

April 2013 Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its April 18, 2013 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, E-3, E-4, E-5, & E-13 – Press Release

E-7 – Press Release

FERC approves, with modifications, criteria for funding

E-6, *North American Electric Reliability Corp.*, Docket No. FA11-21-000. This order approves, with modifications, the North American Electric Reliability Corporation's proposed written criteria for determining what NERC activities are eligible for funding under section 215 of the Federal Power Act.

FERC proposes to approve certain revisions to four reliability standards

E-8, *Generator Requirements at the Transmission Interface*, Docket No. RM12-16-000. This notice of proposed rulemaking (NOPR) proposes to approve revisions to four Reliability Standards designed to address generator interconnection facilities. The petition filed by the North American Electric Reliability Corp. explained that the revised Reliability Standards would obviate the need to register generators as transmission owners and operators with respect to generation interconnection facilities, "unless individual circumstances warrant otherwise." The NOPR asks for further explanation regarding such individual circumstances.

FERC denies rehearing, in part and grants rehearing, in part

E-9, *Revisions to Electric Reliability Organization Definition of Bulk Electric System and Rules of Procedure*, Docket Nos. RM12-6-001 and RM12-7-001. This order denies rehearing in part, grants rehearing in part, and otherwise reaffirms the Commission's determinations in the final rule approving NERC's modifications to the currently effective definition of "bulk electric system." The order denies

rehearing on the decision in the final rule to include generator interconnection facilities connected to bulk electric system generators in the bulk electric system but grants rehearing on the process to effectuate that change by directing NERC to modify the definition in accordance with section 215(d)(5) of the Federal Power Act. In addition, the order denies rehearing on whether the Commission provided adequate rationale in directing NERC to not allow looped configurations of radial systems to be eligible for exclusion from the bulk electric system. The order also clarifies the functions of the NERC exception process and the Commission's decision to exclusively adjudicate local distribution determinations. Further, the order revises the information collection and Regulatory Flexibility Analysis estimates.

FERC denies rehearing, grants certain requests for clarification of a final rule

E-10, *Electricity Market Transparency Provisions of Section 220 of the Federal Power Act*, Docket No. RM10-12-002. This order denies rehearing and grants certain requests for clarification of Order No. 768, a final rule issued on September 21, 2012. Order No. 768 requires market participants that are excluded from the Commission's jurisdiction under Federal Power Act (FPA) section 205 and have more than a *de minimis* market presence to file Electric Quarterly Reports (EQRs) with the Commission. In addition, Order No. 768 revised the filing requirements applicable to EQR filers. These actions were intended to facilitate price transparency in markets for the sale and transmission of electric energy in interstate commerce, in accordance with FPA section 220. Furthermore, requests for stay of the implementation of Order No. 768 were filed in this proceeding, particularly with respect to reporting e-Tag ID information in the EQR. This order notes that the Commission previously extended the compliance effective date associated with the e-Tag ID reporting requirement and that issues raised on rehearing and clarification related to that requirement will be addressed in an order to be issued later in this proceeding.

FERC dismisses a self-recertification of exempt wholesale generator status

E-11, *Prairie Breeze Wind Energy LLC*, Docket No. EG13-16-000. The order dismisses a self-recertification of exempt wholesale generator (EWG) status as unnecessary and provides additional guidance regarding such filings. The order explains that notification of a change and recertification are only necessary if there is a change relevant to whether the facility still qualifies for EWG status.

FERC conditionally accepts a compliance filing

E-12, *Southwest Power Pool, Inc.*, Docket No. ER12-1772-000. The order conditionally accepts Southwest Power Pool, Inc.'s (SPP) filing to comply with an order issued on December 16, 2011, in which the Commission directed SPP to revise Attachment O (Transmission Planning Process) of its open access transmission tariff to remove unreasonable restrictions on access to resource-specific data and to provide for access to such data under appropriate confidentiality protections. The order finds that SPP's proposed tariff revisions comply with the December 2011 order, except for a clause permitting access to resource-specific data by employees of an entity that has received a Standards of Conduct waiver. The order directs SPP to submit a compliance filing to remove the Standards of Conduct clause.

FERC denies rehearing and requires compliance filings

E-14, *Midwest Independent System Operator, Inc.*, Docket No. ER11-3326-001, *et al.* This rehearing order affirms the original order's holding that three interconnection customers must bear all network upgrade costs required by their queue position, despite the fact that an input error in the system impact study (SIS) caused erroneously low estimated network upgrade costs to be listed in the executed Generator Interconnection Agreements. Under the facts of this case, the order finds it is just and reasonable to require the interconnection customers to pay the upgrade costs that would have been required if there had been no input error in the SIS. The order directs compliance filings to adjust certain upgrade cost items and comply with recent Commission precedent regarding the use of upgrade reimbursement procedures in MISO.

FERC denies rehearing

G-1, *Panhandle Eastern Pipe Line Company, LP*, Docket No. RP12-455-001. The order denies a request for rehearing of a March 30, 2012 order requiring Panhandle to include reservation charge crediting provisions in its tariff and revise the tariff's definition of *force majeure*, or explain why it should not be required to do so.

FERC approves, with modifications, a shoreline management plan

H-1, *Public Utility District No. 2 of Grant County*, Project No. 2114-208. The order modifies and approves the Shoreline Management Plan (SMP) proposed by the Public Utility District No. 2 of Grant County, Washington, for its Priest Rapids Project No. 2114 located on the mid-Columbia River in Grant, Yakima, Kittitas, Douglas, Benton, and Chelan Counties, Washington. The order concludes that the

proposed SMP will protect the project's scenic, recreational, and environmental resources while providing adequate opportunities for public access to project lands and waters; and finds the proposed SMP is consistent with the Federal Power Act, Commission regulations, and Commission precedent.

FERC denies rehearing

H-2, *Fall River Valley Community Service District*, Project No. 14433-001 and *KC Pittsfield LLC*, Project No. 14434-001. The order denies KC Pittsfield's request for rehearing of Commission staff's January 17, 2013 order dismissing competing preliminary permit applications submitted by Fall River Valley Community Service District and KC Pittsfield. The order finds that the Commission staff's order properly denied the competing preliminary permit applications because the permit applications proposed to develop licensed facilities that are proposed to be surrendered and potentially removed.

FERC grants application to amend a license

H-3, *Boott Hydropower, Inc., and Eldred L. Field Hydroelectric Facility Trust*, Project No. 2790-055. The order grants an application filed by Boott Hydropower, Inc., and Eldred L. Field Hydroelectric Facility Trust to amend their license for the Lowell Hydroelectric Project No. 2790, located on the Merrimack River in the City of Lowell in Middlesex County, Massachusetts and within the administrative boundary of the Lowell National Historical Park. The order finds that the proposed pneumatic crest gate system can be installed without unacceptably altering the dam or adversely affecting the park and historic districts. The order also finds that the crest gate system will provide important benefits to recreation, fish passage, dam and worker safety, and project generation, and will help alleviate upstream backwater and flooding effects to the maximum extent possible.

FERC denies rehearing

C-1, *El Paso Natural Gas Company, LLC*, Docket Nos. CP12-6-001 and CP12-7-001. The order denies El Paso's request for rehearing of one issue in the October 12, 2012 order issuing an Natural Gas Act (NGA) section 7(c) certificate to reconfigure El Paso's Willcox Compressor Station from mainline service to lateral service and amending El Paso's Presidential Permits to increase export capacity at three border crossing facilities in Cochise County, AZ. The order denies El Paso's request to apply an incremental fuel charge to interruptible service on the Willcox Lateral, on the basis that El Paso cannot change the existing fuel rate for interruptible service in a NGA section 7 proceeding. The order further finds that the interruptible service (IT) using the Willcox Lateral

Expansion facilities is identical to IT service using the existing Willcox Lateral facilities.

FERC denies request for clarification; grants alternative request for rehearing

C-2, *Atlas Pipeline Mid-Continent WestTex, LLC and Pioneer Natural Resources USA, Inc.*, Docket No. CP12-468-001. The order clarifies that the Commission's policy in future proceedings will be to deny requests for limited jurisdiction certificates by otherwise non-jurisdictional applicants seeking to construct and/or operate jurisdictional facilities, including residue pipelines from the outlets of processing plants, and associated requests for exemptions or waivers, as holders of limited jurisdiction certificates, from annual charge assessments and related filing requirements. Limited jurisdiction certificates will only be granted to otherwise non-jurisdictional applicants seeking to provide limited jurisdictional service from non-jurisdictional facilities. The order grants Atlas' and Pioneer's alternative request for rehearing to grant them a waiver in this instance, in light of the lack of clarity on this issue in the past.

FERC denies rehearing

C-3, *Northern Natural Gas Company*, Docket No. CP10-449-001. The order denies a request for rehearing filed by Northern Natural Gas Company of a Commission order, issued on March 30, 2011, denying Northern's request for authorization to charge market-based storage rates in accordance with the provisions of section 4(f) of the Natural Gas Act. The order notes that the Commission's authorization of market-based rates for new storage capacity under section 4(f) is discretionary and that Northern's proposal fails to show that market-based rates are in the public interest and necessary to encourage the construction of new storage capacity.