

July 2020

Commission Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its July 16, 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 – Press Release

H-1 – Press Release

FERC dismisses petition for a declaratory order

E-2, *New England Ratepayers Association*, Docket No. EL20-42-000 The order dismisses New England Ratepayer Association's petition for a declaratory order regarding Commission jurisdiction over net energy metering sales given the Commission's discretion whether or not to issue declaratory orders and the failure of petitioners to identify a specific controversy or harm that warrants the Commission acting.

FERC grants clarification, in part, and addresses rehearing arguments

E-3, *Constellation Mystic Power, LLC*, Docket No. ER18-1639-001. The order grants clarification, in part, denies clarification, in part, and addresses arguments raised on rehearing of the Commission's July 13, 2018 order that accepted for filing an executed cost-of-service agreement among Constellation Mystic Power, LLC, Exelon Generation Company, LLC and ISO New England Inc., suspended it for a nominal period and established hearing procedures.

FERC grants clarification, in part, and addresses rehearing arguments

E-4, *Constellation Mystic Power, LLC*, Docket No. ER18-1639-002. The order grants clarification, in part, sets aside, in part, and addresses arguments raised on rehearing of the Commission's December 20, 2018 order that accepted, subject to condition, an executed cost-of-service agreement (Mystic Agreement) among Mystic, Exelon Generation Company, LLC and ISO New England Inc.

FERC accepts, in part, and rejects, in part, a compliance filing

E-5, *Constellation Mystic Power, LLC*, Docket No. ER18-1639-003. The order accepts, in part, and rejects, in part, a compliance filing by Mystic and requires further compliance. In this order, the Commission finds that Mystic has complied with regard to adding a clawback and a true-up mechanism to the Mystic Agreement, but rejects Mystic's compliance filing, in part and requires additional compliance with regard to certain accounting issues.

FERC finds filing unjust, unreasonable and unduly preferential

E-6, *PJM Interconnection, L.L.C.*, Docket No. EL14-37-000. The order addresses a Federal Power Act section 206 investigation initiated by the Commission concerning how uplift is, or should be, allocated to all virtual transactions in PJM, as well as considering PJM's different treatment of Up-to-Congestion (UTC) transactions as compared to Incremental Offers (INCs) and Decrement Bids (DECs) for purposes of allocating uplift. The order finds that PJM's current uplift allocation rules are unjust, unreasonable and unduly preferential because they do not allocate uplift to UTCs. The order directs PJM to submit, within 45 days from the issuance date of the order, a replacement rate that revises PJM's current uplift allocation rules to allocate uplift to UTCs in a manner that treats a UTC, for uplift allocation purposes, as if the UTC were equivalent to a DEC at the sink point of the UTC. As a result, under the replacement rate, UTCs will be allocated both real-time uplift and day-ahead uplift.

FERC proposes a rule

E-7, *Standards for Business Practices and Communication Protocols for Public Utilities, Notice of Proposed Rulemaking*, Docket No. RM05-5-029, -030. This notice of proposed rulemaking proposes to amend the Commission's regulations to incorporate by reference, with certain enumerated exceptions, the latest version (Version 003.3) of certain Standards for Business Practices and Communication Protocols for Public Utilities adopted by the Wholesale Electric Quadrant (WEQ) of the North American Energy Standards Board (NAESB). WEQ Version 003.3 includes cybersecurity standards developed in accordance with recommendations of the Department of Energy.

FERC directs further briefing

E-8, *DATC Path 15, LLC*, Docket Nos. ER17-998-001, *et al.* This case is before the Commission on exceptions to an Initial Decision issued November 15, 2019. Following the issuance of the Initial Decision, the Commission revised its methodology for calculating return on common equity (ROE) in Opinion Nos. 569 and 569-A. To supplement the record in this proceeding, the order directs further briefing regarding DATC Path 15's ROE.

FERC partially accepts tariff revisions, subject to further compliance filing

E-9, *Public Service Company of Colorado*, Docket No. ER19-1864-003 and -004. The order finds that PSCo's compliance filing partially complies with the requirements of Order Nos. 845 and 845-A and the Commission's December 2019 order. The order accepts PSCo's compliance filing and directs PSCo to submit a further compliance filing.

FERC addresses arguments on rehearing

E-10, *Potomac-Appalachian Highline Transmission, LLC*, Docket No. ER09-1256-006, *et al.* In response to arguments raised on rehearing of Opinion No. 554-A in which the Commission reversed Opinion No. 554 on certain accounting issues, the order continues to allow PATH to recover certain advertising and public advocacy costs incurred during its efforts to secure licensing for the now-cancelled PATH project.

FERC partially accepts tariff revisions, subject to further compliance filing

E-11, *Deseret Generation & Transmission Co-operative, Inc.*, Docket No. ER19-1902-002. The order finds that Deseret's compliance filing partially complies with the requirements of Order Nos. 845 and 845-A and the Commission's February 2020 order. The order accepts Deseret's compliance filing and directs Deseret to submit a further compliance filing.

FERC partially accepts tariff revisions, subject to further compliance filing

E-12, *California Independent System Operator Corporation*, Docket No. ER19-1950-001. The order finds that CAISO's compliance filing partially complies with the requirements of Order Nos. 845 and 845-A and the directives of the Commission's February 2020 order. The order accepts CAISO's filing and directs CAISO to make a further compliance filing.

FERC accepts proposed tariff revisions, subject to a further compliance filing

E-13, *California Independent System Operator Corp.*, Docket No. ER19-468-002. The order accepts CAISO's proposed revisions to its Open Access Transmission Tariff in compliance with the requirements of Order No. 841 that remove barriers to the participation of electric storage resources in the capacity, energy and ancillary service markets operated by Regional Transmission Organizations and Independent System Operators. Specifically, the order accepts CAISO's compliance filing, subject to a further compliance filing.

FERC institutes a proceeding under section 206 of the Federal Power Act

E-14, *Constellation Power Source Generation, LLC*, Docket No. ER17-801-006, *et al.* The order accepts CPSG's informational filings for informational purposes only, institutes a proceeding in accordance with section 206 of the Federal Power Act to examine the continued justness and reasonableness of CPSG's rate schedule for Reactive Supply and Voltage Control from Generation or Other Sources Service, establishes a refund effective date, and establishes hearing and settlement judge procedures.

FERC approves a settlement

E-15, *Entergy Arkansas, Inc.*, Docket No. ER18-1247-001. The order approves an uncontested settlement concerning tariff revisions to effectuate the return of excess accumulated deferred income taxes resulting from the Tax Cuts and Jobs Act of 2017.

FERC dismisses request for a waiver

E-16, *Duke Energy Carolinas, LLC*, Docket No. ER20-1762-000. The order dismisses DEC's request for a waiver of provisions in a now-cancelled formula rate power sales agreement (Rate Schedule 333) to allow DEC to update rate discounts in that agreement to provide the Town of Prosperity, South Carolina the benefit of the updated rate discounts without having to revise and re-execute the agreement. The order dismisses DEC's waiver request, on the basis that Rate Schedule 333 is now cancelled and the Commission cannot waive provisions of a rate schedule that is not on file with the Commission.

FERC grants, in part, and denies, in part, requests for waiver

E-17, *Alcoa Power Generating Inc.*, Docket No. ER20-1580-000. The order grants, in part, and denies, in part, Alcoa Power's requests for waiver of: (1) the requirements for Alcoa's Tapoco and Long Sault Divisions to have Open Access Transmission Tariffs, maintain an Open Access Same-Time Information System, and comply with the Standards of Conduct; (2) the requirement for its Tapoco Division to comply with section

141.300 of the Commission's regulations concerning the annual filing of FERC Form No. 715; and (3) the requirements for Alcoa Power to comply with the Commission's regulations in Part 101 regarding the Commission's Uniform System of Accounts, sections 41.10 through 41.12 pertaining to FERC Form No. 1 and Part 141, including FERC Form No. 1, but excluding sections 141.14 and 141.15.

FERC accepts proposed tariff revisions, subject to a further compliance filing

E-18, *Southwest Power Pool, Inc.*, Docket No. ER19-460-005. The order accepts SPP's proposed revisions to its Open Access Transmission Tariff in compliance with the requirements of Order No. 841 that removes barriers to the participation of electric storage resources in the capacity, energy, and ancillary service markets operated by Regional Transmission Organizations and Independent System Operators. Specifically, the order accepts SPP's compliance filing, subject to a further compliance filing.

FERC accepts proposed tariff provisions

E-19, *Southwest Power Pool, Inc.*, Docket No. ER20-1617-000. The order accepts SPP's tariff revisions implementing two new ramp capability products, Ramp Capability-Up and Ramp Capability-Down.

FERC accepts a compliance filing

E-20, *Southwest Power Pool, Inc.*, Docket No. ER19-2522-002. The order finds that SPP's exit fee compliance filing complies with the directives in the Commission's December 2019 order.

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

E-21, *Southwest Power Pool, Inc.*, Docket No. ER20-644-000. The order finds that SPP's fast-start pricing compliance filing partially complies with the directives in the Commission's June 2019 order. The order directs SPP to submit a further compliance filing.

FERC accepts tariff revisions, subject to a further compliance filing

E-22, *PJM Interconnection, L.L.C.*, Docket No. ER19-469-003. The order accepts PJM's proposed revisions to its Open Access Transmission Tariff and Amended and Restated Operating Agreement in compliance with the requirements of Order No. 841 that removes barriers to the participation of electric storage resources in the capacity, energy, and ancillary service markets operated by Regional Transmission Organizations and Independent System Operators. Specifically, the order accepts PJM's compliance filing, subject to a further compliance.

FERC addresses arguments on rehearing

E-23, *PJM Interconnection, L.L.C. and Virginia Electric and Power Co.*, Docket No. ER19-1661-002. In response to arguments raised on rehearing, the order sustains the result of the Commission's October 2019 Order, finding Virginia Electric and Power Company, d/b/a Dominion Energy Virginia (Dominion) met its burden under section 205 of the Federal Power Act to show that changing to the 12-Coincident Peak (12-CP) transmission cost allocation method is just and reasonable because it reflects Dominion's transmission planning.

FERC accepts proposed tariff revisions

E-24, *PJM Interconnection, L.L.C.*, Docket No. ER20-1414-000. The order accepts revisions to PJM's tariff and amended operating agreement to provide PJM market sellers the ability to submit, and update intraday, hourly differentiated segmented ramp rates in both the day ahead and real time energy markets.

FERC grants a complaint

E-25, *Kansas Corporation Commission v. ITC Great Plains, LLC*, Docket No. EL19-80-000. The order grants the complaint by the Kansas Corporation Commission and reduces ITC Great Plains' Transco Adder from 100 basis points to 25 basis points.

FERC addresses arguments on rehearing

E-26, *Louisiana Public Service Commission v. Entergy Corp., et al.*, Docket No. EL19-50-001. In response to arguments raised on rehearing, the order sustains the result of the Commission's November 21, 2019 order that denied Louisiana Commission's complaint alleging that certain off-system sales of electric energy by Entergy Services, LLC to third-party power marketers and others for the benefit of Entergy Arkansas, LLC violated the provisions of a generation and transmission pooling arrangement.

FERC grants a complaint, establishes hearing and settlement judge procedures

E-27, *North Carolina Eastern Municipal Power Agency v. Duke Energy Progress, LLC*, Docket No. EL20-4-000. The order sets NCEMPA's complaint alleging that the 11% return on common equity included in the Fifth Amended and Restated Full Requirements Power Supply Agreement between NCEMPA and Duke is excessive for hearing and settlement judge procedures and sets a refund effective date of October 11, 2019. The order denies Duke's request to summarily dismiss the complaint filed by NCEMPA against Duke and therefore unjust and unreasonable.

FERC denies a complaint

E-28, *Liberty Power Holdings LLC v. Eversource Energy Co.*, Docket No. EL20-27-000. The order denies a complaint filed by Liberty in accordance with section 206 of the Federal Power Act against Eversource and ISO New England Inc. (ISO-NE). The complaint alleged that ISO-NE inappropriately refused to correct a billing error that arose from Eversource's reporting to ISO-NE load mistakenly attributed to Liberty.

FERC grants a petition for a declaratory order

E-29, *Brookfield Asset Management Inc.*, Docket No. EL20-40-000. The order grants a petition from Brookfield requesting that the Commission issue a declaratory order granting Brookfield and its current and future subsidiaries that are holding companies (collectively, Brookfield Companies) a waiver from certain regulations under the Public Utility Holding Company Act of 2005 following the acquisition by certain Brookfield Companies of indirect voting securities in Arcadia Fuel Cell, Inc.

FERC establishes hearing procedures

E-31, *Indicated Generation Owners*, Docket No. EL19-70-000. The order addresses a petition for a declaratory order seeking guidance regarding the Commission's cost-based methodology to compensate reactive power generators. The order establishes paper hearing procedures to consider further one of the issues raised by the petition, namely, what is a reasonable proxy to determine the capital structure and cost of capital for a merchant generator.

FERC addresses arguments on rehearing

E-32, *Pacific Gas & Elec. Co.*, Docket No. ER19-2582-001. In response to arguments raised on rehearing, the order sustains the result of the Commission's January 17, 2020 order that denied PG&E's request to recover 100% of its costs associated with its abandoned Central Valley Power Connect Project.

FERC accepts proposed tariff revisions

E-33, *PSEG Energy Resources & Trade LLC*, Docket No. ER20-1441-000. The order accepts the tariff revisions that would cancel reactive power service tariff records applicable to its Yards Creek Generating Facility.

FERC grants market-based rate authorization

E-36, *Paper Birch Energy, LLC*, Docket No. ER20-1120-000. The order grants Paper Birch's request to make wholesale sales of electric energy, capacity and ancillary services at market-based rates in the markets of the New York Independent System Operator, Inc. and ISO New England Inc. The order grants Paper Birch's request for certain waivers commonly granted to market-based rate sellers, with certain exceptions. The order also provides notice that the Commission intends to release affiliate information for which Paper Birch requested privileged treatment.

FERC addresses arguments on rehearing and accepts a compliance filing

E-37, *New York Independent System Operator, Inc.*, Docket No. ER16-1404-001 and ER16-1404-002. In response to arguments raised on rehearing, the order sustains the result of the Commission's February 20, 2020 order (February 2020 Order) accepting, in part and rejecting, in part NYISO's 2016 compliance filing proposing exemptions from NYISO's buyer-side market power mitigation rules for certain renewable and self-supply resources (renewable resources and self-supply exemptions). The order also accepts NYISO's further compliance filing proposing modifications to NYISO's renewable resources exemption to comply with the directives contained in the February 2020 Order.

FERC revises filing process for Commission forms

M-1, *Revisions to the Filing Process for Commission Forms*, Docket No. RM19-12-000. The order adopts the Commission's final eXtensible Business Reporting Language (XBRL) taxonomy, protocols, implementation guide, and other supporting documents. The order addresses the comments filed following the technical conference and establishes the implementation schedule for filing of Commission Forms (FERC Form Nos. 1, 1-F, 3-Q (electric), 2, 2-A, 3-Q (natural gas), 6, 6-Q, 60, and 714) using the XBRL process. The order also rejects Edison Electric Institute's request to allow free-form block tagging instead of detailed tagging for the specific pages identified in FERC Form Nos. 1, 3-Q (electric), 60, and 714.

FERC addresses arguments on rehearing

G-1, *Transcontinental Gas Pipe Line Company, LLC*, Docket No. RP20-779-001. In response to arguments raised on rehearing of a delegated letter order issued April 28, 2020, that accepted a tariff record filed by Transco, the order finds that Transco's tariff revisions to the minimum bid periods required for open seasons for available capacity were adequately supported and consistent with Commission policy and precedent.

FERC approves partial transfer of license

H-2, *PacifiCorp and Klamath River Renewal Corporation*, Project Nos. 2082-062, 2082-066, 14803-000, and 14803-003. The order approves a partial transfer of the license for the Lower Klamath Project No. 14803, located primarily on the Klamath River in Klamath County, Oregon and Siskiyou County, California, from PacifiCorp to the Klamath River Renewal Corporation, contingent on PacifiCorp remaining on as a co-licensee.

FERC amends a hydroelectric license and extends license term

H-3, *City and County of Denver, Colorado*, Project No. 2035-099. The order grants the request of the City and County of Denver, Colorado, licensee of the Gross Reservoir Hydroelectric Project No. 2035, located on the South Boulder Creek in Boulder County, Colorado and within the Roosevelt National Forest, to increase the height of the project's dam, enlarge the project's reservoir and extend the license term by 10 years.

FERC grants a declaratory order

H-4, *Pacific Gas and Electric Company*, Project No. 2105-126. The order grants licensee PG&E's petition for an order declaring that the California State Water Resources Control Board waived its authority under section 401(a)(1) of the Clean Water Act to issue water quality certification with respect to the relicensing of the Upper North Fork Feather River Hydroelectric Project No. 2105, located on the North Fork Feather River and Yellow Creek in Plumas County, California.

FERC addresses arguments on rehearing

H-5, *Pacific Gas and Electric Company*, Project No. 606-040. In response to the California State Water Resources Control Board's request for rehearing of the Commission's March 19, 2020 order, the Commission continues to find that the board waived its authority under section 401(a)(1) of the Clean Water Act to issue a water quality certification for PG&E's proposed surrender of its license for the Kilarc-Cow Creek Hydroelectric Project No. 606, located on the South Cow and Old Cow Creeks in Shasta County, California.

FERC addresses arguments on rehearing

H-6, *Southern California Edison Company*, Project Nos. 67-135, 120-029, 2085-021, 2086-040, 2174-018, and 2175-022. In response to the California State Water Resources Control Board's request for rehearing of the Commission's February 20, 2020 order, the Commission continues to find that the board waived its authority under section 401(a)(1) of the Clean Water Act to issue a water quality certification for the relicensing of six of

the projects comprising the Big Creek Hydroelectric System, located in the Upper San Joaquin River Watershed in southern California.

FERC grants authority for new interstate natural gas facilities

C-1, *National Fuel Gas Supply Corporation and Transcontinental Gas Pipe Line Company, LLC*, Docket Nos. CP19-491-000; CP19-494-000. The order grants National Fuel certificate and abandonment authority to construct and operate its FM100 Project that consists of the abandonment and replacement of certain facilities and the construction of certain new compression facilities to be located in McKean, Potter, Elk, Cameron, Clearfield, and Clinton counties, Pennsylvania. In addition, the order grants Transco certificate authority to construct and operate its Leidy South Project that consists of pipeline replacement and the construction of certain looping and compression facilities that would be located in Clinton, Lycoming, Wyoming, Luzerne, Columbia, and Schuylkill counties, Pennsylvania. The FM100 Project would modernize National Fuel's system and provide an additional 330,000 dekatherms per day (Dth/d) of firm transportation service that National Fuel would lease to Transco. Transco's Leidy South Project would provide an additional 252,400 Dth/d of firm transportation service for a total of 582,400 Dth/d that would be transported to markets in Transco's Zones 5 and 6.

FERC grants authority for new interstate natural gas facilities

C-2, *Texas Eastern Transmission, LP*, Docket No. CP20-37-000. The order issues a certificate authorizing the replacement of the four existing compressor units at the Lilly Compressor Station, located in Cambria County, Pennsylvania, with two new gas turbine compressor units. The project is designed to ensure that the compressor station will comply with future air emission reduction requirements in Pennsylvania and the terms of the permit issued by the Pennsylvania Department of Environmental Protection pursuant to Title V of the Clean Air Act.

FERC grants authority to amend natural gas pipeline certificate

C-3, *Transcontinental Gas Pipe Line Company, LLC*, Docket No. CP20-49-000. The order approves an application by Transco to amend its certificate of public convenience and necessity to site, construct, and operate the Northeast Supply Enhancement Project. Specifically, the order authorizes Transco to extend and use an existing road to access its Compressor Station 206 to be constructed in Somerset County, New Jersey, in lieu of constructing the new, permanent access road approved in the Certificate Order. The order finds that the proposal does not alter the Commission's previous finding that the project is required by the public convenience and necessity, and, therefore, grants the requested amendment.

