

**February 21, 2008
Meeting Summaries**

E-1 - News Release

E-2/E-3/E-4 – News Release

E-5 – News Release

FERC address ISO New England’s long-term firm transmission rights compliance filing

E-6, *ISO New England and New England Power Pool*, Docket No. ER07-476-000. The Commission accepted in part and rejected in part the long-term firm transmission rights compliance filing for the ISO New England market. Specifically, the Commission determined that the filing does not adequately address the need to (i) provide sufficient flexibility to enable firm coverage for power supply arrangements of varying term lengths and (ii) make long term transmission rights available without effectively requiring a recipient to submit a winning bid in an auction. The Commission directed the parties to submit a revised proposal within 90 days of the date of the order.

FERC remands NERC registry determination regarding the Southeastern Power Administration

E-10, *Southeastern Power Administration*, Docket No. RC08-1-000. The Commission remanded to the North American Electric Reliability Corp. (NERC), a decision in which NERC found that the Southeastern Power Administration (SEPA) was properly included on the NERC compliance registry as a transmission operator and resource planner, and thus subject to mandatory and enforceable Reliability Standards applicable to those functions. The Commission remanded the decision for further development of the record regarding SEPA’s relationship with the Army Corps of Engineers in coordinating outages and scheduling maintenance.

FERC denies rehearing of an order affirming compliance registry determinations for two Florida facilities

E-11, *Lee County, Florida and Palm Beach County Solid Waste Authority*, Docket Nos. RC07-3-001 and RC07-5-001. The Commission denied rehearing of an order that affirmed two compliance registry decisions of the North American Electric Reliability Corp. (NERC). The Commission affirmed its prior conclusion that NERC had provided adequate support for determining that both the Lee County facility and the Solid Waste Authority facility are properly registered.

FERC conditionally approves NERC's collaborative stakeholder process

E-12, *North American Electric Reliability Corp.*, Docket Nos. RM06-16-000, RR08-1-000. The Commission conditionally approved section 1600 of North American Electric Reliability Corp.'s (NERC) Rules of Procedure and directed NERC to make a compliance filing. Proposed section 1600 establishes a collaborative stakeholder process for NERC or a Regional Entity to issue requests for data or information. The Commission determined that NERC had articulated an appropriate scope for its requests for data along with fair and enforceable procedures governing requests for and the provision of data or information.

FERC approves Bonneville's 2008 transmission rates

E-13, *United States Department of Energy-Bonneville Power Administration*, Docket No. EF07-2021-000. The Commission confirmed and approved on a final basis Bonneville Power Administration's (Bonneville) 2008 transmission rates. The Commission also dismissed Bonneville's request for a finding that certain revised rates satisfy the Commission's comparability standards for non-public utilities under the reciprocity conditions of Order No. 888.

FERC addresses remand concerning the costs of West Penn Power's subtransmission facilities

E-15, *Allegheny Power*, Docket Nos. ER02-136-007 & ER02-136-008. The Commission addressed a D.C. Circuit remand concerning the rates for service over the subtransmission facilities of Allegheny Power's affiliate, West Penn. The Commission found that the cost of subtransmission facilities associated with delivery points integrated with a West Penn network of subtransmission facilities should be rolled-in and the cost of subtransmission facilities associated with other delivery points should be directly assigned. The Commission directed Allegheny Power to submit a compliance filing within 60 days of this order to reflect the specific customer charges resulting from both the rolled-in and direct assignment methodologies.

FERC addresses remand concerning jurisdiction over ISO New England's Installed Capacity Requirements

E-16, *ISO New England*, Docket No. ER05-715-002. The Commission addressed a D.C. Circuit remand concerning the Commission's jurisdiction over ISO New England's Power Year 2005/2006 Installed Capacity Requirements filing. The Commission held

that since ISO New England's Power Year 2005/2006 Installed Capacity Requirements have a significant and direct effect on jurisdictional rates and services, they fall within the Commission's jurisdiction.

FERC addressed remand concerning incremental costs in the WSPP tariff

E-17, *Southern California Water Co.*, Docket No. EL02-129-004. The Commission addressed a D.C. Circuit remand concerning how incremental costs should be determined under the Western System Power Pool (WSPP) Agreement. The Commission directed Southern California Water Co. to make a compliance filing using the incremental cost calculation to determine refunds to be paid by Southern California Water Co. for energy sales it made prior to obtaining market-based rate approval.

FERC affirms Initial Decision concerning Jersey Central Power & Light's payment obligations

E-18, *Jersey Central Power & Light Co. v. Atlantic City Electric Co., et al.*, Docket No. EL05-50-003. The Commission affirmed an Administrative Law Judge's Initial Decision denying Jersey Central Power & Light Co.'s (JCP&L) complaint regarding payment pursuant to an agreement based on JCP&L's obligations to construct the Seashore Loop. The Commission affirmed the decision that JCP&L is not entitled to adjustments under the agreements after considering the agreements as well as extrinsic evidence of the parties' intent.

FERC affirms Initial Decision concerning New Dominion's rates

E-19, *New Dominion Energy Coop.; Old Dominion Electric Coop.*, Docket Nos. ER05-18-002 and ER05-309-002. The Commission affirmed in part and reversed in part an Administrative Law Judge's Initial Decision addressing the rates that New Dominion Energy Coop. (New Dominion) will charge Northern Virginia Electric Coop. (NOVEC), the one Member Cooperative that was severed from a Settlement concerning rates charged to the other Member Cooperatives. Specifically, the Commission affirmed the Administrative Law Judge's finding that New Dominion's proposal to apply the Settlement rates to NOVEC is just and reasonable.

FERC denies rehearing of order accepting the New York State Reliability Council's proposed Installed Capacity Requirement

E-20, *New York State Reliability Council*, Docket No. ER07-429-001. The Commission granted clarification in limited part and otherwise denied New York State Public Service

Commission's (New York Commission) request for rehearing and clarification of the Commission's order accepting the New York State Reliability Council's (NYSRC) proposed Installed Capacity Requirement for the New York Control Area for the 2007/2008 Capability Year. The Commission explained that it did not intrude on the authority of the New York Commission to set resource adequacy standards and that the Commission has independent authority under sections 201, 205, and 206 of the Federal Power Act to review whether the Installed Reserve Margin (IRM) percentage results in unjust, unreasonable, or unduly discriminatory rates.

FERC denies rehearing of New England's Forward Capacity Market rules

E-21, *ISO New England*, Docket No. ER07-547-002. The Commission denied rehearing of an earlier ruling finding that ISO New England could, in its market rules implementing New England's Forward Capacity Market (FCM), prohibit an Intermittent Power Resource from backing a capacity export to an external control area. The Commission affirmed that disallowing Intermittent Resources from backing capacity exports is consistent with ISO-New England's treatment of Intermittent Resources.

FERC accepts Midwest ISO's informational filings relating to the Contingency Reserve Sharing Group Agreement

E-23, *Midwest Independent Transmission System Operator*, Docket Nos. ER06-1420-002, ER06-1420-003. The Commission accepted the Midwest Independent Transmission System Operator's (Midwest ISO) informational filings in response to an order on the Midwest ISO's Contingency Reserve Sharing Group Agreement. The filings include the Midwest ISO's criteria for demand resources and its transmission and deliverability studies.

FERC reconsiders determination concerning FP&L's comparable standards

E-24, *Florida Power & Light Co.* Docket Nos. ER93-465-039, *et al.* The Commission reconsidered a prior order and determined that Florida Power & Light Co. (FP&L) employed comparable standards to analyze the integration of Florida Municipal Power Authority's (FMPA) Vero Beach-to-Fort Pierce facilities in 1994 and FP&L's looped-transmission facilities. Accordingly, the Commission accepted FP&L's earlier compliance filing and therefore rejected the most recent compliance filing as moot.

FERC denies request for rehearing of order rejecting Entergy's compliance filing

E-25, *ExxonMobil Corp. v. Entergy Services*, Docket No. EL03-230-003. The

Commission denied a request for rehearing by ExxonMobil Corp. of an order rejecting a compliance filing made by Entergy Services. The Commission affirmed its conclusion directing Entergy Services to re-file its compliance filing in accordance with the rate that reflects the deduction from the total of ExxonMobil Corp.'s upfront payments for the Original Transmission Facilities the sum of the transmission service payments associated with the transmission service that ExxonMobil Corp. took from July 16, 2005 through January 19, 2007, to determine the total amount of credits to which ExxonMobil Corp. is entitled.

FERC denies rehearing of an order approving Columbia's gas quality standards

G-1, *Norstar Operating v. Columbia Gas Transmission Corp.*, Docket Nos. RP06-231-003, and -004; *Columbia Gas Transmission Corp.*, Docket Nos. RP06-365-001 and -002. The Commission denied requests for rehearing of an order which approved Columbia Gas Transmission Corp.'s (Columbia) proposal to include certain gas quality standards in its tariff, including a CHDP standard, a Wobbe Index Range, a maximum and minimum heating value (Btu standard) and a waiver provision. The Commission also required Columbia to make certain changes to its compliance filing.

FERC denies rehearing of order accepting tariff sheets to revise Columbia Gas' Form of Assignment Agreement

G-2, *Columbia Gas Transmission Corp.*, Docket No. RP07-509-003. The Commission denied rehearing but granted clarification to an order that granted waiver of notice requirements and accepted tariff sheets filed to revise the Form of Assignment Agreement of Columbia Gas Transmission Corp.'s tariff to coincide with the launch of its new "Navigates" Electronic Bulletin Board system, effective May 1, 2008, as requested.

FERC denies rehearing of order accepting tariff sheets to revise Columbia Gulf's Form of Assignment Agreement

G-3, *Columbia Gulf Transmission Co.*, Docket No. RP07-500-003. The Commission denied rehearing but granted clarification to an order that granted waiver of notice requirements and accepted tariff sheets filed to revise the Form of Assignment Agreement of Columbia Gulf Transmission Co.'s tariff to coincide with the launch of its new "Navigates" Electronic Bulletin Board system, effective May 1, 2008, as requested.

FERC accepts TN Gas Pipeline's transportation and negotiated rate letter agreements

G-4, *Tennessee Gas Pipeline Co.*, Docket No. RP96-312-176. The Commission accepted a gas transportation agreement and negotiated rate letter agreement, subject to Tennessee's Gas Pipeline Co.'s (Tennessee) revising and refileing both agreements within 15 days of the order. The Commission directed Tennessee to remove a provision that presents a substantial risk of undue discrimination, and permitted Tennessee to file replacement language consistent with Commission action in an earlier proceeding.

FERC dismisses the Fort Dodge Hydro application in Iowa

H-1, *Fort Dodge Hydro Development Co.*, Project No. 12447-001. The Commission dismissed the license application for the Fort Dodge Mill Dam Project, to be located at an existing dam and vacant powerhouse at the City of Fort Dodge, Iowa. The Commission concluded that, if a license were issued, the applicant could not quickly acquire the necessary rights to ensure that urgently-required dam safety repairs would be made in a timely manner.

FERC upholds termination of the license for the George W. Andrew Project in Alabama and Georgia

H-2, *Homestead Energy Resources*, Project No. 7115-039. The Commission denied rehearing of an order terminating the George W. Andrew Project license, pursuant to section 13 of the Federal Power Act, for failure to commence construction. The project was to be located at the U.S. Army Corps of Engineers' George W. Andrews Lock and Dam on the Chattahoochee River in Houston County, Alabama, and Early County, Georgia.

FERC denies rehearing of letter rejecting the Electric Plant Board of the City of Paducah, Kentucky's license application

H-3, *The Electric Plant Board of the City of Paducah, Kentucky*, Project No. 12911-005. The Commission denied rehearing of a letter rejecting, as patently deficient, an application by The Electric Plant Board of the City of Paducah, Kentucky (Paducah), for a license for the proposed Robert C. Byrd Project, on the Ohio River, in West Virginia and Ohio. The Commission affirmed that Paducah failed to provide information required by the Commission's regulations therefore making its filing patently deficient.

FERC denies rehearing of notice denying Friend of the River's later intervention

H-4, *California Department of Water Resources*, Project No. 2426-208. The Commission denied Friends of the River's request for rehearing of a notice denying late

intervention in the California Aqueduct Project amendment proceeding. The Commission affirmed that Friends of the River had not provided sufficient justification for the Commission to grant its late motion to intervene.

FERC addresses rehearing of order approving dredging at the Pensacola Project in Northeastern Oklahoma

H-6, *Grand River Dam Authority*, Project No. 1494-328. The Commission granted in part a request for rehearing of an order authorizing Grand River Dam Authority (Grand River), licensee for the Pensacola Project, in northeastern Oklahoma, to permit a developer to dredge approximately 62,000 cubic yards of material from two ponds at the upper end of a cove, remove two existing dikes that separate the two ponds from the cove, and construct a 107-slip marina in the cove. On rehearing, the Commission required Grand River, prior to authorizing the developer to commence dredging operations, to file copies of the developer's dredging permit application and the issued dredging permit, and clarified that the Commission's authorization for dredging extends only to the two ponds and removal of two dikes, and does not authorize any dredging in the cove itself.

FERC approves the Colorado Lateral Expansion Project in Weld County, CO

C-1, *Kinder Morgan Interstate Gas Transmission*, Docket No. CP07-430-000. The Commission granted authority to Kinder Morgan Interstate Gas Transmission (Kinder Morgan) to construct and operate approximately 41.4 miles of 12-inch diameter natural gas pipeline, associated delivery meter stations and ancillary facilities, known as the Colorado Lateral Expansion Project. The Colorado Lateral Expansion Project will commence at an interconnection with Kinder Morgan's existing pipeline at the Cheyenne Hub and extend to the Greeley, Colorado market area, all located in Weld County, Colorado. The Commission concluded that the public benefits of additional competitive gas supplies to serve an expanding market outweigh potential adverse impacts that would result from the proposed construction.

FERC approves Saltville Gas Storage's request to amend its certificate

C-2, *Saltville Gas Storage Co.*, Docket No. CP04-13-004. The Commission granted Saltville Gas Storage Co's (Saltville) request to amend its certificate to (1) decrease the certificated total storage capacity of its storage facility from 6.75 Billion cubic feet (Bcf) to 4.7 Bcf, (2) decrease the facility's certificated working gas capacity from 4.79 Bcf to 3.0 Bcf, (3) reduce the maximum daily injection rate from 220 million cubic feet per day (MMcf/d) to 180 MMcf/d, (4) reduce the maximum daily withdrawal rate from 550 MMcf/d to 275 MMcf/d, and (5) remove the requirement for Saltville to conduct sonar

surveys every five years. Saltville currently operates an underground natural gas storage facility in Saltville, Virginia. The Commission concluded that it is in the public convenience and necessity to amend Saltville's certificate to accurately reflect the storage field's capabilities.

FERC approves exemption for the Thomas Corners Field in Steuben County, NY

C-5, Arlington Storage Co., Docket No. CP08-60-000. The Commission granted an exemption to certificate requirements to Arlington Storage Co. (Arlington) in order to drill up to two test wells and conduct related testing activity to determine if the Thomas Corners Field in Steuben County, New York can provide interstate storage service. The certificate exemption is without prejudice to any decision the Commission may make regarding any application Arlington may file for authorization for a storage project at the site or related pipeline construction.

C-6, Media Alert

FERC addresses rehearing of the certificate for the Southeast Expansion Project in MS and AL

C-7, *Gulf South Pipeline Co. and Destin Pipeline Co.*, Docket Nos. CP07-32-003,003, CP07-105-001 and CP07-110-001. The Commission addressed rehearing of an order that authorized Gulf South Pipeline Co. (Gulf South) to construct its proposed Southeast Expansion Project, consisting of 111 miles of pipeline in Mississippi and Alabama and nearly 45,000 horsepower of compression. The Commission granted Gulf South's request for rehearing, in part, to permit Gulf South to charge an incremental rate for the Southeast Expansion Project.