May 2020
Commission Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its May 21, 2020 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

C-7 – Press Release

FERC grants a complaint, directs a compliance filing

E-3, PJM Interconnection, L.L.C., Docket Nos. EL19-58-000, et. al. The order grants PJM’s section 206 filing, finding that PJM’s existing reserve market design is unjust and unreasonable. The order largely adopts PJM’s proposed replacement rate as just and reasonable and directs PJM to submit a compliance filing. The order also finds that these changes to the reserve market render aspects of Attachment DD to PJM’s Tariff unjust and unreasonable (specifically, the Energy and Ancillary Services Offset methodology used in the capacity market to calculate Net Cost of New Entry), establishes a forward-looking Energy and Ancillary Services Offset as the just and reasonable replacement rate and directs a compliance filing.

FERC grants rehearing request

E-4, Southwest Power Pool, Inc., Docket Nos. EL16-91-001, et al. The order grants rehearing of the Commission’s October 19, 2017 order and terminates an investigation instituted by order issued July 21, 2016 under section 206 of the Federal Power Act into whether the SPP’s Open Access Transmission Tariff (Tariff) is 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 also dismisses SPP’s compliance filing to the
FERC grants rehearing request

E-5, Midcontinent Independent System Operator, Inc., Docket Nos. EL16-99-001, et al. The order grants rehearing of the Commission’s October 19, 2017 order and terminates an investigation instituted by order issued July 21, 2016 under section 206 of the Federal Power Act into whether the MISO Open Access Transmission Tariff (Tariff) is unjust, unreasonable, and 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; and dismisses MISO’s compliance filing to the October 2017 order as moot. In granting rehearing of the October 2017 Order, the order finds that it is neither necessary nor appropriate to impose the refund commitment on non-public utility transmission owners in MISO, as contemplated in the October 2017 Order.

FERC accepts proposed tariff revisions

E-6, Midcontinent Independent System Operator, Inc. and Union Electric Company, Docket No. ER20-1080-000. The order accepts proposed revisions to Union Electric Company’s formula rate template in MISO’s Open Access Transmission, Energy and Operating Reserve Markets Tariff to address the recovery of costs associated with Materials and Supplies.

FERC accepts proposed tariff revisions


FERC accepts a filing, establishes hearing and settlement judge procedures

E-8, Tri-State Generation and Transmission Association, Inc., Docket No. ER20-1045-001. The order accepts for filing the Large Generator Interconnection Agreement between Tri-State and Leeward Renewable Energy Development, LLC, to be designated as Service Agreement No. 608 under Tri-State’s pro forma Open Access Transmission Tariff, effective February 25, 2020 and subject to refund. The order also establishes hearing and settlement judge procedures.
FERC partially accepts a compliance filing, directs a further compliance filing

E-9, *Tri-State Generation and Transmission Association, Inc.*, Docket No. ER20-687-000. The order finds that Tri-State’s Order No. 845 and 845-A compliance filing partially complies with the Commission’s directives in those orders. The order accepts the compliance filing and directs Tri-State to submit a further compliance filing within 120 days of the date of the order.

FERC accepts proposed tariff revisions, establishes a hearing and sets a refund effective date

E-10, *DATC Path 15, LLC*, Docket Nos. ER20-1006-000, *et al.* The order accepts DATC Path 15’s filing of a revised Appendix I to its Transmission Owner Tariff reflecting a proposed rate reduction to its Transmission Revenue Requirement (TRR) from $25,571,090 to $21,724,075, effective June 13, 2020, as requested and establishes hearing and settlement judge procedures. In addition, because DATC Path 15 is proposing a rate decrease in its TRR and a further decrease may be warranted, the order institutes a Federal Power Act section 206 investigation proceeding in Docket No. EL20-43-000 to allow customers the opportunity to recover refunds associated with any further reduction in DATC Path 15’s TRR.

FERC partially accepts a compliance filing, directs a further compliance filing

E-11, *Public Service Company of New Mexico*, Docket No. ER19-1955-002, *et al.* The order finds that PNM’s second round Order No. 845 compliance filing partially complies with the requirements of Order Nos. 845 and 845-A and the Commission’s earlier order on compliance. The order directs PNM to submit a further compliance filing within 120 days of the date of the order.

FERC partially accepts a compliance filing, directs a further compliance filing

FERC partially accepts a compliance filing, institutes an FPA section 206 proceeding

**E-14, Avista Corporation**, Docket Nos. ER19-1959-001 and EL20-39-000. This order finds that Avista’s second round Order No. 845 compliance filing partially complies with Order Nos. 845 and 845-A and the Commission’s earlier order on compliance. The order directs Avista to submit a further compliance filing within 120 days of the date of the order. The order also institutes a proceeding under section 206 of the Federal Power Act to examine section 11.5 of Avista’s Large Generator Interconnection Procedures, which imposes certain restrictions on interconnection customers’ request for provisional interconnection service.

FERC denies a complaint

**E-15, Tilton Energy LLC v. PJM Interconnection, L.L.C.,** Docket No. EL18-145-000. The order denies a complaint filed by Tilton Energy against PJM Interconnection, L.L.C. (PJM) alleging that PJM wrongly determined that Tilton’s pseudo-tie from the Midcontinent Independent System Operator, Inc. Balancing Authority Area into the PJM Balancing Authority Area does not pass the market-to-market flowgate test set forth in the PJM’s tariff, and that PJM wrongly determined that the pseudo-tied resource would not be eligible to participate in the PJM capacity auctions after the 2021/2022 Delivery Year.

FERC denies in part and grants in part a complaint

**E-16, Brookfield Energy Marketing, LP v. PJM Interconnection, L.L.C.,** Docket No. EL19-34-000. The order denies in part and grants in part a complaint brought by Brookfield against PJM alleging that PJM’s deliverability requirements and Market-to-Market Flowgate Test, two of its pseudo-tie requirements, are unjust and unreasonable as a general matter and as applied to Brookfield’s external generation resources seeking to participate in PJM’s capacity market and provide capacity to load in PJM. The order finds that Brookfield failed to meet its burden under section 206 of the Federal Power Act to demonstrate that PJM’s tariff is unjust and unreasonable or that PJM applied its pseudo-tie requirements to Brookfield in a manner that is unjust and unreasonable. The order grants the complaint in part, finding that PJM’s tariff lacks sufficient notice and transparency regarding the manner in which PJM conducts its Market-to-Market Flowgate Test and directs PJM to amend its tariff to provide such notice and transparency.
FERC denies in part and grants in part a complaint

E-17, Cube Yadkin Generation, L.L.C. v. PJM Interconnection, L.L.C., Docket No. EL19-51-000. The order grants in part and denies in part a complaint by Cube Yadkin against PJM regarding application of PJM’s Electrical Distance requirement, one of PJM’s pseudo-tie requirements, to Cube Yadkin’s external generation resources seeking to participate in PJM’s capacity market and provide capacity to load in PJM. The order grants the complaint in part finding that PJM’s tariff lacks sufficient notice and transparency regarding the manner in which PJM conducts its Electrical Distance requirement. The order directs PJM to amend its tariff to provide such notice and transparency. The order also denies the complaint in part, finding that Cube Yadkin failed to meet its burden under section 206 of the Federal Power Act to demonstrate that PJM applied the Electrical Distance requirement to Cube Yadkin in a manner that is unjust and unreasonable.

FERC partially accepts a compliance filing, directs a further compliance filing

E-19, PJM Interconnection, L.L.C., Docket Nos. ER19-1958-001 and ER19-1958-002. The order finds that PJM’s second round Order No. 845 compliance filing partially complies with the requirements of Order Nos. 845 and 845-A and the Commission’s directives in the December 2019 order on compliance. The order directs PJM to submit a further compliance filing within 120 days of the issuance date of the order. The order also denies rehearing of the Commission’s December 2019 order.

FERC grants a waiver request and accepts a filing

E-20, McKenzie Electric Cooperative, Inc., Docket Nos. ER20-335-000, ER20-335-001, and ER20-338-000. The order grants McKenzie Electric Cooperative’s request for waiver of the Commission’s open-access requirements. The order also accepts for filing a Generating Facility Interconnection Agreement.

FERC approves an uncontested settlement agreement

E-21, Hopewell Power Generation, LLC, Docket No. ER19-1643-001. The order approves an uncontested settlement agreement regarding Hopewell Power Generation’s revenue requirement for providing reactive power service from its facility located in Hopewell, Virginia.

FERC grants in part a petition for declaratory order

E-22, NTE Carolinas II, LLC and NTE Energy LLC, Docket No. EL20-8-000. The order grants in part a petition for declaratory order filed jointly by NTE Carolinas II and NTE Energy. The order declares that: (1) the Commission has exclusive jurisdiction to determine whether a transmission provider may terminate a large generator
interconnection agreement (LGIA); (2) a transmission provider seeking to terminate a conforming LGIA over an interconnection customer’s objection must receive Commission approval to do so; and (3) a transmission provider may not announce the termination of a conforming LGIA over an interconnection customer’s objection (either on its Open-Access Same-Time Information System or in reports to the Commission) unless and until the Commission has approved the termination.

**FERC denies rehearing request**

**E-23, Public Citizen, Inc. v. PJM Interconnection, L.L.C.,** Docket No. EL18-61-001. The order denies the request for rehearing of the Commission’s October 17, 2019 order denying a complaint filed by Public Citizen, Inc. The complaint alleged that PJM violated the Federal Power Act, Commission precedent, and PJM’s Amended and Restated Operating Agreement by recovering, through its Commission-approved filed rate, improper campaign contributions and lobbying expenses and by failing to disclose its spending on political activity.

**FERC denies complaints**


**FERC proposes to clarify policy on requests for waiver of tariff provisions**

**M-1, Waiver of Tariff Requirements and Petitions or Complaints for Remedial Relief,** Docket No. PL20-7-000. This proposed policy statement proposes to clarify the Commission’s policy regarding requests for waiver of tariff provisions, by proposing to deny requests for retroactive waiver of tariff provisions except in limited circumstances, to ensure compliance with the filed rate doctrine and rule against retroactive ratemaking. Comments will be due on June 4, 2020, and reply comments will be due on June 11, 2020.
FERC grants a preliminary permit

H-1, Pumped Hydro Storage LLC, Project No. 14992-000. The order issues a preliminary permit for a term of 36 months and grants priority to file a license application to Pumped Hydro Storage LLC for the Salt Trail Canyon Project No. 14992 on the Little Colorado River in Coconino County, Arizona.

FERC grants a preliminary permit

H-2, Pumped Hydro Storage LLC, Project No. 14994-000. The order issues a preliminary permit for a term of 36 months and grants priority to file a license application to Pumped Hydro Storage LLC for the Little Colorado River Project No. 14994 on the Little Colorado River in Coconino County, Arizona.

FERC finds waiver of water quality certification authority

H-3, Yuba County Water Agency, Project No. 2246-065. The order finds that the California State Water Resources Control Board waived its authority under section 401 of the Clean Water Act to issue water quality certification regarding the relicensing for the Yuba River Development Project, located on the Yuba River, North Yuba River, Middle Yuba River, and Oregon Creek in Yuba, Sierra, and Nevada counties, California.

FERC denies rehearing request

H-4, Sugar River Hydro II, LLC, Project No. 10934-034. The order denies rehearing of Commission staff’s January 14, 2020 order denying licensee’s request for extend for 10 years its 30-year license for the Sugar River II Hydroelectric Project located on the Sugar River in Sullivan County, New Hampshire.

FERC denies rehearing and grants, in part, motions to intervene

H-5, Sacramento Municipal Utility District, Project No. 2101-165. The order grants certain motions to intervene and denies rehearing of staff’s January 6 order granting an extension of time for Sacramento Municipal Utility District, licensee for the Upper American River Project No. 2101, to file both a Whitewater Boating Recreation Plan and a Recreation Management Plan required pursuant to U.S. Forest Service 4(e) condition no. 50. The project is located on the Rubicon River, Silver Creek, and South Fork American River in El Dorado and Sacramento counties, California.
FERC authorizes a new natural gas compressor station

C-1, Bluewater Gas Storage, LLC, Docket No. CP19-471-000. The order approves Bluewater’s request for authorization to construct and operate a new 11,150 horsepower compression station in Macomb County, Michigan and to abandon in place 420 feet of natural gas pipeline. The proposed compressor station will restore Bluewater’s delivery capacity at its interconnect with Vector Pipeline L.P. from its current capacity of 120,000 Mcf/day to its design capability of 500,000 Mcf/day.

FERC approves a long-term capacity lease arrangement

C-2, Sabine Pipe Line LLC and Bridgeline Holdings, L.P., Docket Nos. CP20-24-000 and CP20-25-000. The order approves a long-term capacity lease arrangement between joint applicants Sabine Pipe Line and Bridgeline Holdings under which Sabine will lease 300,000 Dth per day of firm transportation capacity on Bridgeline’s intrastate pipeline system in southern Louisiana to provide service under Sabine’s tariff. The lease is designed to enable Sabine to provide service to Venture Global Calcasieu Pass, LLC, which intends to transport natural gas feedstock from the Henry Hub to its LNG export terminal in Cameron Parish, Louisiana. The order issues a certificate of public convenience and necessity to Sabine authorizing the acquisition of the leased capacity and provision of service and a limited jurisdiction certificate to Bridgeline authorizing it to lease the capacity to Sabine and operate it in interstate commerce.

FERC authorizes certain interstate natural gas pipeline facilities

C-3, Natural Gas Pipeline Company of America LLC, Docket No. CP20-14-000. The order authorizes Natural Gas Pipeline Company of America LLC to use its Part 157 blanket certificate to construct and operate the 134th Street Lateral Project. The project would consist of an estimated 1.4 mile, 12-inch-diameter pipeline lateral and appurtenant facilities that would be located in Cook County, Illinois and Lake County, Indiana. The order also grants Mr. Rodney Lopez’s late intervention request and denies his protest and denies Calumet Pipeline, LLC’s late intervention request.

FERC denies rehearing request

C-5, Algonquin Gas Transmission, LLC, Docket No. CP16-9-010. The order denies requests for rehearing that challenged Office of Energy Projects staff’s issuance of a Notice to Proceed with construction of the Weymouth Compressor Station that is part of the facilities being constructed for the Atlantic Bridge Pipeline Project in Massachusetts. The order: rejects as a collateral attack on the Certificate Order arguments that the Commission needs to reopen the record to reexamine the need for the project; rejects the claim that the Notice to Proceed was invalid because the branch chief did not have the delegated authority to issue it; and rejects the contention that Algonquin had not obtained
all necessary federal authorizations and permits required to construct the compressor station.

**FERC denies rehearing**

**C-6, PennEast Pipeline Company, LLC, Docket No. RP20-41-001.** The order denies the Delaware Riverkeeper Network’s request for rehearing of the Commission’s January 30, 2020 Declaratory Order.

**FERC denies and grants rehearing requests, in part, and dismisses motions for stay**

**C-8, Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline, LP, Docket Nos. CP17-495-001 and CP17-494-001.** The order denies requests for rehearing, in part, and grants rehearing, in part, and dismisses motions to stay the Commission’s March 2020 order granting authorizations under section 3 and 7 under the Natural Gas Act for the Jordan Cove LNG Terminal and Pacific Connector Pipeline projects.