

**JANUARY 17, 2008**  
**MEETING SUMMARIES**

**E-2**, News Release

**E-3**, News Release

**FERC accepts updated market power analysis for Boralex Entities**

**E-4**, *Boralex Livermore Fall, et al.*, Docket Nos. ER01-2569-005, *et al.* The Commission accepted the updated market power analysis filed by Boralex Industries (Boralex) on behalf of four of its affiliates, Boralex Livermore Falls, Boralex Stratton Energy, Boralex Ft. Fairfield, and Boralex Ashland (collectively, Boralex Entities). The Commission rejected arguments for using an alternative relevant geographic market and concluded that the Boralex Entities pass the generation market power screens in the Maritimes Control Area and the ISO-New England markets. Thus, the Commission found that the Boralex Entities satisfy the Commission's standards for market-based rate authority.

**E-5**, Media Alert

**FERC grants PECO Energy's request to termination QF purchasing obligation**

**E-7**, *PECO Energy Co.*, Docket No. QM08-2-000. The Commission granted PECO Energy Co.'s application to terminate on a service-territory-wide basis its obligation to enter into new power purchase obligations or contracts to purchase energy and capacity from qualifying cogeneration and small power production facilities with a net capacity in excess of 20 megawatts.

**FERC denies rehearing of order directing transmission owners to make refunds**

**E-8**, *Bangor Hydro-Electric Co.*, Docket Nos. ER04-157-021, *et al.* The Commission denied the Transmission Owners' request on rehearing to make refunds to customers for the period of June 3, 2005 through September 3, 2006 using their pre-existing returns on equity; the Transmission Owners argued that they should be allowed to use such returns because they were within the "zone of reasonableness". The Commission affirmed its holding that that refunds should be made using the return that the Commission found to be just and reasonable and not their pre-existing returns.

E- 10, Media Alert

**FERC conditionally accepts Pinnacle’s Market-Based Rate compliance filing**

E-11, *Pinnacle West Capital Corp., et al.*, Docket No. ER00-2268-019, *et al.* The Commission conditionally accepted Pinnacle West Capital Corp.’s (Pinnacle) compliance filing regarding revised market-based rate tariffs implementing the Commission’s decision to reinstate Pinnacle’s market-based rate authority in the portion of the Arizona Public Service Co. (APS) control area outside of the Phoenix Valley in all seasons, and in the APS portion of the Phoenix Valley in all seasons other than summer. The Commission also conditionally accepted Pinnacle’s mitigation proposal for the Phoenix Valley.

**FERC grants declaratory order concerning sales with a sink outside the Wisconsin-Upper Michigan Systems region**

E-12, *Wisconsin Electric Power Co.*, Docket No. EL08-10-000. The Commission granted Wisconsin Electric Power Co.’s (Wisconsin’s) petition for a declaratory order requesting that the Commission determine, for sales that were completed by the end of August 2007, that sales under its market-based rate tariff with a sink outside of the Wisconsin-Upper Michigan Systems region (WUMS) complied with the provision in its MBR Tariff limiting sales to those with delivery points outside of WUMS. The Commission granted Wisconsin’s request that, for sales that were completed by the end of August 2007, the term delivery point is the location of the sink of the transaction, (i.e., the sink of the purchaser), not the place where title changes hands.

E-14, Media Alert

**FERC denies rehearing of Constellation Energy group’s petition for declaratory order**

E-15, *Constellation Energy Commodities Group*, Docket No. EL07-42-001. The Commission denied rehearing of an order dismissing Constellation Energy Commodities Group’s (Constellation) petition for a declaratory order, involving the interpretation of power purchase agreements with Narragansett Electric Company in light of Section VIII(A) of the Forward Capacity Market Settlement Agreement. The Commission affirmed its holding that the Commission does not have primary jurisdiction, but rather the United States District Court for the District of Rhode Island has concurrent jurisdiction, over the interpretation issues raised by the petition for a declaratory order.

M-1, News Release

**FERC denies rehearing of annual charges for the Salina Pumped Storage Project**

**H-1, *Grand River Dam Authority***, Project No. 2524-012. The Commission denied rehearing of a notice rejecting rehearing of Grand River Dam Authority's (GRDA) administrative annual charges statement for 1998 and 2001 bill years for the Salina Pumped Storage Project No. 2524. The order denies rehearing, finding that GRDA failed to timely contest its 1998 and 2001 bills, and that GRDA provided no grounds that would support the Commission refunding money to GRDA that it would then have to collect from other licensees.

**FERC dismisses rehearing request of study plan determination for the Wells Project in Washington**

**H-2, *Public Utility District No. 1 of Douglas County***, Project No. 2149-137. The Commission dismissed a rehearing request by the City of Pateros of a study plan determination letter to Public Utility District No. 1 of Douglas County, Washington (District), licensee for the Wells Hydroelectric Project No. 2149, located on the Columbia River in Douglas, Chelan, and Okanogan Counties, Washington. The Commission dismissed the rehearing request as premature, noting that there will be ample opportunity for the City of Pateros to comment on the completeness of the material filed by the District, and of the Commission's environmental analysis.

**FERC denies Paducah's request for rehearing of motion for waiver of consultation requirements for a development application for the Robert C. Byrd Lock and Dam**

**H-3, *The Electric Plant Board of the City of Paducah, Kentucky***, Project No. 12911-003. The Commission denied a request for rehearing, filed by The Electric Plant Board of the City of Paducah, Kentucky (Paducah) of an order denying Paducah's motion for extension of time, for stay, and request for waiver. Paducah's motion was intended to allow it to file a development application in competition with previously-filed preliminary permit applications for a project at the Robert C. Byrd Lock and Dam to be located on the Ohio River in West Virginia and Ohio. The Commission concluded that Paducah's requests are inconsistent with the regulations the Commission has put in place to ensure fair competition in hydropower development.

**FERC dismisses request for stay for the Joseph Keating Project in California**

**H-4, *Joseph M. Keating*, Project No. 7267-045.** The Commission dismissed the licensee's motion for stay, pending judicial review, of an order lifting the 1996 stay of the construction deadlines for the project and giving notice, pursuant to section 13 of the Federal Power Act, of the termination of the project's license. The project would be located on Morgan Creek and Pine Creek in Inyo County, California. The Commission concluded that based on his failure to contest a previous determination, he cannot avail himself of court review, the predicate for his stay request, and consequently dismissed the stay request as moot.

### **FERC denies rehearing of Blanket Certificate Rule**

**C-1, Revisions to Blanket Certificate Regulations and Clarification Regarding Rates, Docket No. RM07-7-003.** In a September 2007 order, the Commission clarified that companies must compare the estimated current cost to build a project with the current project cost cap in determining whether an existing facility may be abandoned under blanket authority. The Commission affirmed that companies are to employ an estimated current cost to replicate a project, rather than a project's original cost, and finds the public had adequate notice and an opportunity to comment. Specifically, the Commission noted that comparing facilities' fixed original cost to the rising cost cap would apply blanket abandonment to increasingly larger facilities, and thereby incrementally erode the rationale for the blanket certificate program.