

November 2016

Commission Meeting Summaries

These are summaries of orders voted by the Federal Energy Regulatory Commission at its November 17, 2016 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.

A-3 – Press Release

E-1 – Press Release

E-2 – Press Release

E-3 – Press Release

E-4 – Press Release

H-3 & H-1 – Press Release

FERC accepts request to terminate an agreement

E-5, *Midcontinent Independent System Operator, Inc.*, Docket No. ER16-2528-000. The order accepts MISO's request to terminate its System Support Resource Agreement with White Pine Electric Power, LLC for White Pine Unit No. 1.

FERC grants a limited, temporary waiver

E-6, *New York Independent System Operator, Inc.*, Docket No. ER17-144-000. This order grants NYISO's request for a limited, temporary waiver of its obligation under the 1993 PARs Facilities Agreement to settle, on a monthly basis, certain amounts associated with the phase angle regulators (PARs) at the Ramapo terminal that are charged to transmission owners in PJM Interconnection, L.L.C. NYISO explained that Consolidated Edison Company of New York, Inc., the New York Transmission Owners, the PJM Transmission Owners (PJM TOs), and the New York Power Authority were currently reviewing billings under the Agreement, and had requested that NYISO cease monthly settlements of amounts related to the Ramapo PARs charged to the PJM TOs while they perform this review.

FERC grants a request for waiver

E-7, *NorthWestern Corporation*, Docket No. TS16-1-000. This order grants NorthWestern’s request for a continuation of its Standards of Conduct separation of functions waiver notwithstanding its changed circumstances.

FERC grants a request for waiver

E-8, *City of Rochester, Minnesota Board of Public Utilities*, Docket No. TS15-3-000. The order grants a request by the City of Rochester for waiver of the Standards of Conduct requirements, as applicable to Rochester under the Commission’s reciprocity rules, in view of the fact that Rochester meets the definition of a small utility.

FERC grants a request for waiver

E-9, *Alcoa Power Generating Inc.*, Docket No. ER16-2437-000. This order grants Alcoa Power Generating’s request for waiver of Order No. 1000 requirements for its Tapoco Division, as it meets the “limited and discrete transmission facilities” and “small public utility” standards that justify such waiver.

FERC grants a request for waiver

E-10, *Alcoa Power Generating Inc.*, Docket No. ER13-108-001. This order grants Alcoa Power Generating’s request for continued waiver of Order No. 1000 requirements for its Long Sault Division, as it meets the “limited and discrete transmission facilities” standard that justifies such waiver.

FERC grants a complaint

E-11, *Goodyear Tire & Rubber Company v. Entergy Texas, Inc.*, Docket No. EL16-105-000. The order grants Goodyear’s complaint and finds that Entergy Texas may not rely on an earlier Commission order as a basis for terminating its power purchase agreement with Goodyear. In its complaint, Goodyear alleged that Entergy Texas’ notice of intent to terminate its power purchase agreement for purchases from Goodyear’s qualifying facilities located at Goodyear’s Beaumont Chemical Plant in Beaumont, Texas, is contrary to Entergy Texas’ obligation to purchase energy and capacity from Goodyear in accordance with the Public Utility Regulatory Policies Act of 1978 and the related regulations, and is inconsistent with the Commission’s January 21, 2016 order granting, only in part, Entergy’s application to terminate the Entergy Operating Companies’ mandatory purchase obligation. The order explains that the Commission’s earlier order terminating Entergy Texas’ obligation to purchase from qualifying facilities larger than 20 MW was inapplicable here, where the Goodyear facilities were under 20 MW.

FERC approves an uncontested settlement

E-12, *PJM Interconnection, L.L.C. & Northeast Transmission Development, LLC*, Docket Nos. ER16-453-000 & -001. This order approves an uncontested settlement establishing the base return on equity for Northeast Transmission Development, an independent developer participating in the Artificial Island project in the PJM region.

FERC approves an uncontested settlement

E-13, *Pacific Gas and Electric Company*, Docket Nos. ER15-2294-000 and ER15-2294-001. This order approves an uncontested settlement regarding the proposed wholesale and retail transmission revenue requirements in PG&E's Transmission Owner Tariff.

FERC approves an uncontested settlement

E-14, *Midwest Independent Transmission System Operator, Inc., et al.*, Docket Nos. EL02-111-145, EL03-212-140, EL04-135-126, and ER05-6-124. This order approves an uncontested settlement that resolves all issues relating to the Seams Elimination Cost/Charge Adjustment/Assignment charges between Baltimore Gas and Electric Company and the MISO Settling Parties.

FERC approves an uncontested settlement

E-15, *NextEra Energy Transmission West, LLC*, Docket No. ER15-2239-000, *et al.* This order approves the uncontested settlement offer of NextEra Energy Transmission West, LLC (NEET West). The settlement resolves the return on equity (ROE) issue set for hearing and also provides that the base ROE shall not be subject to change for three years after the date on which NEET West's transmission projects are under the operational control of the California Independent System Operator Corporation.

FERC approves a final rule

M-1, *Regulations Implementing the FOIA Improvement Act of 2016 and Clarifying FOIA Regulations*, Docket No. RM17-5-000. This final rule amends 18 C.F.R. § 388.106-10 of the Commission's regulations to implement the new statutory mandates from the Freedom of Information Act Improvement Act of 2016. The rule also amends 18 C.F.R. § 375.309 to delegate authorization to the General Counsel to make determinations in response to FOIA administrative appeals.

FERC denies rehearing

H-2, *Alaska Electric Light and Power, et al.*, Project No. 2307-075, *et al.* The order denies a rehearing request filed by a group of licensees of Alaska hydropower projects

(the Alaska Group) in response to the Executive Director's June 9, 2016 letter denying the Alaska Group's appeal of their 2016 federal land use bills. The order finds that Commission staff properly applied the methodology for calculating charges for use of government lands adopted in an earlier, final Commission order. However, the order notes that the Commission, in response to a petition for rulemaking also filed by the Alaska Group, is inviting comments on a Notice of Inquiry regarding the Commission's current methodology for calculating annual charges for use of government lands for hydropower projects in Alaska.

FERC authorizes non-project use of project land and waters

H-4, *Public Utility District No. 2 of Grant County, Washington*, Project No. 2114-279. The order approves Public Utility District No. 2 of Grant County, Washington's (Grant PUD) application for non-project use authorization to lease 38.5 acres of project lands on Crescent Bar Island to three on-island homeowners associations (HOAs) based on a settlement agreement, which resolved complex, multi-year litigation between Grant PUD and the HOAs seeking to maintain the existing residential areas on the island. The order concludes that the proposed non-project use of project lands and waters, as modified, would be consistent with project purposes and should be approved.

FERC denies rehearing

H-5, *Rivertec Partners, LLC*, Project No. 14754-001. The order denies rehearing of Commission staff's July 1, 2016 order dismissing Rivertec Partners' preliminary permit application for the Lincoln Hydroelectric Project No. 14754, which would be located at the U.S. Army Corps of Engineers' Libby Dam located on the Lake Kootenai River in Lincoln County, Montana. The order affirms staff's finding that the Commission lacks authority to issue a permit for the proposed project.

FERC authorizes certificate amendment

C-1, *Magnum Gas Storage, LLC*, Docket No. CP16-18-000. This order grants Magnum's request to amend its March 17, 2011 certificate of public convenience and necessity by authorizing Magnum to relocate its previously approved natural gas storage caverns and associated surface facilities within the previously analyzed project area and to provide a new firm wheeling transportation service under market-based rates. The order also extends the time by which the facilities must be constructed and placed into service.