

November 2017

Commission Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its November 16, 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.

A-3 – Press Release

FERC proposes a rule

E-1, *Coordination of Protection Systems for Performance During Faults and Specific Training for Personnel Reliability Standards*, Docket No. RM16-22-000. This Notice of Proposed Rulemaking addresses whether to approve proposed Reliability Standards PRC-027-1 (Coordination of Protection Systems for Performance During Faults) and PER-006-1 (Specific Training for Personnel) that would maintain the coordination of protection systems installed to detect and isolate faults on bulk electric system elements and would ensure that personnel are trained on specific topics essential to reliability to perform or support real-time operations of the bulk electric system.

FERC accepts a filing and denies proposed changes to NERC's CMEP program

E-2, *North American Electric Reliability Corp.*, Docket No. RR15-2-005. The order accepts NERC's 2016 ERO Enterprise Compliance Monitoring and Enforcement Program (CMEP) Annual Report, and denies NERC's request for approval of two proposed changes to the CMEP: eliminating the public posting of compliance exceptions identified through self-logging, and expanding the use of compliance exceptions to include certain moderate risk non-compliance.

FERC addresses a remand

E-3, *Public Service Company of Colorado, et al.*, Docket No. ER13-75-011, *et al.* The order addresses a remand from the U.S. Court of Appeals for the Fifth Circuit regarding the Commission's orders on Order No. 1000 compliance filings submitted by public

utility transmission providers in the WestConnect transmission planning region. The order explains why the approach the Commission accepted in the compliance orders will not result in rates that are unjust and unreasonable, why the Commission expects non-public utility transmission providers in the region to be incentivized to participate in regional cost allocation, and why rates will remain just and reasonable even if a non-public utility transmission provider does not participate in regional cost allocation for a particular transmission project for which it benefits and the project is subsequently selected in the regional transmission plan for purposes of cost allocation.

FERC accepts proposed tariff revisions

E-4, *New York Independent System Operator, Inc.*, Docket No. ER17-1310-001. This order accepts the proposed tariff revisions that establish a cost allocation method for the Alternating Current Transmission Public Policy Transmission Process.

FERC accepts a settlement

E-5, *New York Independent System Operator, Inc.*, Docket No. ER15-572-000. This order accepts the offer of New York Transco, Inc. to settle the issues concerning transmission revenues that the Commission had set for hearing in an order issued April 2, 2015.

FERC accepts a compliance filing, subject to condition

E-6, *New York Independent System Operator, Inc.*, Docket No. ER16-120-001, *et al.* This order addresses NYISO's compliance filing submitted in response to the Commission's February 19, 2015 order instituting a proceeding under section 206 of the Federal Power Act that directed NYISO to submit tariff revisions governing the retention of and compensation to generating units needed for reliability (reliability must run, or RMR, generators), and also addressed requests for rehearing and clarification of the Commission's order on NYISO's first compliance filing. The order accepts NYISO's compliance filing, subject to condition, and directs a further compliance filing. In addition, the order grants, in part, and denies, in part, the requests for rehearing and clarification.

FERC accepts proposed tariff revisions

E-7, *PJM Interconnection, L.L.C.*, Docket No. ER17-2362-000. The order accepts PJM's proposed tariff revisions incorporating cost responsibility assignments for 39 transmission projects included in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Directors.

FERC denies rehearing

E-8, *PJM Interconnection, L.L.C.*, Docket No. ER17-249-001. The order denies rehearing of the Commission's December 22, 2016 order that accepted revisions to the PJM Open Access Transmission Tariff that extended and updated the rate mechanism for recovering the administrative costs of serving as a regional transmission organization.

FERC rejects proposed formula rate revisions

E-9, *PJM Interconnection, L.L.C.*, Docket Nos. ER17-528-000 and ER17-528-001. This order rejects Baltimore Gas and Electric's proposed revisions to its formula rate to provide a mechanism, as appropriate, to refund or recover certain deferred income tax excesses and deficiencies previously recorded and ongoing.

FERC grants request for power sales to an affiliate

E-10, *FirstEnergy Solutions Corp.*, Docket No. ER17-1269-000. This order grants FirstEnergy Solutions' request to make power sales to its affiliate Potomac Edison in accordance with the terms of a Full Requirements Service agreement and transaction confirmations between FirstEnergy Solutions and Potomac Edison that were selected and entered into in accordance with a competitive solicitation process conducted by Potomac Edison. The order finds that these competitive solicitation processes satisfy the Commission's concerns regarding the potential for affiliate abuse.

FERC grants request for power sales to an affiliate

E-11, *FirstEnergy Solutions Corp.*, Docket No. ER17-1272-000. The order grants FirstEnergy Solutions' request to make power sales to its affiliate West Penn Power (West Penn) in accordance with the terms of two Default Service Supplier Master Agreements and transaction confirmations between FirstEnergy Solutions and West Penn that were selected and entered into in accordance with two separate competitive solicitation processes conducted by West Penn. The order finds that these competitive solicitation processes satisfy the Commission's concerns regarding the potential for affiliate abuse.

FERC accepts filings, subject to condition

E-12, *Southwest Power Pool, Inc.*, Docket No. ER17-889-000. The order accepts (1) an executed Service Agreement for Network Integration Transmission Service between SPP as transmission provider and Kansas Municipal Energy Agency (KMEA) as network customer and (2) an executed Network Operating Agreement among SPP as transmission provider, KMEA as network customer, and Sunflower Electric Power Corporation as host transmission owner. The order also directs SPP to submit a compliance filing.

FERC accepts proposed tariff revisions

E-13, *Southwest Power Pool, Inc.*, Docket No. ER17-1482-000. The order accepts SPP's proposed revisions to Attachment AE of the Open Access Transmission Tariff to replace the terms "Head-room" and "Floor-room" with the new term "Instantaneous Load Capacity," and to add the term "Operator input" to the list of inputs that are used in its Reliability Unit Commitment determinations.

FERC accepts a filing, subject to condition

E-14, *Entergy Arkansas, Inc.*, Docket No. ER17-1160-000, *et al.* The order accepts Entergy Services, Inc.'s filing of six amended power purchase agreements, subject to the condition that Entergy make a compliance filing to clarify the date on which Entergy's Unit Power Sales and Designated Power Purchases Tariff began to apply to the amended power purchase agreements.

FERC rejects a filing, directs an additional compliance filing

E-15, *Entergy Services, Inc.*, Docket No. ER10-1350-006. The order rejects Entergy's November 19, 2016 compliance filing, finding that Entergy must calculate interest compounding on the interest component of the payments at issue until the date the interest payment is actually made. The order directs Entergy to file an additional compliance filing.

FERC grants a limited waiver

E-16, *Entergy Louisiana, LLC*, Docket No. ER17-897-000. This order grants Entergy Louisiana's request that the Commission grant limited waiver of sections 35.14 and 35.19a of the Commission's regulations. Entergy Louisiana states that the waivers would allow Entergy Louisiana to credit a wholesale, cost-based requirements customer a proportional share of a supplemental judgment and partial award received by Entergy Louisiana from the United States Department of Energy (DOE) as a result of DOE's breach of a contract for disposal of spent nuclear fuel.

FERC denies requests for rehearing and clarification

E-17, *Louisiana Public Service Commission v. Entergy Corp.*, Docket No. EL09-61-006. This order denies requests for rehearing and clarification of the Commission's Opinion No. 548, which determined the methodology to calculate refunds due as a result of the Commission's finding in Opinion No. 521 that Entergy had violated the Entergy System Agreement through improper allocation of energy used to source Entergy Arkansas' off-system sales of energy from 2000 through 2009.

FERC rejects proposed revisions

E-18, *NorthWestern Corporation*, Docket No. ER17-1221-000. This order rejects NorthWestern's proposed revisions to its creditworthiness procedures, without prejudice.

FERC accepts proposed formula rate revisions, subject to condition

E-19, *Midcontinent Independent System Operator, Inc.*, Docket No. ER17-1014-000. The order accepts, subject to condition, MISO's proposed revisions to the Formula Rate for Otter Tail Power (Otter Tail) included in Attachment O of the MISO Open Access Transmission, Energy, and Operating Reserve Markets Tariff. The proposed revisions facilitate the inclusion of the annual transmission revenue requirements associated with Basin Electric Power Cooperative's eligible transmission facilities located within the Otter Tail pricing zone.

FERC accepts tariff revisions

E-20, *Arizona Public Service Company*, Docket Nos. ER16-938-005, *et al.* The order accepts APS' October 25, 2016 and March 31, 2017 filings proposing revisions to its Open Access Transmission Tariff to comply with the Commission's September 26, 2016 order addressing APS' participation in the Energy Imbalance Market operated by California Independent System Operator Corporation.

FERC accepts proposed tariff revisions, directs a compliance filing

E-21, *Louisville Gas and Electric Company*, Docket No. ER17-558-000. The order accepts, subject to condition, a filing submitted by Louisville Gas and Electric and Kentucky Utilities (LG&E\KU) proposing revisions to their open access transmission tariff and to their network operating agreement under the tariff. The order, among other things, clarifies that imbalance and reserve ancillary services are not intended to be used as backup supply. The order also directs LG&E\KU to submit a compliance filing.

FERC accepts an agreement

E-22, *Bishop Hill Energy LLC*, Docket No. ER17-1386-000. This order accepts a shared facilities agreement that has been conformed to account for an assignment of obligations from First Wind Energy LLC to First Wind O&M.

FERC denies a motion

E-23, *Saguaro Power Company, A Limited Partnership*, Docket Nos. EL16-78-001 and QF90-203-008. This order denies the Nevada Bureau of Consumer Protection's Motion for Refund Compliance Report, in which the Nevada Bureau sought information regarding Saguaro Power's compliance with Commission orders that granted, in part, and denied, in part, Saguaro Power's requested waiver of the cogeneration facilities' operating and efficiency standards. The order notes that, in the underlying orders, the Commission had denied a similar request for informational filings detailing Saguaro Power's compliance. The order finds no additional basis that would support ordering such informational filings now.

FERC grants waivers for Years 2016 & 2017, dismisses waiver for Year 2018

E-24, *EF Kenilworth, LLC*, Docket Nos. EL17-74-000 and QF90-73-009. This order grants waiver of the cogeneration facility operating and efficiency standards for the years 2016 and 2017, but dismisses as premature the requested waiver for 2018. The order finds that EF Kenilworth may be able to meet the Commission's operating and efficiency standards in 2018. However, the order states that, if EF Kenilworth later determines that it will be unable to meet the operating and efficiency standards for 2018, it may request waiver at that time.

FERC accepts a filing, subject to condition; grants waiver; and denies, in part, and grants, in part, requests for rehearing and clarification

E-25, *Coalition of MISO Transmission Customers v. Midcontinent Independent System Operator, Inc.*, Docket Nos. EL16-112-001 and ER17-892-000. This order accepts, subject to condition, MISO's filing that was submitted in compliance with the Commission's December 6, 2016 order issued in Docket No. EL16-112-000. The December 6 order granted, in part, and denied, in part, Coalition of MISO Transmission Customers' complaint regarding MISO's calculation of the Sub-Regional Export Constraint from MISO South to MISO Midwest used in the 2016/17 Planning Resource Auction. This order grants waiver of section 64.1.4 of MISO's tariff to allow market participants additional time to compile and format required information in accordance with the new requirements proposed by MISO on compliance. This order also denies, in part, and grants, in part, requests for rehearing and clarification of the December 6 order.

FERC addresses a complaint, establishes hearing and settlement judge procedures

E-26, *American Municipal Power, Inc., et al. v. Appalachian Power Co., et al.*, Docket No. EL17-13-000. The order sets for hearing and settlement judge procedures a return on equity complaint filed by American Municipal Power, Inc., et al., against the AEP-East companies.

FERC addresses a complaint, establishes hearing and settlement judge procedures

E-27, *East Texas Electric Cooperative, Inc. v. Public Service Company of Oklahoma, et al.*, Docket No. EL17-76-000. The order sets for hearing and settlement judge procedures a return on equity complaint filed by East Texas Electric Cooperative, Inc. against the AEP-West companies.

FERC denies a complaint

E-28, *Joint California Complainants v. Pacific Gas and Electric Company*, Docket No. EL17-59-000. The order denies a complaint requesting additional refund protection in case PG&E's proposed rates in its eighteenth transmission owner tariff filing are reduced below PG&E's last clean rate. The order finds that complainants have failed to carry their burden under Federal Power Act section 206 to demonstrate that a rate reduction below the last clean rate may be warranted.

FERC denies request for clarification or rehearing

E-29, *New England Power Generators Association, Inc. v. ISO New England Inc.*, Docket No. EL16-120-001. The order denies NEPGA's request to clarify the Commission's January 16, 2017 order, where the Commission required ISO-NE to revise the method by which it calculated the strike price that triggers the Peak Energy Rent (PER) mechanism within ISO-NE's Forward Capacity Market. NEPGA asked the Commission to clarify the calculation of the PER Adjustment. The order finds NEPGA's proposed interpretation incorrect. The order also denies NEPGA's alternative request for rehearing.

G-1, *Guttman Energy, Inc., d/b/a Guttman Oil Company, and PBF Holding Company, LLC v. Buckeye Pipe Line Company, L.P. and Laurel Pipe Line Company, L.P.*, Docket No. OR14-4-000, *et al.* The order affirms, in part, and reverses, in part, the determinations of the Presiding Judge in the April 19, 2016 Initial Decision. This proceeding involves a complaint alleging that Buckeye has been unlawfully charging interstate rates for intrastate movements, and has significant market power in certain markets for which Buckeye has market-based rate authority. The order affirms the Presiding Judge's finding that the essential character of the movements in question is interstate and affirms, in part, and reverses, in part, the Presiding Judge's findings regarding market power.

FERC approves an optional service

G-2, *Equitrans, L.P.*, Docket No. RP17-887-000. This letter order approves an optional service, called Enhanced Firm Transportation, which is intended to improve flexibility, and is similar to optional services that the Commission has approved for other pipelines.

FERC grants a two-year stay

H-1, *Red River Hydro, LLC*, Project No. 13160-010. The order grants Red River Hydro's request for a two-year stay of the commencement and completion of construction deadlines for its Overton Lock and Dam Hydroelectric Project, to be located at the U.S. Corps of Engineers' John H. Overton Lock and Dam on the Red River in Rapides Parish, Louisiana. The order finds that Red River Hydro, for reasons beyond its control, will not be able to timely commence project construction.

FERC partially grants one rehearing request and denies a second

H-2, *Alabama Power Company*, Project No. 2146-217. This order acts on two requests for rehearing of Commission staff's February 2, 2017 order modifying and approving Alabama Power's Recreation Plan for its Coosa River Hydroelectric Project, located on the Coosa River in Cherokee, Etowah, Calhoun, St. Clair, Talladega, Shelby, Coosa, Chilton, and Elmore counties, Alabama, and Floyd County, Georgia. The order grants rehearing on one issue raised in the Coosa River Paddling Club's request for rehearing and denies all remaining issues in both rehearing requests.

FERC denies rehearing

H-3, *Jeffrey Lake Development, Inc.*, Project No. 1417-269. The order denies Jeffrey Lake Development's request for rehearing of Commission staff's July 27, 2017 letter, addressing allegations of license non-compliance with regard to Jeffrey Lake, a reservoir at one of the developments of the Kingsley Project, located on the North Platte and Platte Rivers in Garden, Keith, Lincoln, Gosper, and Dawson counties, Nebraska. The order upholds staff's rejection of Jeffrey Lake Development's allegations of non-compliance.

FERC denies requests for rehearing and for stay

C-1, *Millennium Pipeline Company, L.L.C.*, Docket No. CP16-17-001. This order denies landowners' and an area resident's requests for rehearing of the Commission's November 9, 2016 order granting a certificate of public convenience and necessity to Millennium for its Valley Lateral Project. The order finds that the project is subject to the Commission's jurisdiction and reaffirms the determinations of the November 2016 order.