

May 2019

Commission Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its May 16, 2019 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.

M-1 – Press Release

C-2 – Press Release

FERC grants, in part, requests for rehearing and clarification

E-1, *Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 841-A, Docket No. RM16-23-001, *et al.* This order addresses requests for rehearing and clarification of the Commission's determinations in Order No. 841 that sought to remove barriers to the participation of electric storage resources in the capacity, energy, and ancillary service markets operated by RTOs and ISOs, and generally affirms the Commission's determinations.

FERC addresses complaints, establishes hearing and settlement judge procedures

E-2, 3, 4, and 5, *Orders on Midcontinent Independent System Operator, Inc./ PJM Interconnection, L.L.C. Pseudo-Tie Congestion Complaints*, Docket No. EL16-108-000, *et al.* These orders address five related complaints that allege that the assessment of congestion and other charges on generators that are pseudo-tied from the MISO Balancing Authority Area into the PJM Balancing Authority Area violates the MISO Tariff and the PJM Tariff. The complaints also allege that the complainants were subject to unjust and unreasonable overlapping charges for congestion assessed by MISO and PJM. The orders deny the complainants' various tariff violation arguments. However, the orders grant the complaints with respect to congestion overcharges, finding that prior to the Commission's acceptance of revisions by MISO and PJM to their Joint Operating Agreement and Tariffs, the potential for overlapping or duplicative charges for congestion on pseudo-tie transactions existed. Accordingly, the orders establish hearing and settlement judge procedures with respect to appropriate refunds.

FERC proposes a rule

E-6, *Notice of Proposed Rulemaking*, Docket No. RM05-5-027. This Notice of Proposed Rulemaking proposes to amend the Commission's regulations to incorporate by reference, with certain enumerated exceptions, the latest version (Version 003.2) of certain Standards for Business Practices and Communication Protocols for Public Utilities adopted by the Wholesale Electric Quadrant of the North American Energy Standards Board.

FERC addresses compliance filings

E-7, 8, 9, 10, 11, 12, 13, 14, *Orders on Compliance Filings*, Docket No. EL18-138-000, *et al.* On December 20, 2018, the Commission issued a set of orders in which the Commission found unjust and unreasonable the "two-step" averaging methodology used in the calculation of Accumulated Deferred Income Tax balances in the projected test year calculations and/or annual true-up calculations for certain transmission owners' transmission formula rates (December 2018 Orders). The December 2018 Orders also directed the elimination of the "two-step" averaging methodology. These orders address filings made by the respondent transmission owners to comply with the December 2018 Orders.

FERC approves an uncontested settlement

E-15, *American Municipal Power, Inc.*, EL18-172-000. The letter order approves an uncontested settlement concerning the revenue requirement for reactive service by AMP from its Cannelton Hydroelectric Facility.

FERC approves an uncontested settlement

E-16, *American Municipal Power, Inc.*, EL18-174-000. The letter order approves an uncontested settlement concerning the revenue requirement for reactive service by AMP from its Smithland Hydroelectric Facility.

FERC grants a complaint

E-17, *Florida Municipal Power Agency v. Duke Energy Florida, LLC*, Docket No. EL19-40-000. The order grants Florida Municipal Power Agency's (FMPA) complaint against Duke Energy Florida, LLC (DEF) alleging that DEF violated its Open Access Transmission Tariff by denying FMPA and its members' requests for transmission service on the DEF transmission system for deliveries from the Poinsett Solar Facility (Project). As relief, the order directs DEF to reinstate the transmission queue positions of FMPA, and the cities of Bartow, Wauchula, and Winter Park, also FMPA members, effective September 5, 2018, consistent with their original requests to designate the Project as a network resource.

FERC grants, in part, and denies, in part, a petition for declaratory order

E-18, *LS Power Grid New York, LLC and LS Power Grid New York Corporation I*, Docket No. EL19-30-000. On January 7, 2019, LS Power Grid New York, LLC and LS Power Grid New York Corporation I (together, LSPG-NY) submitted a petition for declaratory order requesting authorization to recover 100 percent of all prudently-incurred costs related to its investment in certain transmission facilities that it proposed to develop as part of the New York Independent System Operator, Inc.'s (NYISO) AC Transmission Upgrades public policy transmission planning process (Projects), if the Projects are abandoned or cancelled for reasons beyond LSPG-NY's control (Abandoned Plant Incentive). On April 8, 2019, LSPG-NY filed an update notifying the Commission that NYISO selected LSPG-NY's Segment A Project as the more efficient or cost-effective transmission solution, but did not select LSPG-NY's Segment B Project. The order grants, as to Segment A, and rejects, as to Segment B, LSPG-NY's request for the Abandoned Plant Incentive, effective as of the date of the issuance of this order.

FERC grants blanket authorization

E-19, *Clearway Energy Group LLC*, Docket No. EC19-68-000. This order grants an application filed by Clearway Energy Group and Clearway Energy, Inc. for blanket authorization under Federal Power Act section 203 for direct or indirect transfers of interests in certain public utilities that are Exempt Wholesale Generators and/or Qualifying Facilities.

FERC denies a rehearing request

E-20, *Public Service Company of Colorado*, Docket Nos. ER19-366-000 and ER19-366-001. This order denies Public Service Company of Colorado's (PSCo) request for rehearing and clarification of the Commission's January 31, 2019 order that rejected PSCo's proposal to reform its Large Generator Interconnection Procedures and Large Generator Interconnection Agreement.

FERC accepts certain revised tariff records; rejects others

G-1, *Enable Mississippi River Transmission, LLC*, Docket No. RP18-923-000, *et al.* This order addresses tariff records filed in conjunction with Enable's ongoing general rate case under section 4 of the Natural Gas Act, including tariff records submitted in Enable's motion filing, and other tariff records in response to the Commission's order following technical conference, and an earlier order on a compliance filing reflecting changes directed by summary determination in the suspension order on Enable's general rate case filing.

FERC grants joint petition for temporary and limited waivers

G-2, *Apache Corporation*, Docket No. RP19-996-000. The letter order grants a joint petition filed by Apache and Red Wolf Acquisitions, LLC requesting temporary and limited waivers of certain of the Commission's capacity release regulations and policies and related tariff provisions included in ANR Pipeline Company's tariff.

FERC denies a request for rehearing

G-3, *Transcontinental Gas Pipeline Company*, Docket Nos. RP18-987-001, RP18-990-001. This order on rehearing dismisses, and alternatively denies, a request for rehearing filed by the North Carolina Utilities Commission and the New York State Public Service Commission of the August 16, 2018 order in this proceeding accepting negotiated rate agreements for service created by the Atlantic Sunrise Pipeline Project. The order dismisses the rehearing request on procedural grounds, and, in the alternative, denies the request on the merits, finding that the negotiated rate agreements were properly approved.

FERC authorizes a new major hydroelectric license

H-1, *Eugene Water and Electric Board, Oregon*, Project No. 2242-078. The order authorizes a new major license to Eugene Water and Electric Board for the continued operation of the 91.995-megawatt Carmen-Smith Project located on the McKenzie and Smith rivers in Lane and Linn counties, Oregon. The order includes most of the measures proposed in a settlement agreement among the licensee and several parties to the proceeding.

FERC approves abandonment of a portion of a firm service obligation

C-1, *Alliance Pipeline, L.P.*, Docket No. CP19-34-000. The order grants Alliance's request to abandon a portion of its firm service obligation on its Tioga Lateral Project by reducing the Tioga Lateral's certificated design capacity from 126.4 million cubic feet per day (MMcf/d) to 96 MMcf/d. Alliance's Tioga Lateral extends approximately 79.3 miles from a gas processing plant in Tioga, North Dakota to Alliance's mainline facilities located near Sherwood, North Dakota. Alliance seeks to abandon this portion of its firm service after hydraulic modeling demonstrated that the as built design capacity of the Tioga Lateral is 96 MMcf/d.