicated SPP Transmission Owners' complaint.

E-5 – South Central MCN LLC (Docket No. EC17-126-000). On June 1, 2017, pursuant to section 203(a)(1) of the Federal Power Act, South Central MCN LLC (South Central) filed an application seeking Commission authorization to permit South Central to acquire certain transmission lines and related assets from the City of Nixa, Missouri. Agenda item E-5 may be an order on South Central's application.

E-6 – Southwest Power Pool, Inc. (Docket No. ER18-99-000). On October 18, 2017, Southwest Power Pool, Inc. (SPP) submitted, pursuant to section 205 of the Federal Power Act (FPA), revisions to its Open Access Transmission Tariff (SPP Tariff) to add an Annual Transmission Revenue Requirement and to implement a formula rate template and implementation protocols for transmission services using the facilities of South Central MCN LLC (South Central) when South Central transfers functional control of its transmission facilities to SPP. Agenda item E-6 may be an order on SPP's filing.

E-7 – Public Service Company of Colorado (Docket No. ER18-840-000). On February 9, 2018, Public Service Company of Colorado (PSCo) submitted a request for waiver of the applicable provisions of PSCo's formula rate implementation protocols to allow PSCo to revise the federal income tax rate input in its 2018 projected net revenue requirement to reflect the recent reduction in the federal corporate tax rate. Agenda item E-7 may be an order regarding PSCo's waiver request.

E-8 – MISO Transmission Owners (Docket No. ER18-783-000). On February 1, 2018, Certain MISO Transmission Owners filed a request for waiver of the applicable provisions of the Midcontinent Independent System Operator, Inc.'s (MISO) Open Access Transmission, Energy and Operating Reserve Markets Tariff (MISO Tariff) to enable the MISO Transmission Owners to revise inputs in their 2018 projected net revenue requirements to reflect recent tax law changes, including a reduction in the federal corporate tax rate. Agenda item E-8 may be an order on the MISO Transmission Owner's waiver request.

E-9 – Omitted

E-10 – *Louisiana Public Service Commission v. Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, LLC Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Texas, Inc., Entergy Services, Inc.* (Docket Nos. EL10-65-005, ER14-2085-001, ER11-3658-001, ER12-1920-001, ER13-1595-001 (consolidated)). On May 5, 2010, Louisiana Public Service Commission (LPSC) submitted a complaint pursuant to Rule 206 of the Commission's Rules of Practice and Procedure seeking changes to the costs included in the rough production cost equalization Bandwidth Formula in the System Agreement. On July 28, 2016, the presiding Administrative Law Judge issued an Initial Decision in the matter. Agenda item E-10 may be an order on the Initial Decision.

Gas

G-1 – Interstate and Intrastate Natural Gas Pipelines; Rate Changes Relating to Federal Income Tax Rate (Docket No. RM18-11-000). On December 22, 2017, the Tax Cuts and Jobs Act was signed into law by the Trump Administration. The law reduced the nominal corporate federal income tax rate from 35 percent to 21 percent. The effects of the law on cost-of-service and the benefits that would presumably flow through to customer of electric transmission lines and shippers on natural gas pipelines are uncertain. Agenda item G-1 may be a rulemaking addressing the law's effects on cost-of-service ratemaking.

G-2 – Inquiry Regarding the Commission's Policy for Recovery of Income Tax Costs. (Docket No. PL17-1-000). Agenda item G-2 may be an order soliciting industry feedback on the Commission's policy for recovery of income taxes.

G-3 – SFPP, L.P. (Docket Nos. IS08-390-008, IS08-390-009). On June 30, 2008, SFPP, L.P. (SFPP) submitted, pursuant to 18 CFR § 342.4(a), proposed revisions to FERC Tariff Nos. 171 and 172 that would effectively result in a rate increase for shipments on SFPP's West Line. On February 17, 2011, The Commission issued an Order on Initial Decision (Opinion 511) addressing the findings in the ALJ's Initial Decision and directing SFPP to file an enhanced overhead cost recovery analysis, revised tariffs, and an estimated report on refunds. In response to requests for rehearing of Opinion 511 and multiple pleadings, the Commission subsequently issued an Order on Rehearing and Compliance (Opinion 511-A) on December 16, 2011. On February 19, 2015, the Commission issued an Order on Rehearing and Compliance (Opinion 511-B) in response to SFPP's request for rehearing of Opinion 511-A. On April 6, 2015, SFPP submitted a compliance filing to implement the directives contained in Opinion 511-B. Agenda item G-3 may be an order addressing the compliance filing.

G-4 – SFPP, L.P. (Docket Nos. IS09-437-008, IS09-437-009, IS09-437-010, IS10-572-005, IS10-572-006, IS10-572-007). On July 31, 2009, SFPP, L.P. (SFPP) submitted, pursuant to section 342.4(a) of the Commission's regulations, proposed revisions to its tariff that would effectively result in a rate increase for shipments on SFPP's East Line. On September 20, 2012, The Commission issued an Order on Initial Decision (Opinion 522) addressing the findings in the ALJ's Initial Decision and briefs on and opposing exceptions. In response to requests for rehearing of Opinion 522 and multiple pleadings, the Commission subsequently issued an Order on Rehearing and Compliance (Opinion 522-A) on February 19, 2015. On March 16, 2015, SFPP filed a request for clarification of Opinion 522-A. SFPP submitted multiple requests for clarification, requests for rehearing, and compliance filings to implement the directives relating to income tax allowance contained in Opinion 522-A. Agenda item G-4 may be an order addressing the requests for clarification, the requests for rehearing, or the compliance filing.

G-5 – SFPP, L.P. (Docket No. IS11-444-002). On May 27, 2011, SFPP, L.P. (SFPP) submitted, pursuant to section 342.3 of the Commission's regulations, proposed revisions to its tariff to implement index-based increases to tariff rates. On June 6, 2013, the Commission issued an Order Affirming Initial Decision and Ordering Refunds (Opinion 527) affirming the findings in the ALJ's Initial Decision that SFPP was not entitled to apply an index-based rate increase, and addressing briefs on and opposing exceptions; including Trial Staff's Brief on Exceptions requesting that the Commission direct SFPP to make refunds. On June 20, 2013, SFPP filed a motion requesting the Commission issue an errata correcting the rate reduction calculation and grant an extension of time for refund payments and the refund report. On July 2, 2013, the Commission issued an Order Modifying Opinion No. 527 to correct the rate reduction calculation and grant the extension. On July 8, 2013, SFPP submitted a request for rehearing and clarification of Opinion 527. Agenda item G-5 may be an order addressing the request for rehearing and clarification.

G-6 – ConocoPhillips Company v. SFPP, L.P. (Docket No. OR11-13-000); Chevron Products Company v. SFPP, L.P. (Docket No. OR11-16-000); Tesoro Refining and Marketing Company v. SFPP, L.P. (Docket No. OR11-18-000). On June 13, 2011, ConocoPhillips Company (ConocoPhillips) filed a complaint against SFPP, L.P. (SFPP), alleging that the base rates charged and on file with the Commission on the North Line and Oregon Line interstate oil pipelines were not just and reasonable and outside the zone of reasonableness. ConocoPhillips asserted that SFPP was over-recovering the cost of service based on the rates for the North and Oregon Lines, exceeding \$1 million per year. Chevron Products Company (Chevron) and Tesoro Refining and Marketing Company (Tesoro, and collectively, the Complainants) filed respective complaints mirroring the issues raised by

ConocoPhillips. On July 5, 2011, SFPP submitted a request to initiate the settlement process and a preliminary offer of settlement to the Complainants. Namely, through the settlement, SFPP sought to resolve the pending disputes and establish a long-term, forward-looking mechanism to set transportation rates. The Complainants rejected the proposed settlement on July 20, 2011. On October 3, 2011, the Commission issued an order on the three complaints (addressing them as one) and set procedures requiring SFPP to furnish specific data and permitting the Complainants to subsequently file amended complaints. The Complainants filed a joint motion to compel production of the requested cost-of-service data on October 27, 2015. In the interim period, several parties, including SFPP, had petitioned the US District Court of Appeals for the DC Circuit in response to Opinion 511 issued by the Commission (instructing SFPP to issue refunds related to issues involving Accumulated Deferred Income Taxes, and denying rehearing of other issues). As a result, the Complainants state that SFPP should have produced the cost-of-service data by May 25, 2015, following the appeals and pursuant to Opinion 511-B (issued on February 19, 2015), the final opinion. On November 10, 2015, SFPP filed an answer to the motion to compel production, asserting that Opinion 511-B did not represent the final order of the Commission and therefore did not begin the timeframe under which SFPP would need to operate under. Agenda item G-6 may be a final order on the three complaints brought forward by the Complainants against SFPP.

G-7 – HollyFrontier Refining & Marketing LLC, Southwest Airlines Co., Tesoro Refining and Marketing Company, US Airways, Inc., Valero Marketing and Supply Company, and Western Refining Company, L.P. v. SFPP, L.P. (Docket No. OR14-35-002); Chevron Products Company v. SFPP, L.P. (Docket No. OR14-36-002). On June 27, 2014, HollyFrontier Refining & Marketing LLC, Southwest Airlines Co., Tesoro Refining and Marketing Company, US Airways, Inc., Valero Marketing and Supply Company, and Western Refining Company, L.P. (collectively, the Joint Complainants) filed a complaint against SFPP, as well as a separate but substantively similar complaint filed by Chevron Products Company on June 30, 2014. The Joint Complainants alleged that SFPP changed the analysis in calculating index rates for the 2012 and 2013 years. On December 8, 2016, the Commission dismissed these complaints. Accordingly, the Joint Complainants filed a request for rehearing of the December 8 order on January 9, 2017. Agenda item G-7 may be an order on the Joint Complainants' request for rehearing.

G-8 – Dominion Energy Overthrust Pipeline, LLC (Docket No. RP18-442-000). Docket RP18-442-000 is a new docket.

G-9 – Midwestern Gas Transmission Company (Docket No. RP18-441-000). Docket RP18-441-000 is a new docket.

G-10 – Blue Racer NGL Pipelines, LLC (Docket No. OR18-8-000). On December 11, 2017, Blue Racer NGL Pipelines, LLC (Blue Racer) filed a petition for declaratory order to approve the service structure for the reconfiguration and expansion of the Blue Racer system of pipelines located in West Virginia. The petition also seeks approval from the Commission of the rate structure agreed upon with a long-term shipper of significant capacity on the system. On January 11, 2018, Chesapeake Energy Marketing, LLC (Chesapeake) filed a protest opposing the petition, stating that granting the authorization would significantly reduce or eliminate the ability of Chesapeake and other interested shippers to move propane to an interconnection point on the Blue Racer pipeline system. Agenda item G-10 may be an order on the petition for declaratory order by Blue Racer.

Hydro

H-1 – Public Utility District No. 2 of Grant County, Washington (Docket No. P-2114-293). On April 7, 2017, Public Utility District No. 2 of Grant County, Washington, the holder of the Priest Rapids Hydroelectric Project License and Shoreline Management Plan (License Article 419) requested approval from FERC to allow a commercial marina on the Columbia River in the Wanapum Dam Reservoir near Vantage, Washington. The comment deadline expired on December 9, 2017. Various parties intervened, and one intervenor submitted comments in opposition. Agenda item H-1 may be a final order on the application for non-project use of project lands.

H-2 – PacifiCorp (Docket Nos. P-2082-062, P-14803-000). On September 23, 2016, PacifiCorp, licensee for the Klamath Hydroelectric Project, and Klamath River Renewal Corporation (KRRC) submitted a joint application for approval to designate four developments on the Klamath River as a new project to be known as the "Lower

Klamath Project,” and to transfer the license for the proposed Lower Klamath Project to KRRC. Concurrently, KRRC filed a separate application to remove the developments and surrender the license for the proposed Lower Klamath Project. The joint application was supplemented throughout 2017. On December 4, 2017, PacifiCorp and KRRC requested a technical conference to address issues regarding the sequencing of amending, transferring, and surrendering licenses and maintaining separation of the two distinct administrative proceedings. On January 19, 2018, FERC issued a letter stating that a technical conference is not warranted. Agenda item H-2 may be an order in the proceeding.

H-3 – California Department of Water Resources and Los Angeles Department of Water and Power (Docket No. P-2426-229). On November 20, 2017, FERC issued an order approving an updated recreational plan for the South State Water Project Hydropower Project in Los Angeles County, California. On December 20, 2017, California Trout, Inc. requested rehearing of the November 20 order, disputing FERC’s findings regarding environmental considerations. On January 19, 2018, FERC granted rehearing for further consideration. Agenda item H-3 may be a final order in the proceeding.

H-4 – FFP Missouri 15, LLC (Docket No. P-13762-003) and FFP Missouri 16, LLC (Docket No. P-13753-003). On September 29, 2017, FERC granted licenses to FFP Missouri 15 Hydroelectric, LLC, for the Morgantown Lock and Dam Hydroelectric Project and to FFP Missouri 16, LLC, for the Opekiska Lock and Dam Hydroelectric Project. Various intervenors in the proceeding filed requests for rehearing of the orders granting licenses, asking FERC to require mitigation of certain impacts and find that the West Virginia Department of Environmental Protection did not waive certification under Section 401 of the Clean Water Act. On November 21, 2017, FERC issued an order granting rehearing for further consideration. Agenda item H-4 may a final order in the proceedings.

H-5 – FirstLight Hydro Generating Company (Docket Nos. P-2485-074, P-1889-086). On October 31, 2012, FirstLight Hydro Generating Company (FirstLight) initiated an integrated licensing process for the Turners Falls Hydroelectric Project and the Northfield Mountain Pumped Storage Project (collectively, Project). On February 17, 2017, the Office of Energy Projects issued a study plan determination regarding the Project. On March 30, 2017, FirstLight Hydro Generating Company (FirstLight) filed a request for rehearing of the study plan determination’s Appendix D, which includes a timeline for FirstLight to complete certain archeological investigations. FirstLight argues that the timeline is unreasonable and contrary to statute, FERC regulations, and administrative guidance. FERC issued an order granting rehearing for further consideration on April 19, 2017. Agenda item H-5 may be an order regarding the study plan determination.

Certificates

C-1 – DTE Midstream Appalachia, LLC (Docket No. CP17-409-000). On May 1, 2017, DTE Midstream Appalachia, LLC (DTE) submitted an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authoring DTE to construct, own and operate the Birdsboro Pipeline Project, and related authorizations. On November 15, 2017, Commission Staff issued an Environmental Assessment for the Birdsboro Pipeline Project. Agenda item C-1 may be an order on DTE’s application for a certificate of public convenience and necessity.

C-2 – Omitted

C-3 – National Fuel Gas Supply Corporation (Docket No. CP17-74-000). On March 10, 2017, National Fuel Gas Supply Corporation (National Fuel) filed an application pursuant to sections 7(b) and 7(c) of the NGA. The application seeks authorization from the Commission to construct, replace and abandon four separate sections of pipeline located in Pennsylvania, aiming to enhance service and improve reliability to the customers of National Fuel. Several parties filed motions to intervene and substantive comments. On September 29, 2017, the Commission issued the Environmental Assessment for the project, finding that in accordance with the mitigation measures recommended by staff, approval would not constitute a major action significantly affecting the environment. On March 8, 2018, National Fuel submitted a request for expedited action to the Commission, citing the favorable review of environmental issues and prior data exchanges. Agenda item C-3 may be an order on the application by National Fuel.

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