

# **December 2022 Commission Meeting Summaries**

**These are summaries of orders voted by the Federal Energy Regulatory Commission at its December 15, 2022 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](http://www.ferc.gov).**

**E-1 – Press Release**

**E-27 – Press Release**

**G-1 – Press Release**

## **FERC grants a complaint**

**E-2, *Office of the Ohio Consumers' Counsel v. American Electric Power Service Corporation, American Transmission Systems, Inc., and Duke Energy Ohio, LLC***, Docket No. EL22-34-000. The order grants the Office of the Ohio Consumers' Counsel's complaint against Ohio Power Company and AEP Ohio Transmission Company, Inc. and directs the removal of their 50-basis point RTO adder because their participation in a Transmission Organization is mandatory under Ohio law.

## **FERC accepts, subject to condition, tariff revisions and denies waiver request**

**E-3, *Arizona Public Service Company***, Docket No. ER22-2476-000. The order accepts APS's revisions to its Open Access Transmission Tariff to facilitate APS's transition to the flowgate methodology for calculating available transfer capability, subject to condition. The order also denies APS's request for waiver of the requirement to post total transfer capability values to its Open Access Same Time Information System.

## **FERC accepts, subject to condition, tariff revisions**

**E-4, *Duke Energy Carolinas, LLC***, Docket No. ER22-2844-000. The order accepts, subject to condition, revisions to Duke Energy Florida, LLC's Joint Open Access

Transmission Tariff to account for a newly formed wholly-owned procurement subsidiary, DEF Procurement Company.

### **FERC grants, in part, a petition for a declaratory order**

**E-5, *Duke Energy Florida, LLC***, Docket No. EL22-88-000. The order grants, in part, Duke Florida's petition for declaratory order, so as to enable Duke Florida to implement the operation of a newly formed wholly-owned procurement subsidiary, DEF Procurement Company (ProCo). Based on the representations in the petition, the order (1) grants waiver of certain of the Commission's accounting requirements so that Duke Florida and ProCo may use consolidated accounting; (2) finds that ProCo would not be considered to be a public utility under the Federal Power Act (FPA); (3) grants blanket authorization under FPA section 203 for transactions between ProCo and Duke Florida; (4) finds that FPA section 204 does not bar implementation of the arrangement with ProCo; and (5) grants in part a waiver of certain of the Commission's affiliate restrictions as to pricing of non-power goods and services between ProCo and Duke Florida.

### **FERC accepts agreements, rejects an agreement**

**E-6, *Cheyenne Light, Fuel and Power Company***, Docket Nos. ER22-109-000, *et al.* The order addresses five separate late-filed agreements filed by Cheyenne Light. The order accepts for filing four of the agreements, but rejects one of the agreements.

### **FERC addresses arguments raised on rehearing**

**E-7, *Midcontinent Independent System Operator, Inc.***, Docket No. ER22-477-002. The order addresses requests for rehearing of the Commission's April 29, 2022 order rejecting MISO's proposed revisions to Attachment GGG of its Open Access Transmission, Energy and Operating Reserve Markets Tariff to allow transmission owners to unilaterally elect to fund and receive a return on and of the capital costs of network upgrades, necessary upgrades, and transmission owner system protection facilities identified in the Merchant High Voltage Direct Current Transmission Connection Procedures.

### **FERC addresses arguments raised on rehearing**

**E-8, *Midcontinent Independent System Operator, Inc.***, Docket No. ER22-995-001. The order addresses requests for rehearing of the Commission's May 18, 2022 order accepting MISO's and the MISO Transmission Owners' proposed revisions to the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff to permit allocation of the costs of new Multi-Value Project (MVP) portfolios entirely either to the MISO Midwest MVP Cost Allocation Subregion or to the MISO South MVP Cost Allocation Subregion.

## **FERC grants a petition**

**E-9**, *California Independent System Operator Corporation*, Docket No. ER22-2730-000. The order grants CAISO's petition seeking Commission approval to distribute the penalty proceeds collected for violations of CAISO's Rules of Conduct and certain non-refundable study deposits stemming from interconnection projects.

## **FERC approves an uncontested settlement**

**E-10**, *Lincoln Land Wind, LLC*, Docket Nos. ER21-2695-001 and ER21-2695-002. The order approves Lincoln Land's uncontested offer of settlement regarding the revenue requirement for reactive service from Lincoln Land's generating facility.

## **FERC partially accepts a filing**

**E-11**, *Tenaska Power Services Co.*, Docket No. ER21-2459-000. The order finds that Tenaska has justified its June 2021 sleeve transaction at the \$1,000/MWh Western Electricity Coordinating Council soft price cap, plus a nominal fee. The order also finds that Tenaska has justified its other June 2021 spot market sales at the relevant index price, but it has not justified the amounts charged above the index price. Accordingly, the order directs Tenaska to make certain refunds and file a refund report.

## **FERC partially accepts a filing**

**E-12**, *EDF Trading North America, LLC*, Docket No. ER21-2380-000. The order finds that EDF Trading justified its June 2021 spot market sale at the relevant index price but has not justified the amount charged above the index price. Accordingly, the order directs EDF Trading to make certain refunds and file a refund report.

## **FERC addresses issues on remand**

**E-13**, *San Francisco v. Pacific Gas and Electric Company*, Docket No. EL19-38-002. On remand from the U.S. Court of Appeals for the District of Columbia Circuit, the order grants San Francisco's complaint that it filed concerning PG&E's administration of its Wholesale Distribution Tariff. The order finds that PG&E must include in its Wholesale Distribution Tariff the criteria it uses for determining whether a wholesale distribution customer is eligible to receive certain service at a requested point of delivery. The order also establishes hearing and settlement judge procedures to determine the appropriate criteria for determining service level and the appropriate amount of refunds.

### **FERC rejects a settlement agreement**

**E-14**, *Arizona Public Service Company, et al.*, Docket No. ER22-1105-000. The order rejects a settlement agreement among the public utility and non-public utility transmission providers in the WestConnect transmission planning region. This settlement agreement includes proposed changes to WestConnect's regional transmission planning and cost allocation process that are intended to resolve an appeal pending before the United States Court of Appeals for the Fifth Circuit involving the Commission's orders on the WestConnect public utility transmission providers' Order No. 1000 compliance filings.

### **FERC grants a waiver**

**E-15**, *FirstEnergy Service Company*, Docket No. ER22-2494-000. The order grants waiver of the Commission's affiliate restriction rules to allow personnel within FirstEnergy Service Company to offer certain capacity held by Allegheny Energy Supply Company for sale into the capacity auctions administered by PJM Interconnection, L.L.C.

### **FERC authorizes a transaction**

**E-16**, *Fortistar North Tonawanda LLC*, Docket No. EC22-78-000. The order authorizes, pursuant to section 203 of the Federal Power Act, a transaction through which North Tonawanda Holdings LLC will sell 100% of the membership interests in Fortistar North Tonawanda LLC to Digihost International Inc.

### **FERC denies a complaint**

**E-17**, *Complaint of George R. Cotter Seeking Modifications to Critical Infrastructure Security Standards*, Docket No. EL21-105-000. The order denies the complaint's claims of major flaws in the North American Electric Reliability Corporation Critical Infrastructure Protection Reliability Standards.

### **FERC denies a complaint and petition**

**E-18**, *Tenaska Clear Creek Wind, LLC v. Southwest Power Pool, Inc., et. al.*, Docket No. EL22-59-000. The order denies a complaint and petition filed by Tenaska, alleging that respondents have adopted certain operating guides that result in unduly discriminatory curtailment of Tenaska's generating facility.

### **FERC grants a petition**

**E-19**, *Pacific Gas and Electric Company*, Docket No. EL23-2-000. The order grants PG&E's petition for declaratory order seeking approval of its proposal to apply its

established, Commission-approved revenue sharing mechanism, used for PG&E's Commission-jurisdictional electric transmission assets, to the secondary non-tariffed New Products and Services use of PG&E's distribution facilities under its Wholesale Distribution Tariff.

### **FERC lifts abeyance of paper hearing, establishes briefing schedule**

**E-20**, *Pacific Gas and Electric Company*, Docket Nos. ER21-2592-000 and ER21-2592-001. The order lifts the abeyance of the paper hearing established by the Commission's December 21, 2021 order regarding an unexecuted Large Generator Interconnection Agreement among PG&E, CXA La Paloma, LLC, and California Independent System Operator Corporation. The order also establishes a briefing schedule.

### **FERC grants a motion**

**E-21**, *Public Citizen, Inc. v. Midcontinent Independent System Operator, Inc.*, Docket No. EL15-70-003, *et al.* In connection with remand proceedings regarding MISO's 2015/16 Planning Resource Auction for Local Resource Zone 4, Dynegy Marketing and Trade, LLC and Illinois Power Marketing Company (collectively, Dynegy) filed a motion requesting that the Commission permit Dynegy, upon signing a protective order, to have access to third-party investigation materials that were collected by Office of Enforcement staff during the non-public investigation in Docket No. IN15-10-000. The order grants Dynegy's motion.

### **FERC denies, without prejudice, a proposed transaction**

**E-22**, *Liberty Utilities Co.*, Docket No. EC22-26-000. This order denies, without prejudice, authorization, pursuant to section 203 of the Federal Power Act, for a proposed transaction where Liberty Utilities Co. seeks to acquire all issued and outstanding common shares of AEP Kentucky Transmission Company, Inc. and Kentucky Power Company.

### **FERC affirms a prior decision**

**E-23**, *New York Independent System Operator, Inc.*, Docket No. ER21-502-004. The order affirms the Commission's rejection of NYISO's proposal to revise its Market Administration and Control Area Services Tariff to implement a 17-year amortization period when calculating the net annual cost of the hypothetical peaking plant used to define the demand curves in NYISO's Installed Capacity Market in the 2021-2025 Demand Curve reset.

### **FERC addresses arguments raised on rehearing**

**G-2**, *Magellan Midstream Partners, L.P.*, Docket No. OR17-2-001. The order addresses requests for rehearing and clarification of the Commission's order denying Magellan's petition for declaratory order (Petition). In the Petition, Magellan requested approval of a proposal to create a marketing affiliate that would use capacity on its affiliated pipeline system to enter transactions with third parties involving crude oil.

### **FERC addresses arguments raised on rehearing, initiates investigation and establishes hearing procedures**

**G-3**, *Enerplus Resources (USA) Corporation v. Targa Badlands LLC, Targa Assets LLC, and Targa Fort Berthold*, Docket Nos. OR20-13-001 and OR23-2-000. The order denies rehearing of the Commission's order dismissing Enerplus' complaint against Targa. The order also initiates an investigation and establishes hearing procedures to determine whether (1) Targa continues to qualify for its waivers of the tariff filing and financial reporting requirements in Interstate Commerce Act (ICA) sections 6 and 20 and (2) Targa is currently providing jurisdictional transportation service in violation of the ICA.

### **FERC denies request for a temporary waiver**

**G-4**, *Rough Rider Operating LLC*, Docket No. OR23-1-000. The order denies Rough Rider's request for temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act and parts 341 and 357 of the Commission's regulations for a new crude oil pipeline system.

### **FERC addresses arguments raised on rehearing**

**G-5**, *Targa NGL Pipeline Company LLC*, Docket No. OR18-30-001. The order denies rehearing of the Commission's order granting Targa's petition subject to conditions.

### **FERC affirms, in part, and reverses, in part, an Initial Decision**

**G-6**, *Panhandle Eastern Pipe Line Company, LP*, Docket Nos. RP19-78-000, *et al.* The order affirms, in part and reverses, in part, the Initial Decision in this proceeding concerning Panhandle's general rate proceeding.

### **FERC approves transfer of license, amends license**

**H-1**, *Pacific Gas and Electric Company and Tule Hydro LLC*, Project No. 1333-066. The order approves the transfer of the 6,750-kilowatt Tule Project, located in Tulare County, California, from PG&E to Tule Hydro LLC.

## **FERC addresses court remand, reissues authorization for interstate pipeline service**

**C-1, *Spire STL Pipeline LLC***, Docket No. CP17-40-006. The order addresses issues raised on remand by the U.S. Court of Appeals for the District of Columbia Circuit. The order reauthorizes the Spire STL Pipeline after re-evaluating the need for the project by examining its benefits to its affiliate, Spire Missouri, Inc. and other interstate pipeline systems. The order also summarizes the project's environmental impacts on environmental justice communities and analyzes greenhouse gas emissions.

## **FERC denies protest, authorizes construction of interstate gas facilities**

**C-2, *Eastern Shore Natural Gas Company***, Docket No. CP22-40-000. The order denies a protest filed by Food and Water Watch and authorizes Eastern Shore's prior notice request to construct and operate a new natural gas-fired compressor unit and ancillary facilities at its existing Bridgeville Compressor Station in Sussex County, Delaware (Southern Expansion Project). The Southern Expansion Project will provide up to 7,300 dekatherms per day of firm transportation to a local distribution company for winter heating services.

## **FERC addresses arguments raised on rehearing, dismisses motion for stay**

**C-3, *Gas Transmission Northwest LLC***, Docket No. CP21-29-001. The order addresses arguments raised on rehearing and a motion for stay by Columbia Riverkeeper in response to the Commission's July 28, 2022 order (Certificate Order) authorizing Gas Transmission Northwest LLC to construct and operate a new compressor station on the Coyote Springs Lateral in Morrow County, Oregon. The order sustains the authorization issued in the Certificate Order and dismisses Columbia Riverkeeper's motion for stay as moot.

## **FERC addresses arguments raised on rehearing**

**C-5, *Equitrans, L.P.***, Docket No. CP20-312-001. The order addresses arguments raised in Equitrans's request for rehearing of the Commission's June 17, 2022 order that partially denied its request to abandon gathering facilities in Pennsylvania and West Virginia. The order accepts Equitrans' claims that the Commission erred by applying the National Environmental Policy Act and by mischaracterizing Equitrans' corporate ownership. The order rejects Equitrans' premature objection to the Commission's directive to show cause why the facilities are not actually FERC-jurisdictional.

