

September 2020 Commission Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its September 17, 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

E-2 – Press Release

FERC addresses arguments on rehearing and accepts partial compliance filing

E-3, *Midcontinent Independent System Operator, Inc. et al.*, Docket No. EL15-68-005, *et al.* The order addresses a request for rehearing of the Commission's December 20, 2019 order directing further compliance in response to the U.S. Court of Appeals for the D.C. Circuit's remand of *Ameren Services Co. v. FERC*. The order modifies the discussion in the December 20, 2019 order and sustains the prior result. The order also accepts MISO's partial compliance filing.

FERC grants a petition for declaratory order

E-4, *North Carolina Eastern Municipal Power Agency*, Docket No. EL20-15-000. The order grants a petition for declaratory order filed by NCEMPA. The order finds that a full requirements power purchase agreement between NCEMPA and Duke Energy Progress, LLC permits NCEMPA and its municipal members to use battery storage technology on their own distribution systems as either Demand-Side Management or Demand Response.

FERC authorizes a final rule

E-5, *Electric Reliability Organization Proposal to Retire Requirements in Reliability Standards Under the NERC Standards Efficiency Review*, Docket Nos. RM19-16-000 and RM19-17-000. This final rule approves the retirement of 18 Reliability Standard

requirements requested by the North American Electric Reliability Corporation (NERC), and remands proposed Reliability Standard FAC-008-4 for further consideration by NERC. The final rule concludes that the 18 Reliability Standard requirements being retired (1) provide little or no reliability benefit, (2) are administrative in nature or relate expressly to commercial or business practices or (3) are redundant with other Reliability Standards.

FERC grants, in part, and dismisses, in part, request for waivers

E-6, *Altavista Solar, LLC*, Docket Nos. ER20-2030-000 and TS20-5-000. The order grants, for customer interconnection facilities, Altavista's request for waiver of the Commission's requirements to file an Open Access Transmission Tariff (OATT) to establish and maintain an Open Access Same-Time Information System (OASIS), and to comply with the Commission's Standards of Conduct. Altavista states it has transferred operational control, but not yet ownership, of the transmission owner interconnection facilities to the transmission owner. The order dismisses as unnecessary the request of waiver requirements to file an OATT, and to establish and maintain an OASIS for transmission owner interconnection facilities, but grants waiver of the Standards of Conduct as to such facilities.

FERC denies request for a waiver

E-7, *Green Mountain Power Corporation*, Docket No. ER20-1755-000. The order denies Green Mountain Power's request for waiver of the revised definition of Settlement Only Resources under Tariff section I.2.2 that defines resources that must be capable of responding to ISO-NE's electronic dispatch instructions. The order finds that the petitioner has failed to demonstrate that its waiver request is limited in scope or would not have undesirable consequences.

FERC addresses arguments on rehearing

E-8, *Louisville Gas and Electric Company*, Docket Nos. ER19-2396-001 and ER19-2397-001. The order modifies the discussion in the Commission's September 10, 2019 order in this proceeding and sets aside that order in part. In the September 10, 2019 order, the Commission rejected, without prejudice, the unexecuted transition mechanism agreement filed by Louisville Gas and Electric Company and Kentucky Utilities Company in response to the March 21, 2019 order in Docket Nos. EC98-2-001 and ER18-2162-000 and provided guidance to assist in developing a new proposal.

FERC addresses arguments on rehearing

E-9, *Louisville Gas and Electric Company*, Docket Nos. EC98-2-003 and ER18-2162-002. The order modifies the discussion in the September 10, 2019 rehearing order in this proceeding and sets aside that rehearing order, in part. In the September 10, 2019 rehearing order, the Commission denied rehearing but granted clarification with respect to certain issues arising from Louisville Gas and Electric Company's and Kentucky Utilities Company's request, under section 203(b) of the Federal Power Act, to remove a market power mitigation measure that was addressed in the March 21, 2019 order in this proceeding.

FERC addresses arguments on rehearing

E-10, *ISO New England Inc.*, Docket No. ER20-739-002. The order addresses arguments raised on rehearing of the Commission's May 26, 2020 order that accepted tariff provisions allowing for the prospective recovery of critical infrastructure protection (CIP) costs incurred by facilities that ISO-NE identifies as critical to the derivation of Interconnection Reliability Operating Limits. The order modified the discussion in the May 26, 2020 order and sustains the Commission determination to interpret the proposed tariff language as allowing recovery only for those CIP costs incurred on or after the effective date of the relevant individual Federal Power Act section 205 filing to recover such costs.

FERC accepts a filing

E-11, *Ohio Power Company*, Docket No. ER20-609-001. The order accepts for filing American Electric Power Service Corporation's compliance filing, on behalf of its affiliates Ohio Power Company and AEP Ohio Transmission Company, Inc., of an amended interconnection and local delivery service agreement.

FERC accepts a filing

E-12, *Ohio Power Company*, Docket No. ER20-431-001. The order accepts for filing American Electric Power Service Corporation's compliance filing, on behalf of its affiliates Ohio Power Company and AEP Ohio Transmission Company, Inc., of an amended interconnection and local delivery service agreement.

FERC addresses arguments on rehearing

E-13, *PJM Interconnection, L.L.C.*, Docket Nos. ER20-543-000 and ER20-543-001. The order addresses Stonegate Power, LLC's rehearing request and motion for stay of the Commission's February 7, 2020 order accepting PJM's Notice of Cancellation of the

Gateway Interconnection Service Agreement. The order sustains the result of the February 7, 2020 order and dismisses the request for stay.

FERC addresses arguments on rehearing

E-14, *Chehalis Power Generating, L.P.*, Docket No. ER05-1056-011. The order addresses Chehalis' rehearing request of the Commission's June 1, 2020 Order on Remand that found it was equitable for Chehalis to recoup refunds from Bonneville Power Administration as if the Commission had treated Chehalis' reactive power service filing as an initial rate subject to a Federal Power Act section 206 investigation. The order modifies the discussion of the June 1, 2020 Order on Remand, and sets it aside, in part, as it relates to the appropriate recoupment period.

FERC directs settlement judge and hearing procedures

E-15, *GridLiance High Plains LLC*, Docket No. ER20-1313-000, *et al.* The order sets Xcel Energy Services Inc.'s formal challenge to GridLiance High Plains LLC's 2020 annual update for hearing and settlement judge procedures and consolidates this proceeding with the pending proceedings in Docket Nos. ER18-2358-001 and ER19-1357-000.

FERC accepts a filing

E-16, *California Independent System Operator Corporation*, Docket No. ER20-1890-000. The order accepts a CAISO proposal to revise its market rules regarding the treatment of energy transactions scheduled at interties. The order finds that the revisions to the E-Tag rules will provide the market with more reliable information about whether intertie transactions awarded in the day-ahead and hour-ahead process are likely to materialize in real-time. The order also finds that eliminating the non-delivery charge thresholds and modifying the method for calculating the charge will better ensure that the charge considers the effects on all markets disrupted by under- or over-delivery. The order finds that, taken together, these revisions should improve the efficiency of the market and bolster reliability by creating more robust incentives for market participants to deliver their awarded intertie transactions.

FERC addresses arguments on rehearing

E-17, *Midcontinent Independent System Operator, Inc.*, Docket Nos. ER19-1823-003 and ER19-1960-003. The order addresses arguments raised on rehearing of the Commission's June 18, 2020 order accepting MISO's proposed tariff revisions made to comply with Order Nos. 845 and 845-A. The order modifies the discussion of the June 18, 2020 order but continues to reach the same result.

FERC addresses arguments on rehearing

E-18, *Midcontinent Independent System Operator, Inc.*, Docket No. ER20-170-002. The order addresses arguments raised on rehearing of the Commission's March 19, 2020 order. The March 19, 2020 order accepted a new formula rate schedule (Schedule 50) in MISO's Tariff to allocate operation, maintenance, and repair expenses to interconnection customers for Transmission Owner Interconnection Facilities. The order sustains the Commission's prior findings.

FERC addresses arguments on rehearing

E-19, *City and County of San Francisco v. Pacific Gas and Electric Co.*, Docket No. EL19-38-001. The order addresses arguments raised on rehearing by the City and County of San Francisco (San Francisco) in response to the Commission's April 16, 2020 order denying San Francisco's Complaint against Pacific Gas and Electric Company (PG&E). The order sustains the Commission's determination that PG&E has not unreasonably denied San Francisco wholesale distribution at secondary voltage levels. The order also continues to find that, based on the record, PG&E has not treated San Francisco in an unduly discriminatory manner. Finally, the order concludes that, contrary to San Francisco's arguments on rehearing, PG&E's administration of the Wholesale Distribution Tariff does not result in anti-competitive effects.

FERC grants a partial waiver

E-20, *Clean Fuel Dane, LLC*, Docket No. EL19-84-000 and QF19-1331-001. The order grants Clean Fuel Dane, LLC (Petitioner) a partial waiver from the filing requirements of section 292.203(a)(3) of the Commission's regulations applicable to small power production qualifying facilities (QFs) for the time period beginning December 8, 2015, when Petitioner purchased Clean Fuel Dane QF and ending June 28, 2019 when Petitioner filed for self-certification of QF status.

FERC grants, in part, a complaint

E-21, *Bonneville Power Administration v. Avista Corporation*, Docket No. EL20-36-000. The order grants, in part, a complaint regarding Avista's requirement that self-supplied operating reserves deployed from a generator not located within Avista's balancing area reserve and use firm point-to-point transmission service for delivery of the operating reserves within Avista's balancing area. The order finds that this requirement violates Avista's tariff and that network transmission customers may use their existing network transmission service to transmit within Avista's balancing area operating reserves deployed from designated network resources located outside of Avista's balancing area.

FERC grants a partial waiver

E-22, *CF CVEC Owner One LLC*, Docket No. EL20-55-000, *et al.* The order grants CF CVEC Owner One LLC's (Petitioner) request for partial waiver from the filing requirements in section 292.203(a)(3) of the Commission's regulations for a small power production qualifying facility (QF) for the time period when the QF was out of compliance with the Commission's regulations, beginning when the QF went into operation and ending when Petitioner filed a Form No. 556 for the QF. The order also accepts Petitioner's refund report because it satisfies Commission requirements.

FERC grants a petition for declaratory order

E-23, *Southern California Edison Company*, Docket No. EL20-51-000. The order grants SoCal Edison's petition for declaratory order that requested transmission rate incentives of: (1) 100 percent of its prudently-incurred costs if its Riverside Transmission Reliability Project is cancelled or abandoned for reasons beyond SoCal Edison's control and (2) 100 percent of the Project's network transmission Construction Work In Progress in transmission rate base during the construction period. The order also grants SoCal Edison's request that the Commission declare that the Project is a network facility eligible for rolled-in rate treatment and cost recovery under the California Independent System Operator Corporation's Transmission Access Charge.

FERC addresses arguments on rehearing

E-24, *Midcontinent Independent System Operator, Inc.*, Docket No. ER20-276-002. The order addresses arguments raised on rehearing of the Commission's March 27, 2020 order that denied Prairie Power, Inc.'s request that it be granted a hypothetical capital structure for revenue requirements. The order modifies the discussion in the March 27, 2020 order and sustains the result.

FERC grants a petition for declaratory order

E-25, *Indiana Municipal Power Agency and City of Lawrenceburg, Indiana v. PJM Interconnection, L.L.C., American Electric Power Service Corp., and Lawrenceburg Power, LLC*, Docket Nos. EL20-30-000 and EL20-56-000. The order grants a request for a declaratory order clarifying that the Commission does not have jurisdiction over the supply of station power. The order also institutes a proceeding, in Docket No. EL20-56-000, in accordance with section 206 of the Federal Power Act, and requires PJM to propose changes to its tariff consistent with this order or to show cause why changes are not necessary.

FERC grants a request for waivers

G-2, *Aethon United BR LP, et al.*, Docket No. RP20-1105-000. The order grants the joint petition of Aethon United BR LP and Aethon III HV LLC requesting waiver of the Commission's capacity release regulations and related tariff provisions in order to facilitate the permanent transfer by Aethon United to Aethon III of certain capacity under a firm transportation agreement between Aethon United and Gulf South Pipeline Company, LLC.

FERC grants a request for a limited waiver

G-3, *Golden Pass LNG Terminal LLC*, Docket No. RP20-957-000. The order grants Golden Pass LNG's requested limited waiver of the Commission's buy/sell prohibition to the extent necessary to enter into future transactions in which Golden Pass LNG enters into (1) an agreement to purchase natural gas from a potentially affiliated supplier and (2) an agreement to sell LNG to Ocean LNG Limited, an affiliate.

FERC authorizes statement of operating conditions and market-based rates

G-4, *Enstor Katy Gas Storage and Transportation, L.P.*, Docket Nos. PR20-56-000/001. The order authorizes market-based rates for Enstor Katy Gas, a Natural Gas Policy Act section 311 storage company, and rules that the company may provide firm wheeling service at market-based rates.

FERC authorizes market-based rates and park and loan service

G-5, *Enable Oklahoma Intrastate Transmission, LLC*, Docket Nos. PR20-61-000/001. The order authorizes market-based rates Enable Oklahoma, a Natural Gas Policy Act section 311 storage company, and rules that the company may provide park and loan storage service at market-based rates.

FERC addresses arguments on rehearing

G-6, *BP Energy Co. v. Natural Gas Pipeline Co. of America LLC*, Docket No. RP20-481-001. The order addresses arguments raised on rehearing of the Commission's May 26, 2020 order that denied a complaint filed by BP Energy Company (BP) against Natural Gas Pipeline Company of America LLC (NGPL) alleging that NGPL improperly required BP to take an unwanted service in order to exercise a Right of First Refusal. The order modifies the discussion of the May 26, 2020 order but continues to reach the same result.

FERC addresses arguments on rehearing

H-1, *Cube Yadkin Generation LLC*, Project No. 2197-135. The order addresses arguments raised by the City of Salisbury, North Carolina seeking rehearing of the Commission staff's March 12, 2020 Letter Order approving Cube Yadkin's proposed Sedimentation and Flood Protection Plan (Plan). The Order found that the Plan complied with the requirements of Article 401(a) of the license and Condition 9 of the water quality certification. The order modifies the discussion in the March 12, 2020 Letter Order and sets aside the prior order in part.

FERC addresses arguments on rehearing

H-2, *Grand River Dam Authority*, Project No. 1494-453. The order addresses arguments raised in a request filed by the City of Miami, Oklahoma seeking rehearing of Commission staff's April 29, 2020 Letter Order finding that Grand River Dam Authority, the licensee for the Pensacola Hydroelectric Project No. 1494, is not in violation of Article 5 of the project license. The order modifies the discussion in the April 29, 2020 Letter Order and sustains the same result of the prior order

FERC authorizes amendment to pipeline certificate

C-1, *National Fuel Gas Supply Corporation*, Docket No. CP20-53-000. The order amends the previously certificated West Side Expansion and Modernization Project (CP14-70-000) and approves National Fuel Gas Supply Corporation's request to re-designate spare compression to accommodate a service request by Seneca Resources Company, LLC (one of the two project shippers) to shift capacity to a different delivery point, Mercer Compressor Station in Mercer County, Pennsylvania.

FERC authorizes abandonment proposal and amends certificate

C-2, *Saltville Gas Storage Company, LLC*, Docket No. CP20-45-000. The order grants Saltville's request to abandon 0.4 billion cubic feet of working gas capacity at its natural gas storage facilities located in southwestern Virginia and amend the facilities' certificated total, working, and base gas capacities. The order also addresses commenters' concerns that the reduced capacity would affect existing customers' firm storage contracts and concerns related to future rates impacts.

FERC authorizes an interstate natural gas project

C-5, *Kinder Morgan Louisiana Pipeline, LLC*, Docket No. CP19-484-000. The order issues a certificate to Kinder Morgan Louisiana to construct, modify, and operate certain natural gas compression and meter station facilities in Acadia and Evangeline parishes, Louisiana for the proposed Acadiana Project. The Acadiana Project is designed to provide an additional 894,000 dekatherms per day of firm transportation service in a southerly direction from existing receipt points in Louisiana to the existing liquified natural gas export terminal in Cameron Parish, Louisiana, owned and operated by Sabine

Pass Liquefaction, LLC. Kinder Morgan Louisiana also seeks a pre-determination of rolled-in rate treatment for the costs associated with the project.

FERC authorizes an interstate natural gas pipeline project

C-6, *Columbia Gulf Transmission, LLC*, Docket No. CP19-488-000. The order issues a certificate to Columbia Gulf to construct, modify, and operate certain natural gas compression and meter station facilities in East Carroll, Catahoula, Evangeline, and Rapides parishes, Louisiana for the proposed Louisiana XPress Project. The project is designed to provide an additional 493,000 dekatherms per day (Dth/d) of firm transportation from existing receipt points to an existing delivery point with Kinder Morgan Louisiana Pipeline, LLC, as part of a new firm transportation service of 800,000 Dth/d for Sabine Pass Liquefaction, LLC.

FERC addresses arguments on rehearing, dismisses stay request

C-8, *Mountain Valley Pipeline, LLC*, Docket No. CP19-14-001. The order addresses arguments raised in requests for rehearing of the Commission's June 18, 2020 order (Southgate Certificate Order) that authorized Mountain Valley Pipeline's Southgate Project in Pittsylvania County, Virginia and Rockingham and Alamance counties in North Carolina. The order modifies the discussion and sustains the Southgate Certificate Order.