

158 FERC ¶ 61,031
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

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| FirstEnergy Solutions Corp. | Docket Nos. ER16-1807-000 ER10-1459-008 |
| The Cleveland Electric Illuminating Company | Docket No. ER10-1469-004 |
| Ohio Edison Company | Docket No. ER10-1467-004 |
| The Toledo Edison Company | Docket No. ER10-1468-004 |
| FirstEnergy Generation, LLC | Docket No. ER13-785-003 |
| FirstEnergy Nuclear Generation, LLC | Docket No. ER13-713-003 |
| FirstEnergy Generation Mansfield Unit 1 Corp. | Docket No. ER10-1453-004 |

ORDER ACCEPTING TARIFF REVISIONS AND
NOTICE OF CHANGE IN STATUS

(Issued January 19, 2017)

1. On May 27, 2016, in Docket No. ER16-1807-000, FirstEnergy Solutions Corp. (FE Solutions) filed revisions to its market-based rate power sales tariff (Tariff Revision Filing). Also on May 27, 2016, in Docket No. ER10-1459-008, *et al.*, FirstEnergy Service Company, on behalf of its affiliates The Cleveland Electric Illuminating Company, Ohio Edison Company, The Toledo Edison Company, FE Solutions, FirstEnergy Generation, LLC (FE Genco), FirstEnergy Nuclear Generation, LLC (FE Nuclear Genco), and FirstEnergy Generation Mansfield Unit 1 Corp. (FE Mansfield) (collectively, the FE Companies), filed a Notice of Change in Status. Both filings were made in compliance with the April 27, 2016 Order Granting Complaint in

Docket No. EL16-34-000.¹ As discussed below, we accept the Tariff Revision Filing, effective January 27, 2016, as requested, and we accept the Notice of Change in Status.

I. Background

2. The FE Companies are subsidiaries of FirstEnergy Corp. and each has been granted Commission authorization to sell electricity at market-based rates. The Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company (collectively the FE Ohio Regulated Utilities) are franchised public utilities.

3. Under the Commission's affiliate power sales restrictions, no wholesale sale of electric energy or capacity may be made between a franchised public utility with captive customers and a market-regulated power sales affiliate without first receiving Commission authorization under section 205 of the Federal Power Act (FPA).² In December 2008, the Commission granted to FE Solutions, FE Genco, FE Nuclear Genco, and FE Mansfield (collectively, the FE Ohio Market Affiliates) a waiver of the Commission's affiliate power sales restrictions, based on the representation that Ohio is a retail choice state and that the FE Ohio Regulated Utilities do not have captive retail customers needing the protections afforded by those restrictions.³

4. On January 27, 2016, in Docket No. EL16-34-000, the Electric Power Supply Association (EPSA), the Retail Energy Supply Association (RESA), Dynegy Inc., Eastern Generation, LLC, NRG Power Marketing LLC, and GenOn Energy Management, LLC filed a complaint (Complaint) against FE Solutions and the FE Ohio Regulated Utilities (Respondents). The complainants asked the Commission to rescind the waiver of affiliate power sales restrictions that the Commission previously granted to the FE Ohio Market Affiliates, as that waiver relates to a particular power sales contract between FE Solutions and the FE Ohio Regulated Utilities, referred to as the Affiliate PPA.⁴

¹ *Elec. Power Supply Ass'n v. FirstEnergy Solutions Corp.*, 155 FERC ¶ 61,101 (2016) (April 27 Order).

² 18 C.F.R. § 35.39(b) (2016); *see also* 16 U.S.C. § 824d (2012).

³ *FirstEnergy Solutions Corp.*, 125 FERC ¶ 61,356, at PP 26-29 (2008) (FirstEnergy Waiver Order), *reh'g denied*, 128 FERC ¶ 61,119 (2009).

⁴ Additional details regarding the Affiliate PPA and an associated retail rate rider, as described in the Complaint, are set forth in the April 27 Order. *See* April 27 Order, 155 FERC ¶ 61,101 at PP 6-7.

5. On April 27, 2016, the Commission granted the Complaint.⁵ The Commission found that certain non-bypassable charges associated with the Affiliate PPA and a related retail rate rider (PPA Rider) presented the potential for the inappropriate transfer of benefits from captive customers to shareholders, undermining the goal of the Commission's affiliate restrictions.⁶ The Commission thus found that the requirement to obtain prior approval for affiliate sales of electric energy or capacity, as set forth in 18 C.F.R. § 35.39(b), applies to the Affiliate PPA, and rescinded the waiver of the affiliate restriction as to the Affiliate PPA.⁷ The Commission directed FE Solutions, and any of the FE Ohio Market Affiliates to the extent they make sales under the Affiliate PPA, "to modify its market-based rate tariff to clarify that the affiliate sales restrictions codified at 18 C.F.R. § 35.39(b) will apply to this specific Affiliate PPA."⁸ The Commission also found that the non-bypassable charges associated with the Affiliate PPA and the PPA Rider represented a reportable change in circumstances from the conditions under which the Commission granted waiver of the affiliate restrictions to Respondents.⁹ Thus the Commission directed that Respondents and their affiliates file a change in status addressing whether this change in circumstances affects any other waivers the Commission previously granted with respect to 18 C.F.R. §§ 35.39 and 35.44.¹⁰

⁵ *Id.* PP 1, 53.

⁶ *Id.* P 55. The PPA Rider was approved in the Ohio Commission's order on the FE Ohio Regulated Utilities' Electric Security Plan. *In the Matter of the Application of Ohio Edison Co., Cleveland Elec. Illuminating Co., and Toledo Edison Co. for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Order and Opinion, Case No. 14-1297-EL-SSO (Mar. 31, 2016).

⁷ April 27 Order, 155 FERC ¶ 61,101 at PP 53, 62, 65.

⁸ *Id.* P 62, ordering para. (B). The Commission also directed that, to the extent FirstEnergy Solutions or any other Ohio market-regulated power sales affiliate wishes to make sales under the Affiliate PPA, they must first submit the agreement to the Commission for review under section 205 of the FPA. *Id.* PP 53, 62.

⁹ *Id.* P 54.

¹⁰ *Id.* P 66, ordering para. (C).

6. On May 2, 2016, the FE Ohio Regulated Utilities filed, before the Public Utilities Commission of Ohio (Ohio Commission), a request for rehearing of the Ohio Commission order that, among other things, approved the PPA Rider.¹¹ In that pleading, the FE Ohio Regulated Utilities proposed to modify the PPA Rider such that it would no longer involve the Affiliate PPA or require any involvement by FE Solutions (Modified Rider Proposal).¹² On October 12, 2016, the Ohio Commission rejected the FE Ohio Regulated Utilities' Modified Rider Proposal and adopted an alternative proposal by Ohio Commission staff.¹³

II. The Filings

A. Tariff Revision Filing

7. In the Tariff Revision Filing, FE Solutions explains that both the Limitations and Exemptions section and the Affiliate Sales section of its market-based rate tariff (MBR Tariff) provide that the Commission has granted a waiver of certain restrictions on power sales transactions between affiliated entities, as set forth in Commission regulations, to allow power sales between FirstEnergy Solutions and the FE Ohio Regulated Utilities without prior Commission approval.¹⁴ FE Solutions asserts that the revisions it proposes to these two sections of the MBR Tariff comply with the Commission's specific directive "to modify its market-based rate tariff to clarify that the affiliate sales restrictions

¹¹ The FE Ohio Regulated Utilities' request for rehearing (Request for Rehearing) is available at the following link:
<http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=10cf1af0-18b5-47d1-aafc-3d0ccc1cb2b2>.

¹² Indicated Parties Protest at 9 (quoting Request for Rehearing at 14). The Indicated Parties include EPSA, Environmental Defense Fund (EDF), Environmental Law and Policy Center (ELPC), Ohio Environmental Council (OEC), PJM Power Providers Group (P3), RESA, Dynegy, Inc., Eastern Generation, LLC, and NRG Power Marketing, LLC and GenOn Energy Management, LLC.

¹³ *In the Matter of the Application of Ohio Edison Co., Cleveland Elec. Illuminating Co., and Toledo Edison Co. for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Fifth Entry on Rehearing at 43, 87, Case No. 14-1297-EL-SSO (Oct. 12, 2016), <http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=8c4ef2f3-e0bc-4625-85a7-083f6fb00482>.

¹⁴ Tariff Revision Filing at 1 (citing *FirstEnergy Waiver Order*, 125 FERC ¶ 61,356 at PP 29, 31).

codified at 18 C.F.R. § 35.39(b) will apply to this specific Affiliate PPA.”¹⁵ FE Solutions requests that the tariff revisions be made effective as of January 27, 2016, which is the refund effective date established in the April 27 Order.¹⁶

8. FE Solutions advises the Commission in its Tariff Revision Filing that there have been no transactions under the Affiliate PPA, which was “suspended . . . pending the outcome of certain regulatory and business decisions.”¹⁷ FE Solutions also states that the other FE Ohio Market Affiliates are not sellers under the Affiliate PPA and thus no revisions to their market-based rate power sales tariffs are required.¹⁸

B. Notice of Change in Status

9. In the Notice of Change in Status, the FE Companies state that the change in circumstances set forth in the April 27 Order does not affect any other waivers previously granted by the Commission to FE Solutions, the FE Ohio Regulated Utilities, or their affiliates, with respect to 18 C.F.R. § 35.39 and 18 C.F.R. § 35.44.¹⁹ As FE Solutions reported in the Tariff Revision Filing, the FE Companies in the Notice of Change in Status report that there have been no transactions under the Affiliate PPA, which has been suspended.²⁰ Also as stated in the Tariff Revision Filing, the FE Companies state that only FE Solutions is a seller under the Affiliate PPA, and thus they assert that the change in status relating to the Affiliate PPA does not affect the power sales of the other FE Ohio Market Affiliates.²¹ Moreover, the FE Companies acknowledge that if FE Solutions or any of the FE Ohio Market Affiliates desires to transact under the Affiliate

¹⁵ *Id.* at 2 (citing April 27 Order, 155 FERC ¶ 61,101 at P 62).

¹⁶ April 27 Order, 155 FERC ¶ 61,101 at P 68.

¹⁷ Tariff Revision Filing at 2. FE Solutions acknowledged the requirement that, to the extent it or its market-regulated power sales affiliates desire to transact under the Affiliate PPA, the agreement would first be submitted for Commission review and approval.

¹⁸ *Id.*

¹⁹ Notice of Change in Status at 4.

²⁰ *Id.* at 3.

²¹ *Id.* at 4.

PPA in the future, the transacting company would be required to first file the Affiliate PPA for Commission review and approval.²²

10. The FE Companies explain that in the FirstEnergy Waiver Order, the Commission ruled that due to retail choice in Ohio, restrictions on the sale of power between affiliates did not apply to power sales by FE Solutions and the FE Ohio Regulated Utilities, or to power sales between any of FE Genco, FE Nuclear Genco, and FE Mansfield on the one hand and the FE Ohio Regulated Utilities on the other hand.²³ Therefore the market-based rate power sales tariffs of FE Solutions and its affiliates state, in the Limitations and Exemptions section and Affiliate Sales section, that “the Commission granted waivers of sections 35.39, 35.44(a) and 35.44(b) of the Commission's regulations for power sales and other affiliate interactions between [Solutions] and [the FE Ohio Regulated Utilities].”²⁴ The FE Companies also describe two additional waivers of the Commission's affiliate restrictions identified in FE Solutions and the FE Ohio Regulated Utilities' market-based rate tariffs, and assert that the change in status does not affect the additional waivers.

11. The first additional waiver authorizes the FE Ohio Regulated Utilities to sell power to their affiliates FE Genco and FE Nuclear Genco. The FE Companies state that this waiver was necessary to reflect that each of the FE Ohio Regulated Utilities retains leasehold interests in certain generation units that they transferred to FE Genco and FE Nuclear Genco due to restructuring in Ohio.²⁵ The FE Companies explain that FE Ohio Regulated Utilities entered into separate power supply agreements, under which their respective shares of capacity and energy from units were sold to FE Genco and FE Nuclear Genco, which in turn sell all of the output of their respective units to FirstEnergy Solutions for resale.²⁶ The FE Companies explain that one of the leasehold interests previously expired, one was scheduled to expire on May 30, 2016, and another leasehold interest is unrelated to the Affiliate PPA because that agreement does not concern the

²² *Id.* at 3-4 & n.3.

²³ *Id.* at 2.

²⁴ *Id.* (citing FirstEnergy Waiver Order, 125 FERC ¶ 61,356 at P 32).

²⁵ *Id.* at 4-5 (citing *FirstEnergy Corp.*, Docket No. ER06-1386-000 (Oct. 4, 2006) (delegated letter order)).

²⁶ The FirstEnergy Companies assert that the Commission affirmed its authorization of these sales in *FirstEnergy Operating Companies*, 125 FERC ¶ 61,074 (2008).

output of the unit and would have no impact on power sales from the unit.²⁷ For these reasons, the FE Companies assert that the change in status relating to the Affiliate PPA does not affect this power supply waiver.

12. The FE Companies state that the second additional waiver permits FE Solutions and its affiliates to share employees that engage in joint fuel procurement for the entire FirstEnergy fleet and for units owned and controlled by its vertically-integrated affiliate Monongahela Power (MonPower), and permits the sharing of employees that engage in outage scheduling and economic dispatch at generating facilities that are jointly owned by AE Supply and MonPower.²⁸ The FE Companies assert that there is no relationship between the Affiliate PPA on the one hand, and the activities that occur under the fuel procurement waiver on the other hand, as the FE Ohio Regulated Utilities do not own or control any generation and the Affiliate PPA is suspended. Accordingly, the FE Companies assert that the change in status relating to the Affiliate PPA does not affect this joint fuel procurement waiver.²⁹

III. Notice and Responsive Pleadings

13. Notices of the Tariff Revision Filing and Notice of Change of Status were published in *Federal Register*, 81 Fed. Reg. 35,757 (2016), and *Federal Register*, 81 Fed. Reg. 36,910 (2016), respectively, with interventions and protests for both filings due on or before June 17, 2016.

14. Timely motions to intervene in the captioned proceedings were filed by Eastern Generation, LLC, EDF, ELPC, EPSA, Dynege, Inc., Northwest Ohio Aggregation Coalition (NOAC) and the Ohio Communities,³⁰ NRG Power Marketing, LLC and GenOn Energy Management, LLC, Office of the Ohio Consumers' Counsel (OCC), OEC, the Ohio Manufacturers' Association Energy Group (OMAEG), PJM Interconnection, L.L.C., P3, and RESA.

²⁷ Notice of Change in Status at 5.

²⁸ *Id.* at 4, 6 (citing *FirstEnergy Corp.*, 136 FERC ¶ 61,216 (2011)).

²⁹ *Id.* at 6.

³⁰ The Ohio Communities include the City of Toledo, Lucas County, the City of Northwood, the City of Sylvania, the City of Maumee, the City of Perrysburg, the Village of Waterville, the Village of Holland, the Village of Ottawa Hills, and the Lake Township.

15. On June 17, 2016, in the captioned proceedings and in Docket No. EL16-34-000,³¹ the Indicated Parties and the Sierra Club each filed a protest and request for issuance of a further order on the Complaint; EDF and OEC jointly filed comments; OCC and NOAC jointly filed a protest and request for an order to show cause; and OMAEG filed comments with its motion to intervene. On July 7, 2016, the Ohio Energy Group filed, in Docket No. EL16-34-000, a motion for leave to answer and answer to the protests.

16. The protests and comments primarily focus on the Modified Rider Proposal, which was still pending before the Ohio Commission as of the June 17, 2016 comment date. Parties assert that the Notice of Change in Status and Tariff Revision Filing are deficient because they do not address the Modified Rider Proposal.³² Parties characterize the Modified Rider Proposal as a “virtual PPA” that effectively results in an affiliate sale of capacity and was developed to evade the April 27 Order.³³ Parties ask the Commission to require the “virtual PPA,” like the Affiliate PPA, to be filed with the Commission for review.³⁴ Parties also assert that the Commission should enforce other affiliate abuse regulations, including the no-conduit rule³⁵ and restrictions on sales of non-power goods

³¹ Pleadings regarding the Notice of Change in Status and Tariff Revision Filings are properly filed in the captioned proceedings, not Docket No. EL16-34-000, which is now closed, as the April 27 Order is now final because no parties sought rehearing.

³² Indicated Parties Protest at 10-11; *see also* OMAEG Comments at 7 (asserting that acknowledgement of the “virtual PPA” is “[g]largely absent” from the filings); Sierra Club Protest at 8 (noting that neither filing informs the Commission of the Modified Rider Proposal). OCC and NOAC also assert the filings inaccurately describe the PPA Rider. OCC and NOAC Protest at 9-10.

³³ Indicated Parties Protest at 7-9, 12-20; OMAEG Comments at 8-12; *see also* OCC and NOAC Protest at 5 (asserting that the Modified Rider Proposal “appears to be a repackaged attempt to obtain the same subsidy payments . . . that were inherent in the Affiliate PPA”); EDF and OEC Comments at 2 (asserting the “virtual PPA” mirrors many of the same elements of the Affiliate PPA, such as a sale of capacity); Sierra Club Protest at 2-3, 8, 10-11 (asserting that the Modified Rider Proposal allows for the same transfer of benefits).

³⁴ Indicated Parties Protest at 14-20; OMAEG Comments at 12; Sierra Club Protest at 11-12. OMAEG also asks the Commission to require the FirstEnergy affiliates to revise their market-based rate tariffs to prohibit the provision of capacity or other electric products to the FE Ohio Regulated Utilities where the costs will be recovered through the Modified Rider Proposal. OMAEG Comments at 12.

³⁵ 18 C.F.R. § 35.39(g) (2016).

and services,³⁶ with respect to the Modified Rider Proposal.³⁷ Parties call upon the Commission to investigate, through a show-cause order, whether a sale of capacity would be occurring under the Modified Rider Proposal and whether it violates the Commission's affiliate abuse regulations.³⁸ Parties also ask the Commission to pursue suspending or revoking the FirstEnergy Companies' market-based rate authority, alleging willful disregard for the Commission's affiliate abuse restrictions and lack of candor with respect to the Modified Rider Proposal.³⁹ Parties also raise concerns about potential harm to the PJM markets and other public harms, such as environmental harms, that could result from the Modified Rider Proposal.⁴⁰

17. In addition, OCC and NOAC assert that the proposed tariff revisions are insufficient and the Notice of Change in Status is incomplete.⁴¹ Specifically, OCC and NOAC assert that FE Solutions' proposed tariff revisions do not provide clear notice that FE Solutions' market-based rate authority is limited with respect to the Affiliate PPA.⁴² OCC and NOAC ask the Commissions to require additional, specific modifications to the opening sentences of the Limitations and Exemption section and the Affiliate Sales section of FE Solutions' MBR Tariff to reference the waiver exception.⁴³ OCC and NOAC also ask the Commission to direct FE Solutions to further modify the MBR Tariff to make clear that restrictions codified at 18 C.F.R. §§ 35.44(a) and 35.44(b) will apply to the Affiliate PPA.⁴⁴

18. OCC and NOAC also assert that the Notice of Change in Status is incomplete because it does not address waivers of the affiliate cross-subsidization restrictions set

³⁶ *Id.* § 35.39(e).

³⁷ Indicated Parties Protest at 19-22; OMAEG Comments at 12-14; Sierra Club Protest at 2, 8, 11-12.

³⁸ OCC and NOAC Protest at 7-9.

³⁹ Indicated Parties Protest at 22-23; OMAEG Comments at 14-15.

⁴⁰ Indicated Parties Protest 11-13 & n.45; EDF and OEC Comments at 2-3.

⁴¹ OCC and NOAC Protest at 10-15.

⁴² *Id.* at 13.

⁴³ *Id.* at 13-14.

⁴⁴ *Id.* at 14-15.

forth in 18 C.F.R. § 35.44(a) and § 35.44(b).⁴⁵ They ask the Commission to direct the FirstEnergy Companies to supplement the Notice of Change in Status to include notice of these affiliate cross-subsidization restrictions.⁴⁶

IV. Discussion

A. Procedural Matters

19. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2016), the timely, unopposed motions to intervene serve to make the entities that filed them parties to the proceedings.

20. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2016), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We are not persuaded to accept the Ohio Energy Group's answer and will, therefore, reject it.⁴⁷

B. Substantive Matters

21. As discussed below, we accept the Tariff Revision Filing, effective January 27, 2016, as requested, and we also accept the Notice of Change in Status. As an initial matter, because the Modified Rider Proposal has been rejected by the Ohio Commission,⁴⁸ we reject as moot those arguments raised in the protests and comments regarding the Modified Rider Proposal, including arguments that the Tariff Revision Filing and Notice of Change in Status are insufficient because they do not address the Modified Rider Proposal. Also moot are parties' requests, based upon the Modified Rider Proposal, for a further order on the Complaint in Docket No. EL16-34-000,⁴⁹

⁴⁵ *Id.* at 11-12 (citing FirstEnergy Waiver Order, 125 FERC ¶ 61,356 at PP 1, 3).

⁴⁶ *Id.*

⁴⁷ Moreover, the Ohio Energy Group's answer was improperly filed in Docket No. EL16-34-000, rather than in the captioned proceedings, in which the Ohio Energy Group has not intervened. Pleadings regarding the Notice of Change in Status and Tariff Revision Filings lie in the captioned proceedings, not Docket No. EL16-34-000, which is now closed.

⁴⁸ *See supra* note.13.

⁴⁹ In addition to being moot, a request for a further order on complaint in Docket No. EL16-34-000 is procedurally flawed, as the April 27 Order is final and there are no further proceedings in that docket.

an order to show cause, and suspension or revocation of the FE Companies' market-based rate tariffs.

22. We find that FE Solutions' proposed tariff revisions comply with the Commission's specific directive in the April 27 Order "to modify [FE Solutions'] market-based rate tariff to clarify that the affiliate sales restrictions codified at 18 C.F.R. § 35.39(b) will apply to this specific Affiliate PPA."⁵⁰ We disagree with OCC and NOAC that the revisions fail to provide clear notice that FE Solutions' market-based rate authority is limited with respect to the Affiliate PPA. We find that additional revisions to the opening sentences of the Limitations and Exemptions and Affiliate Sales sections of the MBR Tariff, as proposed by OCC and NOAC, are unnecessary because the MBR Tariff, as revised, already states in those sections that the Affiliate PPA is excepted from the Commission's waiver of the affiliate sales restrictions codified at 18 C.F.R. § 35.39(b).

23. We further reject OCC and NOAC's request that the Commission direct FE Solutions to revise the MBR Tariff to make clear that restrictions codified at 18 C.F.R. §§ 35.44(a) and 35.44(b) will apply to the Affiliate PPA. FE Solution's Tariff Revision Filing followed precisely the tariff revision directive in the April 27 Order, which did not reference §§ 35.44(a) and 35.44(b). No entity sought rehearing or clarification of the April 27 Order to expand the scope of the Commission's directive. Therefore, OCC and NOAC's arguments are an impermissible attack on a final Commission order.⁵¹ Moreover, we find that the additional revisions requested by OCC and NOAC are unnecessary. The MBR Tariff, as revised, ensures the Commission's ability to review transactions that occur under the Affiliate PPA for any affiliate-abuse or cross-subsidization concerns. We thus accept the Tariff Revision Filing.

24. We also accept the Notice of Change in Status, and reject OCC and NOAC's arguments that it is insufficient. We find that the Notice of Change in Status complies with the Commission's directive that Respondents and their affiliates file a change in status addressing whether the change in circumstances of the non-bypassable charges under the PPA Rider affects any other waivers the Commission previously granted with respect to 18 C.F.R. § 35.39 and 18 C.F.R. § 35.44. Contrary to OCC and NOAC's assertions, we find that the Notice of Change in Status sufficiently addresses whether the non-bypassable charges affected the FE Companies' waivers, including waivers with respect to 18 C.F.R. § 35.44.

⁵⁰ April 27 Order, 155 FERC ¶ 61,101 at P 62.

⁵¹ See, e.g., *Confederated Salish and Kootenai Tribes Energy Keepers Inc.*, 153 FERC ¶ 61,217, at P 8 (2015) ("No entity sought rehearing of that order, which is long-since final and cannot properly be made the subject of collateral attacks . . .").

The Commission orders:

(A) The Tariff Revision Filing is accepted, effective January 27, 2016, as discussed in the body of this order.

(B) The Notice of Change in Status is accepted, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.