

# April 2018

## Commission Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its April 19, 2018 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](http://www.ferc.gov).

### E-1 & E-2 – Press Release

### C-1 – Press Release

### FERC approves a final rule

**E-3**, *Revised Critical Infrastructure Protection Reliability Standard CIP-003-7 – Cyber Security – Security Management Controls*, Docket No. RM17-11-000. This final rule approves Critical Infrastructure Protection (CIP) Reliability Standard CIP-003-7 (Cyber Security – Security Management Controls) because the proposed modifications improve the base-line cybersecurity posture of responsible entities compared with the current Commission-approved CIP Reliability Standards. In addition, the final rule directs the North American Electric Reliability Corporation to develop modifications to address the need to mitigate the risk of malicious code that could result from third-party transient electronic devices.

### FERC conditionally approves an uncontested settlement

**E-6**, *PJM Interconnection, L.L.C.*, Docket No. ER17-1016-001. This letter order conditionally approves an uncontested settlement, subject to Settling Parties' filing, within 30 days of the date of the order, a revised settlement agreement reflecting an agreed-to clarification to the standard of review provision that applies to third parties and the Commission acting *sua sponte*.

### FERC approves an uncontested settlement

**E-7**, *PacifiCorp*, Docket No. ER17-219-002. This letter order approves an uncontested settlement that resolves all issues related to the rate revisions that PacifiCorp filed in

Docket No. ER17-219-000, and the related Federal Power Act section 206 investigation that the Commission initiated in Docket No. EL17-27-000.

### **FERC denies rehearing request**

**E-8**, *Southwest Power Pool, Inc.*, Docket No. ER17-2229-001. The order denies Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC's request for rehearing of a September 29, 2017 order in this proceeding. The September 29 order accepted SPP's proposed tariff revisions to change the frequency of SPP's regional cost allocation review analysis from at least once every three years to at least once every six years.

### **FERC grants extension of a stay**

**H-1**, *Fairlawn Hydroelectric Company, LLC*, Project No. 12715-013. The order extends for one year the stay of the deadlines for the licensee to commence and complete construction of its Jennings Randolph Hydroelectric Project No. 12715, finding that the licensee has been unable to commence construction because the U.S. Army Corps of Engineers only just recently issued the required "Section 408" permit authorizing the licensee to begin construction at the Corps' Jennings Randolph Dam and Lake.

### **FERC rejects rehearing request**

**H-2**, *Consumers Energy Company*, Project No. 785-034. The order rejects a rehearing request, filed by an adjacent landowner, of a Commission staff compliance order approving a revised Exhibit G drawing for Consumers Energy Company's Calkins Bridge Hydroelectric Project, located on the Kalamazoo River in Allegan County, Michigan, because the landowner did not file a motion to intervene and is not a party to the proceeding. However, for purposes of clarity, the order addresses the landowner's arguments on the merits and affirms staff's conclusions in the compliance order.

### **FERC denies rehearing**

**H-3**, *America First Hydro LLC*, Project No. 14856-000. The order denies a request for rehearing, jointly filed by Maine Rivers and the Mousam and Kennebunk Rivers Alliance, of a December 11, 2017 Commission notice dismissing both parties' motions to intervene in America First's pre-filing process for a license for the Lower Mousam Project, located on the Mousam River in York County, Maine. The order finds that, because Maine Rivers and the Mousam and Kennebunk Rivers Alliance filed their motions to intervene during the pre-filing stage of the Commission's Integrated Licensing Process, their motions to intervene were premature.

### **FERC conditionally grants abandonment authority**

**C-2**, *WBI Energy Transmission, Inc.*, Docket No. CP17-469-000. The order grants WBI Energy conditional authority to abandon its Billy Creek Storage Field and associated facilities located in Johnson County, Wyoming. WBI Energy requests to abandon the storage field because water encroachment has rendered the storage field unusable and incapable of providing firm natural gas storage service to WBI Energy's existing customers. The order also grants WBI authority to construct, install, modify, and/or operate certain pipeline facilities, prior to abandonment, as necessary to withdraw and sell Billy Creek Field's cushion gas at market prices.

### **FERC denies rehearing**

**C-3**, *High Island Offshore System LLC*, Docket No. CP16-20-001. The order denies the Producer Coalition's request for rehearing of the Commission's September 2017 order granting HIOS' request to abandon from Natural Gas Act jurisdiction certain offshore gas transportation facilities in the Gulf of Mexico. The order finds that Producer Coalition's reliance on the Commission's April 21, 2011 decision in a case involving Northern Natural Gas Co. (Docket No. CP10-82-000) -- where the Commission rejected an attempt to abandon facilities -- is misplaced. Abandonment decisions are case specific and here, the fact that throughput has significantly declined and that the Producer Coalition did not appear to value service on the facilities enough to subscribe to firm service, are sufficient factors to support a finding that abandonment is permissible.