

October 2017

Commission Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its October 19, 2017 public meeting. The summaries are produced by FERC's Office of External Affairs and are intended to provide only a general synopsis of the orders. These summaries are not intended as a substitute for the Commission's official orders. To determine the specific actions and the Commission's reasoning, please consult the individual orders when they are posted to FERC's eLibrary found at www.ferc.gov.

E-1 & E-2 – Press Release

H-1 – Press Release

FERC accepts compliance filing, institutes a Federal Power Act (FPA) section 206 proceeding

E-3, *ATX Southwest, LLC*, Docket No. ER15-1809-001, *et al.* This order accepts ATX Southwest's compliance filing containing revisions to its formula rate template and protocols. The order also institutes a proceeding in accordance with FPA section 206 to examine ATX Southwest's formula rate protocols, commences paper hearing procedures, and establishes a refund effective date.

FERC accepts compliance filing, institutes an FPA section 206 proceeding

E-4, *Transource Kansas LLC*, Docket No. ER15-958-003, *et al.* This order accepts Transource Kansas' compliance filing containing revisions to its formula rate template and protocols. The order also institutes a proceeding in accordance with FPA section 206 to examine Transource Kansas' formula rate protocols, commences paper hearing procedures, and establishes a refund effective date.

FERC accepts compliance filing subject to condition, institutes an FPA section 206 proceeding

E-5, *Midwest Power Transmission Arkansas, LLC*, Docket No. ER15-2236-001, *et al.* This order accepts, subject to condition, Midwest Power's compliance filing containing revisions to its formula rate template and protocols. This order also institutes a

proceeding in accordance with FPA section 206 to examine Midwest Power's formula rate protocols, commences paper hearing procedures, and establishes a refund effective date.

FERC accepts compliance filings subject to condition, institutes an FPA section 206 proceeding

E-6, *Kanstar Transmission, LLC*, Docket No. ER15-2237-001, *et al.* This order accepts, subject to condition, Kanstar's compliance filings containing revisions to its formula rate template and protocols. This order also institutes a proceeding in accordance with FPA section 206 to examine Kanstar's formula rate protocols, commences paper hearing procedures, and establishes a refund effective date.

FERC accepts compliance filing subject to a condition, institutes an FPA section 206 proceeding

E-7, *South Central MCN, LLC*, Docket No. ER15-2594-003, *et al.* The order accepts, subject to condition, South Central's proposed revisions to its transmission formula rate template and protocols. The order also institutes a proceeding in accordance with FPA section 206 to examine South Central's formula rate protocols, commences paper hearing procedures, and establishes a refund effective date.

FERC orders tariff revisions

E-8, *Southwest Power Pool, Inc.*, Docket No. EL16-110-000. This order finds that SPP's tariff is unjust and unreasonable and unduly discriminatory or preferential to the extent that it allows SPP to provide Auction Revenue Rights (ARRs) and Long-Term Congestion Rights (LTCRs) to network service customers subject to redispatch on the same basis it provides ARRs and LTCRs to transmission customers not subject to redispatch. The order directs SPP to revise its tariff to apply to network service subject to redispatch the same limitation on ARR and LTCR eligibility that SPP currently applies to point-to-point service subject to redispatch. Additionally, the order finds that it is reasonable to grandfather ARRs and LTCRs that have already been granted to network customers with service subject to redispatch.

FERC grants a request for clarification

E-9, *Southwest Power Pool, Inc.*, Docket No. ER16-1286-002, *et al.* The order grants a request by clarifying that, in its September 23, 2016 order, the Commission did not address or foreclose customers from seeking available relief, and that the Commission did not address any kind of retroactive relief, or the foreclosure of retroactive relief.

FERC denies a complaint

E-10, *Alabama Power Company*, Docket No. EL17-11-000. The order denies Alabama Power's complaint that alleges SPP has violated its tariff by treating customers with network service subject to redispatch as eligible to receive Auction Revenue Rights and Long-Term Transmission Congestion Rights for such transmission service. The order finds that SPP did not violate its tariff.

FERC denies a complaint

E-11, *Buffalo Dunes Wind Project, LLC, et al. v. Southwest Power Pool, Inc.*, Docket No. EL17-69-000. The order denies a complaint requesting the Commission order SPP not to allocate new Auction Revenue Rights or Long-Term Congestion Rights to customers with network service subject to redispatch for the 2017-2018 allocation year, on the grounds that the complaint does not identify any obligation SPP has to refrain from the allocation practice in question.

FERC rejects proposed tariff revisions

E-12, *Southwest Power Pool, Inc.*, Docket No. ER17-1575-000, *et al.* The order rejects SPP's proposed tariff revisions to limit the eligibility for Auction Revenue Rights and Long-Term Congestion Rights for customers with network service subject to redispatch and to grandfather customers who contracted for network service subject to redispatch prior to July 15, 2017. The order finds that SPP's proposed grandfathering provisions would inappropriately extend practices that the Commission finds unjust and unreasonable. Additionally, the order denies as moot a request for rehearing and clarification of the July 13, 2017 acceptance of the proposed tariff revisions for filing, subject to refund and further Commission order.

FERC affirms, in part, and reverses, in part, an Initial Decision

E-13, *Old Dominion Electric Cooperative and North Carolina Electric Membership Corporation v. Virginia Electric and Power Co.*, Docket No. EL10-49-005. This order affirms, in part, and reverses, in part, the determinations of the Presiding Judge in the February 16, 2016 Initial Decision in this proceeding, that addresses the appropriate amount of incremental undergrounding costs to be allocated to each Network Integration Transmission Service customer of Virginia Electric Power Company (VEPCO) for their Virginia loads in the Dominion Zone of PJM Interconnection, L.L.C. The order also directs VEPCO to submit a compliance filing and to file a report.

FERC denies rehearing

E-14, *Old Dominion Electric Cooperative and North Carolina Electric Membership Corporation v. Virginia Electric and Power Co.*, Docket No. EL10-49-004. This order denies rehearing of the Commission's March 20, 2014 order issued in this proceeding. The March 2014 order found that it was not just and reasonable for those Virginia Electric and Power Company wholesale transmission customers located outside the Commonwealth of Virginia to be allocated the incremental costs of undergrounding three transmission projects.

FERC institutes an FPA section 206 proceeding

E-15, *Midcontinent Independent System Operator, Inc.*, Docket No. EL17-18-000. This order institutes a proceeding in accordance with FPA section 206 to examine potential inconsistencies in MISO's tariff.

FERC denies request for rehearing

E-16, *Midcontinent Independent System Operator, Inc.*, Docket No. ER16-471-001. This order denies Merricourt Power Partners LLC's (Merricourt) request for rehearing of the Commission's March 4, 2016 order that accepted MISO's notice of termination of the Generator Interconnection Agreement entered into by enXco Development Corp. (subsequently assigned to Merricourt), Montana-Dakota Utilities Company, and MISO.

FERC accepts service agreements

E-17, *Midcontinent Independent System Operator, Inc.*, Docket Nos. ER17-1000-000 and ER17-1013-000. The order accepts two service agreements, to become effective February 6, 2017 as requested. The order accepts the service agreement filed in Docket No. ER17-1000-000 for 30 megawatts of Network Resource Interconnection Service for an external generating facility (E-NRIS) between MISO, as transmission provider, and Exelon Generation, as interconnection customer, regarding the existing Fairless Hills Power Plant Generating Facility located external to the MISO transmission system in Bucks County, Pennsylvania. The order also accepts a service agreement filed in Docket No. ER17-1013-000 for 2,300 megawatts of E-NRIS between MISO and Exelon Generation regarding the existing Byron Nuclear Facility in Ogle County, Illinois. This order also denies a request for rehearing and clarification of the April 18, 2017 order accepting the agreements for filing, suspending for a nominal period, to become effective February 6, 2017, subject to refund and further Commission order.

FERC holds proceeding in abeyance, institutes an FPA section 206 proceeding

E-18, *Midcontinent Independent System Operator, Inc.*, Docket Nos. EL16-99-000 and EL17-43-000. The order addresses issues raised in the Commission's July 21, 2016 order that instituted an FPA section 206 proceeding to examine whether the MISO tariff may be unjust, unreasonable, unduly discriminatory, or preferential because it does not include a refund commitment by non-public utility transmission owners whose revenue requirements are recovered under the MISO tariff. The order holds the FPA section 206 paper hearing in abeyance pending the ongoing MISO stakeholder process, addresses issues raised by parties, and institutes a new FPA section 206 proceeding to examine the MISO Transmission Owners Agreement, among other jurisdictional documents.

FERC accepts a filing, subject to condition

E-19, *Midcontinent Independent System Operator, Inc.*, Docket Nos. ER16-1817-003 and ER16-1346-002. This order accepts, subject to condition, MISO's filing in Docket No. ER16-1817-003 to comply with the Commission's January 3, 2017 order. The filing proposes revisions to MISO's *pro forma* service agreement relating to Network Resource Interconnection Service (NRIS) provided to generating facilities that are external to MISO's transmission system that are in-service, under construction, or have an unsuspended Generator Interconnection Agreement with another transmission provider. This order also accepts, subject to the outcome of the proceeding in Docket No. ER16-1817, MISO's filing in Docket No. ER16-1346-002, the NRIS service agreement for an external generating facility between MISO and the Louisiana Energy and Power Authority.

FERC affirms, in part, and reverses, in part, an Initial Decision

E-20, *Midcontinent Independent System Operator, Inc.*, Docket No. ER14-1242-006, *et al.* The order affirms, in part, and reverses, in part, the July 25, 2016 Initial Decision that sets forth the Presiding Judge's findings concerning the compensation provided in two System Support Resource agreements between Wisconsin Electric Power Company and MISO, covering the time period from February 1, 2014 through January 31, 2015.

FERC denies a request for rehearing

E-21, *Internal MISO Generation v. MISO*, Docket No. EL16-12-002, *et al.* This order denies a request for rehearing from American Wind Energy Association and Wind on the Wires because the issues they raise are beyond the scope of this proceeding.

FERC accepts a filing; grants a request for waiver

E-22, *ISO New England Inc.*, Docket No. ER17-2110-000. The order accepts ISO-NE's filing of the Permanent De-List Bids and Retirement De-List Bids that have been submitted in preparation for the Forward Capacity Auction that will take place in February 2018. The order also grants ISO-NE's request for a waiver of the Commission's regulations that would require ISO-NE to provide a non-disclosure agreement to intervenors so as to enable them to access the privileged material that was submitted as part of that filing.

FERC holds proceeding in abeyance; denies, in part, and grants, in part, request for clarification; institutes an FPA section proceeding

E-23, *Southwest Power Pool, Inc.*, Docket No. EL16-91-000. The order addresses issues raised in the Commission's July 21, 2016 order that instituted an FPA section 206 proceeding to examine whether SPP's tariff may be unjust, unreasonable, and unduly discriminatory or preferential because it does not include a refund commitment by non-public utility transmission-owning members whose revenue requirements are recovered under the SPP tariff. The order holds the FPA section 206 paper hearing in abeyance pending an ongoing SPP stakeholder process. The order also grants, in part, and denies, in part, SPP's requests for clarification, addresses issues raised by parties, and institutes a new FPA section 206 proceeding to examine the SPP Membership Agreement, among other jurisdictional documents.

FERC establishes hearing and settlement judge procedures

E-24, *DATC Path 15, LLC*, Docket No. ER17-998-000. This order denies DATC Path 15's request that the Commission make an upward adjustment to the zone of reasonable returns in determining DATC Path 15's return on common equity (ROE). The order also sets for hearing and settlement judge procedures all other issues associated with DATC Path 15's transmission revenue requirement reduction, including the zone of reasonableness for DATC Path 15's ROE, and finds that the resulting ROE should be set at the upper end of that zone, not to exceed 13.5 percent.

FERC directs withdrawal or amendment of filing found potentially discriminatory

G-2, *Dominion Transmission, Inc.*, Docket No. RP17-397-000. This order finds that a proposed service agreement between Dominion and NextEra presents a significant potential for undue discrimination because of terms that would allow NextEra to schedule for primary (instead of secondary) service by using unclaimed capacity from a second contract. The Commission directs Dominion to either withdraw the agreement, or else amend its tariff to offer the same terms to all similarly situated shippers.

FERC approves proposed remediation surcharge filing

G-3, *Texas Eastern Transmission LP*, Docket No. RP17-461-000. This order approves the proposed polychlorinated biphenyl (PCB) remediation surcharge filing submitted by Texas Eastern on February 28, 2017. The order also removes the refund condition imposed originally in the delegated letter order issued on March 29, 2017. The order finds that Texas Eastern has properly met its obligation, in accordance with a 1992 settlement, to estimate PCB-related cleanup costs that are recovered through a surcharge mechanism on an annual basis. For the upcoming year, Texas Eastern estimated that its PCB-related costs would be \$0. The order finds that, because Texas Eastern has met the settlement requirement that it project such costs annually on a forward-looking basis, and because the surcharge represents a rate reduction, there is no need to maintain the refund condition originally imposed in the March 29, 2017 delegated letter order.

FERC grants request for a declaratory order

G-4, *GT Pipeline, LLC*, Docket No. OR17-13-000. The order grants GT Pipeline's petition for declaratory order concerning its proposed Sabine Bayou Line, an interstate refined petroleum products pipeline. The order confirms that all of the rate framework and service elements of the proposed pipeline are lawful under the Interstate Commerce Act and are consistent with the Commission's policies, precedents, rules, and regulations. The order further states that during the term of the transportation services agreement (TSA) signed with GT Pipeline's sole Committed Shipper the provisions of the TSA will be upheld and will govern the services provided to the Committed Shipper in accordance with the TSA.

FERC grants a request for rehearing

H-2, *PacifiCorp*, Project No. 308-008. The order grants PacifiCorp's request for rehearing of Commission staff's January 5, 2017 order issuing PacifiCorp a subsequent license for the 1.1-megawatt Wallowa Falls Hydroelectric Project, located on the East Fork Wallowa River and Royal Purple Creek in Wallowa County, Oregon. The order modifies three license articles and deletes the project financing article.

FERC denies rehearing

H-3, *Percheron Power, LLC & NorthHydro, LLC*, Project Nos. 14760-001, 14761-001, 14762-001, 14763-001 and 14764-001. The order denies requests for rehearing filed by Percheron Power and NorthHydro of Commission staff's September 29, 2016 orders denying their five preliminary permit applications for projects that would be located on conduits within the Bureau of Reclamation's Columbia Basin Project. The order finds that staff's denial was appropriate because the Commission does not retain jurisdiction to authorize the projects.

FERC denies rehearing

H-4, *Percheron Power, LLC*, Docket No. EL16-50-001. This order denies Percheron Power's request for rehearing of the Commission's September 22, 2016 declaratory order that found that the Commission lacked jurisdiction to authorize new, small conduit hydroelectric projects of 5 megawatts or less within the U.S. Bureau of Reclamation's Columbia Basin Project, or specifically at five features of the Columbia Basin Project.

FERC denies rehearing

H-5, *Appalachian Power Company*, Project No. 2210-261. The order denies a request for rehearing, filed by Mr. William W. Nissen II, of a March 1, 2017 Commission staff letter which found that Appalachian Power was not in violation of its license for the Smith Mountain Pumped Storage Project No. 2210, located on the Roanoke River in Bedford, Campbell, Franklin, and Pittsylvania counties, Virginia. The order confirms Commission staff's conclusions and finds that Mr. Nissen's additional arguments lack merit.