

153 FERC ¶ 61,030
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;
Philip D. Moeller, Cheryl A. LaFleur,
Tony Clark, and Colette D. Honorable.

R.E. Ginna Nuclear Power Plant, LLC

Docket No. ER15-1047-003

ORDER DISMISSING REQUEST FOR REHEARING

(Issued October 15, 2015)

1. On April 14, 2015, the Commission issued its initial order in this proceeding regarding a Reliability Support Services Agreement (RSSA) filed by R.E. Ginna Nuclear Power Plant, LLC between itself and Rochester Gas and Electric Corporation.¹ Notably, the Commission rejected, as beyond the scope of the proceeding, arguments that the RSSA should not be allowed to suppress market prices.

2. On July 13, 2015, the Commission granted in part and denied in part requests for rehearing of the April 14 Order. Relevant here, the Rehearing Order affirmed the April 14 Order's rejection of the above-referenced arguments regarding market price suppression. The Commission stated:

In the April 14 Order, the Commission held that Indicated Suppliers' argument that the RSSA should not be allowed to suppress market prices is beyond the scope of the proceeding, which is limited to consideration of whether the rates, terms and conditions of the RSSA itself are just and reasonable. This proceeding does not involve changes to the NYISO

¹ *R.E. Ginna Nuclear Power Plant, LLC*, 151 FERC ¶ 61,023 (2015) (April 14 Order) (rejecting RSSA in part, accepting it in part, suspending it for a nominal period, to be effective on April 1, 2015, subject to a compliance filing and refund, and establishing hearing and settlement judge procedures).

market rules nor does it encompass the consideration of how [reliability must-run] agreements, such as the RSSA, affect the NYISO market rules.²

Accordingly, the Rehearing Order denied rehearing on that issue.

3. On August 12, 2015, TC Ravenswood, LLC (TC Ravenswood) filed a request for rehearing of that denial. Because the Rehearing Order affirmed without modification the Commission's finding on that issue in the underlying, April 14 Order, we find that TC Ravenswood's request for rehearing is improper and we will dismiss it.³

The Commission orders:

The request for rehearing filed by TC Ravenswood on August 12, 2015 is hereby dismissed.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

²*R.E. Ginna Nuclear Power Plant, LLC*, 152 FERC ¶ 61,027, at P 45 (citing April 14 Order, 151 FERC ¶ 61,023 at P 46) (footnotes omitted).

³ Rehearing of an order on rehearing lies only when the order on rehearing modifies the result reached in the original order in a manner that gives rise to a wholly new objection. *Midwest Indep. Transmission Sys. Operator, Inc.*, 127 FERC ¶ 61,241, at 62,061 (2009); accord, *Southern Natural Gas Co. v. FERC*, 877 F.2d 1066, 1073 (D.C. Cir. 1999).