

171 FERC ¶ 61,124
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick, Bernard L. McNamee,
and James P. Danly.

Public Service Company of New Mexico

Docket Nos. ER19-1955-002
ER19-1955-003

ORDER ON COMPLIANCE

(Issued May 21, 2020)

1. In a filing submitted on February 14, 2020, as amended on February 18, 2020 (February Compliance Filing), Public Service Company of New Mexico (PNM) proposed revisions to its Open Access Transmission Tariff (Tariff) in compliance with the requirements of Order Nos. 845 and 845-A¹ and the order on compliance issued on December 19, 2019.² As discussed below, we find that the February Compliance Filing partially complies with the Commission's directives in the December 2019 Order. Accordingly, we accept the February Compliance Filing, effective May 22, 2019, and direct PNM to submit a further compliance filing within 120 days of the date of this order.

I. Background

2. Order Nos. 845 and 845-A amended the Commission's *pro forma* Large Generator Interconnection Agreement (LGIA) and *pro forma* Large Generator Interconnection Procedures (LGIP) to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process. In Order Nos. 845 and 845-A, the Commission adopted 10 different reforms to improve the interconnection process and required transmission providers to submit compliance filings to incorporate those reforms into their tariffs.

¹ *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 163 FERC ¶ 61,043 (2018), *errata notice*, 167 FERC ¶ 61,123, *order on reh'g*, Order No. 845-A, 166 FERC ¶ 61,137, *errata notice*, 167 FERC ¶ 61,124, *order on reh'g*, Order No. 845-B, 168 FERC ¶ 61,092 (2019).

² *Pub. Serv. Co. of N.M.*, 169 FERC ¶ 61,222 (2019) (December 2019 Order).

3. In the December 2019 Order, the Commission found that PNM's compliance filing, as amended, partially complied with the directives of Order Nos. 845 and 845-A. The Commission directed further revisions to the following sections of PNM's LGIP: Identification and Definition of Contingent Facilities; Requesting Interconnection Service Below Generating Facility Capacity; Provisional Interconnection Service; Surplus Interconnection Service; and Material Modifications and Incorporation of Advanced Technologies.³

II. PNM's Compliance Filing

4. PNM states that it filed revisions to sections 1, 3.1, 3.3.2, 3.8, and 4.4.6 of its LGIP and Article 5.9.2 of its *pro forma* LGIA to comply with the directives in the December 2019 Order. PNM asserts that these revisions meet the requirements of Order No. 845, Order No. 845-A, and the December 2019 Order.

III. Notice and Responsive Pleadings

5. Notice of PNM's February Compliance Filing was published in the *Federal Register*, 85 Fed. Reg. 10,430 (Feb. 24, 2020), with interventions and protests due on or before March 10, 2020. On March 10, 2020, Leeward Renewable Energy, LLC (Leeward) submitted a timely motion to intervene and protest. On March 25, 2020, PNM filed an answer to Leeward's protest, and on April 2, 2020, Leeward filed an answer to PNM's answer.

IV. Discussion

A. Procedural Matters

6. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2019), Leeward's timely, unopposed motion to intervene serves to make it a party to this proceeding.

7. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2019), prohibits an answer to a protest and/or answer unless otherwise ordered by the decisional authority. We are not persuaded to accept PNM's and Leeward's answers and will, therefore, reject them.

³ *Id.* PP 23, 40, 44, 48, 56-59.

B. Substantive Matters**1. Identification and Definition of Contingent Facilities**

8. In the December 2019 Order, the Commission found that PNM's proposed Tariff revisions lack the requisite transparency required by Order Nos. 845 and 845-A because the revisions did not detail the specific technical screens or analyses and the specific thresholds or criteria that PNM will use as part of its method to identify contingent facilities. Therefore, the Commission required PNM to submit a further compliance filing to specify in section 3.8 of its LGIP, the method that PNM will use to determine contingent facilities, including the technical screens or analysis it proposes to use to identify these facilities. The Commission further directed PNM to include the specific thresholds or criteria that it will use in its technical screens or analysis to achieve the level of transparency required by Order No. 845.⁴

a. PNM's Compliance Filing

9. In response, PNM proposes revisions to LGIP section 3.8 to further explain how PNM will identify contingent facilities. In particular, PNM states that the revisions describe the method for determining contingent facilities, including identifying the technical screens or analysis and identifying the specific thresholds or criteria that PNM will use to determine contingent facilities. PNM states that it is also correcting the word "unbuild" to instead read "unbuilt."⁵

10. In new LGIP section 3.8.1, PNM proposes additional detail describing its method and five-step process for identifying contingent facilities. Under the five-step process, PNM will first review higher-queued interconnection requests to determine whether any unbuilt facilities or network upgrades could be necessary to meet the lower-queued interconnection request. PNM will identify those unbuilt facilities and network upgrades in step two as potential contingent facilities. In step three, PNM proposes to study potential contingent facilities by removing each facility from study cases and then performing steady-state, short circuit, voltage stability, and/or transient stability analyses to determine if the transmission system demonstrates acceptable pre- and post-contingency system performance per applicable standards. In step four, PNM will identify confirmed contingent facilities if the transmission system fails to perform acceptably. Finally, under step five, PNM will provide the interconnection customer with

⁴ *Id.* P 23.

⁵ February Compliance Filing at 3.

an explanation of how the confirmed contingent facilities will impact the interconnection customer's interconnection request and potential risk exposure.⁶

11. PNM proposes new LGIP sections 3.8.2 and 3.8.3 which provide the interconnection customer with estimated costs and in-service dates for contingent facilities and include contingent facilities in the interconnection customer's LGIA.⁷

b. Commission Determination

12. We find that PNM's proposed revisions partially comply with the directive in the December 2019 Order for PNM to include in section 3.8 of its LGIP the specific technical screens or analysis and the specific thresholds or criteria that PNM will apply in identifying contingent facilities to achieve the level of transparency required by Order Nos. 845 and 845-A.

13. PNM's proposed revisions to its contingent facilities process provide additional detail about how it will identify contingent facilities, including that it will study potential contingent facilities to determine pre- and post-contingency effects on system performance. However, PNM's proposed revisions do not specifically reflect the thresholds or criteria that would result in the transmission system demonstrating unacceptable pre- and post-contingency system performance. PNM's proposed revisions state only that "acceptable" pre- and post-contingency system performance will be based on "applicable" Reliability Coordinator (RC), North American Electric Reliability Corporation (NERC), or the Western Electricity Coordinating Council (WECC) requirements but do not include the specific RC, WECC, or NERC requirements.⁸ While PNM's proposed Tariff revisions provide that PNM will perform steady state, short circuit, voltage stability, and transient stability analyses, its proposed Tariff revisions do not include the specific thresholds or criteria for these analyses that, if not met by the transmission system, would result in the transmission system demonstrating unacceptable pre- and post-contingency system performance. In addition, although PNM's proposed Tariff revisions provide that PNM will use criteria from Sections 6.3 or 7.3 of its LGIP as part of its method, these sections of the LGIP do not describe any specific thresholds or criteria. Therefore, PNM's proposed method does not fully comply with the directive in the December 2019 Order.

14. Accordingly, we direct PNM to submit, within 120 days of the date of this order, a further compliance filing that includes the specific thresholds or criteria that PNM will

⁶ PNM Tariff, Attach. N, § 3.8.1.

⁷ *Id.* §§ 3.8.2, 3.8.3.

⁸ *Id.* § 3.8.1.

use as part of its method to identify contingent facilities to achieve the level of transparency required by Order Nos. 845 and 845-A and the December 2019 Order.⁹

2. Surplus Interconnection Service

15. In the December 2019 Order, the Commission found that PNM's revisions regarding surplus interconnection service partially complied with the requirements of Order Nos. 845 and 845-A. The Commission concluded that PNM's proposal to file surplus interconnection service agreements with the Commission "as necessary" provided PNM with unfettered discretion to refrain from filing agreements. Therefore, the Commission directed PNM to revise section 3.3.2 to remove the "as necessary" qualifier.

a. PNM's Compliance Filing

16. In response, PNM states that it understands that use of the phrase "as necessary" could cause confusion and proposes to remove the phrase "as necessary" from LGIP section 3.3.2. PNM explains that its use of "as necessary" was not intended to provide it with discretion to refrain from filing agreements.¹⁰

b. Protest

17. Leeward states that it does not protest PNM's surplus interconnection service Tariff revisions, but protests PNM's implementation of its new tariff language, which Leeward asserts is unjust, unreasonable, and unduly discriminatory.¹¹ Leeward states that, on March 14, 2004, it submitted an interconnection request to PNM for 200 MW of interconnection service for the Aragonne Wind LLC generating facility (Aragonne Wind)¹² and executed an LGIA with PNM in December 2005 (Original Leeward LGIA). Leeward states that PNM performed a system impact study for Aragonne Wind, which determined that certain network upgrades were needed to interconnect Aragonne Wind at the Guadalupe POI. Leeward states that PNM constructed the required upgrades,

⁹ For example, PNM could explicitly identify the RC, WECC, and/or NERC requirements that it will use to identify contingent facilities.

¹⁰ February Compliance Filing at 3.

¹¹ Leeward Protest at 3.

¹² Leeward states that, through intermediate holding companies, it owns the managing member of Aragonne Wind, which is a 90 MW wind facility interconnected to the PNM transmission system at the Guadalupe 345 kV Switching Station point of interconnection (Guadalupe POI). *Id.* at 1.

which Leeward financed.¹³ Leeward also states that it built 90 MW of wind generation, which went into service, and placed the remaining 110 MW of interconnection capacity in suspension.¹⁴ Leeward further explains that it and PNM amended the LGIA in 2012 and 2013 (Amended Leeward LGIA) and included language stating that Leeward relinquished all claims to the remaining 110 MW of interconnection capacity because the additional generation capacity was not built before PNM's three-year sunset period on suspensions expired.¹⁵

18. Leeward states that in October 2019, after learning of PNM's initial Order Nos. 845 and 845-A compliance filing, it contacted PNM about using the 110 MW of surplus interconnection service at the Guadalupe POI in light of the surplus interconnection service reform set forth in Order No. 845. According to Leeward, it made clear to PNM that it was not asserting a contract-based priority to the surplus capacity at the Guadalupe POI but instead sought the surplus interconnection capacity per Order No. 845.¹⁶ Leeward claims that PNM refused to recognize Leeward's right to the original surplus interconnection capacity under Order No. 845 and relied on section 5.16 of the PNM *pro forma* LGIA asserting that, because Leeward had not lifted suspension of work associated with unbuilt generating facilities within a three-year period, Leeward relinquished the 110 MW of unused generating capacity at the Guadalupe POI.¹⁷ Leeward argues that PNM's three-year sunset period for unused interconnection capacity under Article 5.16 of its LGIA is arbitrary and unreasonable in light of Order No. 845.¹⁸ Further, Leeward contends that while the Commission has previously approved PNM's Tariff, including Section 5.16 of the *pro forma* LGIA, the Commission has not approved PNM's current implementation of Section 5.16 as it relates to limiting access to interconnection service in light of the surplus interconnection service reform set forth in Order No. 845.¹⁹

19. In addition, Leeward argues that pursuant to Order No. 845, the determination of whether surplus interconnection service at a point of interconnection stems from the

¹³ *Id.* at 4.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 5.

¹⁷ *Id.* at 8-9.

¹⁸ *Id.* at 8.

¹⁹ *Id.* at 9.

difference between the generating facility capacity originally studied by the transmission provider and the actual interconnection service required by the interconnection customer.²⁰ Leeward asserts that it thus retains rights to the 110 MW capacity under Order No. 845's surplus interconnection service provisions because the generating facility capacity originally studied was 200 MW. Leeward argues that Order No. 845 does not contemplate a transmission provider having set a time limit for an interconnection customer to utilize excess interconnection capacity originally requested in the LGIA, and that, at the time the Original Leeward LGIA was amended, Leeward did not then waive its rights under future Commission orders.²¹ Leeward argues that, under PNM's interpretation, the Amended Leeward LGIA controls, rather than the Original Leeward LGIA, and thus, if a transmission provider amends an LGIA to reflect only the current generating facility's capacity, there will not be surplus interconnection capacity available even if the interconnection infrastructure could support additional capacity. Leeward asserts that this would run counter to the Commission's goal under Order No. 845 of efficiently using surplus interconnection capacity.²²

c. Answers

20. In its answer, PNM argues that the Commission should deny Leeward's motion to intervene and protest because the protest is beyond the scope of this proceeding. PNM argues that Leeward acknowledges that it is not protesting the language that PNM included in its Order No. 845 compliance filings but takes issue with PNM's interpretation of Order No. 845 with respect to surplus interconnection service and its application to Leeward's LGIA.²³ PNM asserts that the issues Leeward raises have no bearing on PNM's proposed Tariff revisions submitted to comply with Order No. 845, and therefore, this proceeding is an inappropriate venue for Leeward's concerns.²⁴ PNM notes that the Commission has made clear that complaints must be made in separate pleadings, and not included in interventions/protests.

21. PNM asserts that, even if the Commission were to permit Leeward to intervene, the Commission should reject Leeward's protest because the protest ignores the fact that surplus interconnection service is not available to Leeward under the Amended Leeward

²⁰ *Id.* at 5-6 (citing Order No. 845, 163 FERC ¶ 61,043 at P 471).

²¹ *Id.* at 7.

²² *Id.*

²³ PNM Answer at 4-5 (citing Leeward Protest at 3).

²⁴ *Id.* at 5.

LGIA.²⁵ PNM argues that surplus interconnection service was not a term of art in existence in 2005 when the Original Leeward LGIA was negotiated and did not exist in 2012 or 2013 when the parties executed the Amended Leeward LGIA.²⁶ PNM asserts the fact that Leeward is now trying to retroactively apply surplus interconnection service to the Original Leeward LGIA that has been superseded should not be countenanced by the Commission. PNM disagrees with Leeward's argument that PNM has no right to force Leeward to relinquish its rights to the excess 110 MW of interconnection capacity under the Amended Leeward LGIA, and argues that the Amended Leeward LGIA superseded the Original Leeward LGIA and thus now governs the provision of surplus interconnection service.²⁷ According to PNM, the Original Leeward LGIA is no longer valid, and the currently effective Amended Leeward LGIA provides for 90 MW of interconnection capacity, the entirety of which Leeward currently uses.²⁸

22. Additionally, PNM contends that Leeward's assertion that it financed the network upgrades required to provide 200 MW of interconnection service pursuant to the Original Leeward LGIA is irrelevant to the question of whether surplus interconnection service is available to Leeward today.²⁹ According to PNM, Leeward was made whole for the portion of network upgrades that Leeward funded under its original interconnection process because PNM reimbursed Leeward for the cost of those network upgrades pursuant to Article 11.4.1 of the Original Leeward LGIA. PNM states that Leeward did not end up funding all upgrades identified in the Original Leeward LGIA for the 200 MW service level, and because Aragonne Wind only needed 90 MW of service, a portion of the upgrades were delayed and ultimately not completed for Leeward.³⁰

23. PNM states that, in Order No. 845, the Commission acknowledged that projects that never reach commercial operation are not permitted to hold unused capacity.³¹ Finally, PNM argues that it did not use Article 5.16 of its *pro forma* LGIA to restrict Leeward's access to surplus interconnection service, but rather that provision is intended

²⁵ *Id.*

²⁶ *Id.* at 8.

²⁷ *Id.* at 10.

²⁸ *Id.* at 1, 7.

²⁹ *Id.* at 8-9.

³⁰ *Id.* at 8.

³¹ *Id.* at 9 (citing Order No. 845, 163 FERC ¶ 61,043 at P 493).

to provide project developers with flexibility to accommodate delays. PNM asserts that it and Leeward negotiated the Amended Leeward LGIA.³²

24. In its answer, Leeward asserts that its protest is appropriately within the scope of this proceeding. Leeward argues that, contrary to PNM's assertions, Leeward is not asking the Commission to establish whether a PNM rate or practice is unjust and unreasonable, as required for a complaint under section 206 of the Federal Power Act. Leeward argues that it seeks clarification on how PNM should implement surplus interconnection service that is available at a particular point of interconnection to an LGIA that pre-dates Order No. 845 and that through amendments to such LGIA, PNM sought to eliminate contractual rights to the excess interconnection service at the point of interconnection. Additionally, Leeward argues that a transmission provider permitted to amend LGIAs will have the unfettered ability to prevent interconnection customers from accessing surplus interconnection service.³³

d. Commission Determination

25. We find that PNM's proposal to remove "as necessary" from its LGIP section 3.3.2 complies with the Commission's directive in the December 2019 Order.

26. We find that the issues raised in Leeward's protest are beyond the scope of this proceeding because they have no bearing on PNM's proposed Tariff revisions submitted to comply with Order Nos. 845 and 845-A and the directive in the December 2019 Order. Leeward acknowledges that it does not protest PNM's proposed Tariff revisions, but rather, the implementation of those provisions.³⁴ Therefore, we find that this proceeding is an inappropriate venue for Leeward's concerns.

3. Material Modifications and Incorporation of Advanced Technologies

27. In the December 2019 Order, the Commission found that PNM's proposed revisions partially comply with the requirements of Order Nos. 845 and 845-A regarding the definition of technological advancement and associated procedures. The Commission directed PNM to revise its LGIP to: (1) reinstate an omitted word in its proposed definition of permissible technological advancement; (2) specify a deposit amount in its technological change procedure for any additional studies needed to evaluate whether a technological change is a material modification; (3) provide a more detailed explanation

³² *Id.* at 9-10.

³³ Leeward Answer at 4.

³⁴ Leeward Protest at 3.

of the studies PNM will conduct to determine whether the technological advancement request will result in a material modification; and (4) specify that it will determine within 30 days of receiving the initial request whether or not a technological advancement request is a material modification.³⁵ Finally, the Commission reiterated that the transmission provider is required to provide an explanation to the interconnection customer regarding why the technological advancement is a material modification, if it determines that it cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP.³⁶

a. PNM's Compliance Filing

28. PNM proposes a Tariff revision to modify the definition of permissible technological advancement in Section 1 of its LGIP to correct an omitted word in the definition that states that a permissible technological advancement “*does not cause any reliability concerns.*”³⁷

29. PNM proposes that a valid technological advancement request include a \$10,000 deposit, of which \$5,000 will be non-refundable. Under PNM's proposed Tariff revisions, if it determines that the proposed technological advancement does not constitute a material modification and no further study is needed, the refundable portion of the deposit that exceeds the transmission provider's actual costs will be returned to the interconnection customer including interest.³⁸

30. PNM also proposes revisions to LGIP section 4.4.6 to explain how it will evaluate technological advancement requests. The proposed revisions provide that if studies are required to determine whether the request is a material modification, PNM may conduct steady-state, reactive power, short circuit/fault duty, stability analyses, and any other studies that PNM might require to determine whether the request would cause reliability concerns or would result in electrical performance equal to or better than the electrical performance expected prior to the technology change. PNM's proposed revisions also state that PNM will provide study results to the interconnection customer and, if the technological change would be considered a material modification, PNM will allow the

³⁵ December 2019 Order, 169 FERC ¶ 61,222 at PP 56-59.

³⁶ Order No. 845, 163 FERC ¶ 61,043 at P 522.

³⁷ PNM Tariff, Attach. N, § 1 (emphasis added).

³⁸ *Id.* § 4.4.6.

interconnection customer to choose whether to withdraw the technological advancement request.³⁹

31. Finally, PNM's proposed revisions to LGIP section 4.4.6 state that, after receiving a valid technological advancement request – which includes an updated interconnection request, study deposit, updated models, and additional data as necessary – it shall notify the interconnection customer within 30 calendar days whether the request is a permissible technological advancement, or whether further study is necessary to determine whether the request is a material modification.⁴⁰

b. Commission Determination

32. We find that PNM's corrected definition of permissible technological advancement complies with the directive set forth in the December 2019 Order. In addition, PNM's revisions explaining how it will determine whether a technological advancement request is a material modification provide sufficient detail to interconnection customers to understand how PNM will evaluate requests.

33. However, we find that PNM's proposal that \$5,000 of the \$10,000 deposit will be non-refundable, is inconsistent with section 12.3 of PNM's LGIP and section 13.3 of the *pro forma* LGIP, which state that “[a]ny difference between the study deposit and the actual cost of the applicable Interconnection Study shall be paid or refunded . . . to Interconnection Customer or offset against the cost of any future Interconnection Studies associated with the applicable Interconnection Request.” Under PNM's proposal, an interconnection customer whose study cost is less than \$5,000 will be forced to pay more than its actual study costs. We therefore direct PNM to submit a further compliance filing within 120 days of the date of this order proposing Tariff language to reflect that PNM will refund or the interconnection customer will pay the difference between the full amount of the deposit and the actual study costs to evaluate the request.

34. Additionally, PNM proposes to notify the interconnection customer within 30 calendar days whether the request is a permissible technological advancement, or whether further study is necessary to determine whether the request is a material modification. We find that PNM's proposed revision fails to meet the Commission's requirement that a transmission provider must reach its determination of whether the proposed technological change is a material modification within 30 days of receiving the initial technological advancement request.⁴¹ Therefore, we direct PNM to submit a

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

further compliance filing within 120 days of the date of this order to revise its Tariff to state that it will reach its determination of whether the proposed technological change is a material modification within 30 days of receiving the initial technological advancement request.

4. Other Compliance Directives

a. December 2019 Order and February Compliance Filing

**i. Requesting Interconnection Service Below
Generating Facility Capacity**

35. In the December 2019 Order, the Commission found that PNM's proposed LGIP revisions that allow an interconnection customer to request interconnection service below its full generating capacity partially complied with the requirements of Order Nos. 845 and 845-A because they incorporated most of the language without modification. However, the Commission observed that PNM's proposed revisions to section 3.1 of its LGIP omitted some of the *pro forma* LGIP language required by Order No. 845. Therefore, the Commission required PNM to submit a further compliance filing to fully incorporate the *pro forma* revisions.⁴²

36. In response, PNM proposes to revise section 3.1 of its LGIP to include the phrase "and associated costs" explaining that it inadvertently omitted these words.⁴³

ii. Provisional Interconnection Service

37. In the December 2019 Order, the Commission found that PNM's Tariff revisions to *pro forma* LGIA Article 5.9.2 did not comply with the requirements of Orders No. 845 and 845-A because the revisions did not identify when it will or will not be necessary to update provisional interconnection studies. PNM had proposed to conduct updated provisional interconnection studies "if necessary, on a quarterly basis." The Commission noted that while Order No. 845 gave transmission providers discretion to determine the frequency for updating provisional interconnection studies, the inclusion of the phrase "if necessary" provided PNM unfettered discretion to determine the frequency at which it will update provisional interconnection studies. The Commission directed PNM to either specify, in *pro forma* LGIA Article 5.9.2, when the quarterly update to provisional

⁴² December 2019 Order, 169 FERC ¶ 61,222 at P 40.

⁴³ February Compliance Filing at 2.

interconnection service studies would not be necessary or remove the “if necessary” language in its *pro forma* LGIA Article 5.9.2.⁴⁴

38. In its February Compliance Filing, PNM proposes to revise its *pro forma* LGIA Article 5.9.2 to conduct updated provisional interconnection studies on an annual basis at the interconnection customer’s expense. PNM states that it believes an annual study will be less costly to interconnection customers than quarterly studies and will give PNM sufficient time to evaluate the provisional service.⁴⁵

b. Commission Determination

39. We find that PNM’s proposed revisions regarding Requesting Interconnection Service Below Generating Facility Capacity and Provisional Interconnection Service comply with the directives set forth in the December 2019 Order because the revisions adopt the Commission’s *pro forma* language set forth by Order No. 845.

The Commission orders:

(A) PNM’s February Compliance Filing is hereby accepted, effective May 22, 2019, as requested, subject to a further compliance filing, as discussed in the body of this order.

(B) PNM is hereby directed to submit a further compliance filing within 120 days of the date of this order, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁴⁴ December 2019 Order, 169 FERC ¶ 61,222 at P 44.

⁴⁵ February Compliance Filing at 5.