

# March 2022

## Commission Meeting Summaries

**These are summaries of orders voted by the Federal Energy Regulatory Commission at its March 24, 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).**

### **C-1 - Press Release**

#### **FERC addresses arguments raised in rehearing requests**

**E-1, *Central Hudson Gas & Electric Corporation v. New York Independent System Operator, Inc.***, Docket Nos. EL21-66-001 and ER21-1647-002. The order addresses requests for rehearing of the Commission's September 3, 2021 orders. In the September 3, 2021 orders, the Commission (1) denied the New York Transmission Owners' (NYTOs) complaint regarding funding for system upgrades caused by generator interconnections in the New York Independent System Operator, Inc. (NYISO) Open Access Transmission Tariff; and (2) rejected the NYTOs' filing proposing to revise the existing funding methodology applicable to such system upgrades. The order continues to find that the NYTOs did not meet their burden in the complaint of demonstrating that NYISO's existing funding mechanism is unjust and unreasonable and that the Commission appropriately rejected the NYTOs' proposed revisions.

#### **FERC addresses arguments raised in rehearing requests**

**E-2, *Duke Energy Progress, LLC***, Docket No. ER21-1115-003, *et al.* The order addresses requests for rehearing of the Commission's November 8, 2021 order that accepted proposed Open Access Transmission Tariff (OATT) revisions filed by four Participating Transmission Providers in the Southeast Energy Exchange Market to incorporate Non-Firm Energy Exchange Transmission Service into their respective OATTs. The order continues to find that the proposed revisions are just and reasonable and not unduly discriminatory or preferential, and sustains the Commission's decision to waive the regulatory requirement to file a joint OATT.

### **FERC addresses arguments raised in rehearing requests**

**E-3, *Alabama Power Co.***, Docket No. ER21-1111-005. The order addresses a request for rehearing request of the Commission's December 10, 2021 order rejecting their November 12, 2021 rehearing requests in this proceeding as untimely. The order sustains the Commission's finding that the rehearing deadline in this case occurred on November 10, 2021, thereby rendering the November 12, 2021 rehearing requests untimely.

### **FERC accepts and suspends a proposed rate schedule, subject to refund, and establishes hearing and settlement judge procedures**

**E-5, *Glaciers Edge Wind Project, LLC***, Docket No. ER22-865-000. The order accepts and suspends, subject to refund, a proposed rate schedule that specifies the revenue requirement for the provision of Reactive Supply and Voltage Control from Generation or Other Sources Service from Glaciers Edge's wind generating facility. The order sets the proposed rate schedule for hearing and settlement judge procedures.

### **FERC grants motion for an extension of time**

**E-6, *Western Electricity Coordinating Council***, Docket No. EL10-56-000. The order grants motions filed by Macquarie Energy, LLC and Mercuria Energy America, LLC to extend the current seven-day deadline for the submission of cost justification filings required for spot market sales in the Western Electricity Coordinating Council region that exceed the energy price cap. The order extends the deadline for the submission to 30 days after the end of the month in which the excess sale occurred.

### **FERC approves an uncontested settlement**

**E-7, *Oliver Wind Energy Center II, LLC***, Docket No. ER21-2401-001. The order approves an uncontested settlement concerning Oliver Wind II's revenue requirement for the provision of Reactive Supply and Voltage Control from Generation or Other Sources Service from the Oliver Wind II wind generating facility.

### **FERC approves proposed wholesale power and transmission rates**

**E-8, *Bonneville Power Administration***, Docket No. EF21-3-000. The order confirms and approves Bonneville Power's proposed wholesale power and transmission rates for the 2022–2023 rate approval period on a final basis, effective October 1, 2021, as requested.

### **FERC approves an uncontested settlement**

**E-9, *Oliver Wind I, LLC***, Docket No. ER21-2179-001. The order approves an uncontested settlement concerning Oliver Wind I's revenue requirement for the provision of Reactive Supply and Voltage Control from Generation or Other Sources Service from the Oliver Wind I wind generating facility.

### **FERC approves an uncontested settlement**

**E-10**, *Hill Top Energy Center LLC*, Docket No. ER21-1807-003. The order approves an uncontested settlement addressing Hill Top Energy Center's proposed revenue requirement for the provision of Reactive Supply and Voltage Control from Generation or Other Sources Service under Schedule 2 of PJM Interconnection, LLC's Open Access Transmission Tariff.

### **FERC addresses arguments raised in rehearing and clarification requests**

**E-11**, *The Connecticut Light and Power Company*, Docket No. ER21-2860-001. The order addresses arguments raised on rehearing and clarification of the Commission's November 8, 2021 order that rejected The Connecticut Light and Power Company's (CL&P) notice of termination of a generator interconnection agreement between CL&P and Sterling Property, LLC (Sterling). The order sustains the Commission determination that CL&P has not provided sufficient evidence to support its assertion that the agreement should be terminated because the Sterling facility has been decommissioned.

### **FERC establishes a Show Cause proceeding**

**E-12**, *Alabama Power Co., Georgia Power Co., and Mississippi Power Co.*, Docket No. EL22-27-000. The order establishes a Show Cause proceeding requiring the subject companies to show why their formula rate protocols are just and reasonable or explain what changes they will make to the formula rate protocols to remedy the Commission's identified concerns.

### **FERC grants in part and denies in part a formal challenge**

**E-13**, *Southwest Power Pool, Inc.*, Docket Nos. ER18-194-000 and ER18-195-000. The order addresses a formal challenge by East Texas Electric Cooperative, Inc.; Northeast Texas Electric Cooperative, Inc.; Arkansas Electric Cooperative Corporation; and Golden Spread Electric Cooperative, Inc. (collectively, Joint Customers) of the 2020 Annual Update for the AEP West Operating Companies and AEP West Transmission Companies. The order grants in part and denies in part the Joint Customers' formal challenge and directs AEP to submit a compliance filing within 60 days of the issuance date of the order.

### **FERC approves a market-based rate proposal**

**E-14**, *Kestrel Acquisition, LLC*, Docket No. ER18-1106-002. The order finds that Kestrel Acquisition partially complies with the Commission's standards for market-based rate authority. The order accepts Kestrel Acquisition's updated market power analysis, and directs Kestrel Acquisition to submit a further compliance filing within 30 days of the issuance of the order.

## **FERC denies a waiver**

**E-15, *Irradiant Partners, LP***, Docket No. EL22-8-000. The order denies Irradiant's requested waiver of the qualifying facility (QF) filing requirement to self-recertify approximately 185 QF projects. The order finds that Irradiant did not show that it would be burdensome to self-recertify the QFs so as to justify the waiver. Among other things, the order summarizes the Commission's regulations and precedent regarding QF self-recertification, reaffirming that the filing requirement is a substantive and important criterion for QF status. In addition, the order states that, once certified as a QF, if the QF fails to conform to material facts or representations in its Form No. 556, then the previous certification may no longer be relied upon. As long as the facility continues to conform to the Commission's requirements, the QF may file for recertification to maintain its QF status.

## **FERC grants petition for declaratory order**

**E-16, *Pacific Gas and Electric Company***, Docket No. EL21-98-000. The order grants PG&E's petition for declaratory order seeking confirmation that its proposed use of its previously approved revenue sharing mechanism for the flow back of revenues, as well as its associated proposed accounting treatment, are appropriate for the sales proceeds from its new Master Multi-Site License Agreement with a subsidiary of SBA Communications Corporation. The order clarifies that the Commission is not, in this order, accepting certain inputs to PG&E's formula rates required to implement PG&E's revenue sharing mechanism because those inputs are appropriately considered as part of PG&E's Annual Formula Rate Update process.

## **FERC dismisses complaints**

**G-1, *Range Resources-Appalachia, LLC and Columbia Gulf Transmission, LLC v. Texas Eastern Transmission, LP; Range Resources-Appalachia, LLC v. Texas Eastern Transmission, LP***, Docket Nos. RP22-433-000 and RP22-535-000. The order dismisses complaints filed by Range against Texas Eastern in Docket No. RP22-435-000 and dismisses a joint complaint by Range and Columbia Gulf Transmission, LLC (Columbia Gulf) (jointly, Complainants) against Texas Eastern in Docket No. RP22-433-000. Complainants assert that, for certain time periods in 2019 and 2021, Texas Eastern failed to deliver gas at the Adair Interconnect at the minimum pressure necessary for delivery into the Columbia Gulf system. Complainants contend that Texas Eastern has violated its certificate obligations, the Natural Gas Act, Commission regulations, Texas Eastern's tariff and Range's firm service agreement with Texas Eastern. The order dismisses the Complaints, finding they have not met the burden of proving any violations of law or regulations.

## **FERC resolves complaint on reservation charge credits**

**G-2**, *Texas Eastern Transmission, LP*, Docket No. RP21-1001-002. The order accepts Texas Eastern's proposed provisions concerning the reservation charge credits owed to shippers as compensation for certain service outages. Texas Eastern had filed new tariff language to comply with the Commission's August 2021 Show Cause order. The order finds that the existing tariff is unjust and unreasonable, but that the pipeline's proposed replacement tariff is just and reasonable.

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

**H-1**, *The Nevada Hydro Company, Inc.*, Project No. 14227-005. The order addresses arguments raised on rehearing of Commission staff's December 9, 2021 delegated order dismissing Nevada Hydro's application for an original license for the proposed Lake Elsinore Advanced Pumped Storage Project in Riverside and San Diego counties, California. The order finds the arguments raised on rehearing unpersuasive and sustains the earlier order. It also denies Nevada Hydro's motion for a temporary stay.

## **FERC grants a preliminary permit, grants priority to file license application**

**H-2**, *Alabama Power Company*, Project No. 15229-000. The order issues a preliminary permit to Alabama Power Company to study the feasibility of the 1,600-megawatt Chandler Mountain Pumped Storage Project in Etowah and St. Clair counties, Alabama.

## **FERC authorizes new interstate natural gas pipeline facilities**

**C-2**, *Columbia Gulf Transmission, LLC*, Docket No. CP20-527-000. The order authorizes Columbia Gulf to construct and operate the East Lateral XPress Project that is designed to provide an additional 183,000 dekatherms per day of firm natural gas transportation service to a new primary delivery point and meter station with the Gator Express Pipeline in Plaquemines Parish, Louisiana. The project includes approximately eight miles of pipeline, two new compressor stations, a new meter station, and other related facilities.

## **FERC authorizes new interstate natural gas pipeline facilities**

**C-3**, *Tennessee Gas Pipeline Company, L.L.C.*, Docket No. CP20-50-000, *Southern Natural Gas Company, L.L.C.*, Docket No. CP20-51-000. The order authorizes the construction and operation of natural gas facilities that would provide service to a liquefied natural gas (LNG) terminal operated by Venture Global Plaquemines, LNG, LLC (Venture Global). Southern proposes the Southern Construction Project that would include a new compressor station and three new meter stations in Mississippi and Louisiana to create 1,100,000 dekatherms per day (Dth/d) of firm transportation service. Southern's new capacity will support a lease with Tennessee Gas for 1,100,000 Dt/d of transportation service. Tennessee Gas proposes the Evangeline Pass Project that would loop approximately 13 miles of existing pipeline and construct a new compressor station

and, under section 2.55 of FERC's regulations, would replace two compressor units in Louisiana to provide 2,000,000 Dth/d of firm transportation capacity to Venture Global. Tennessee Gas proposes the Capacity Lease and Evangeline Pass Project that would allow the company to transport 2,000,000 Dth/d for Venture Global to use as feedgas at the Plaquemines LNG Terminal.

### **FERC authorizes interstate natural gas pipeline facilities**

**C-4, *Iroquois Gas Transmission System, L.P.***, Docket No. CP20-48-000. The order grants Iroquois' request for authorization to construct and operate natural gas compression and gas cooling facilities at four existing compressor stations in Greene and Dutchess counties, New York, and Fairfield and New Haven counties, Connecticut, known as the Enhancement by Compression Project. The project is designed to provide up to 125,000 dekatherms per day of firm natural gas transportation service to delivery points in South Commack and Hunts Point, New York.

### **FERC authorizes restoration plans for the disposition of interstate gas facilities**

**C-5, *Atlantic Coast Pipeline***, Docket Nos. CP15-554-004, CP15-554-005, CP15-554-006, CP15-554-007, CP15-554-009, CP15-555-003, CP15-555-004, CP15-555-005, and CP15-555-007. The order approves Atlantic Coast's and Eastern Gas Transmission and Storage, Inc.'s (EGTS) Restoration Plans for the disposition of the Atlantic Coast Pipeline and Supply Header projects and adopts staff's recommendation that Atlantic Coast leave in place all trees felled during construction of the Atlantic Coast Pipeline Project, subject to landowner preference. The order also dismisses as moot requests for rehearing of a number of Commission staff letter orders authorizing Atlantic Coast and EGTS, formerly known as Dominion Energy Transmission, Inc., to commence construction on portions of the Atlantic Coast Pipeline and Supply Header projects that were filed prior to cancellation of the Atlantic Coast Pipeline Project.

### **FERC addresses arguments raised in rehearing requests**

**C-6, *Midship Pipeline Co., LLC***, Docket No. CP17-458-015. The order addresses arguments raised on rehearing by Midship Pipeline and provides clarification of the Commission's December 16, 2021 order establishing procedures before an administrative law judge (ALJ). The order addresses whether the ALJ should consider the cost of remediation of the pipeline right-of-way on the property of landowner Sandy Creek Farms, clarifies the geographic scope of the matters to be considered by the ALJ, and clarifies the type of report the ALJ should prepare for the Commission.

### **FERC authorizes an interstate natural gas storage expansion project**

**C-7, *Northern Natural Gas Company***, Docket No. CP21-28-000. The order approves Northern Natural's application for authorization to expand the certificated boundary of its

existing Redfield Storage Facility in Dallas County, Iowa, relying on Pipeline and Hazardous Materials Safety Administration's regulations adopting the American Petroleum Institute's Recommended Practice 1171 that requires storage operators to assess risks and recommends expanding buffer zones where connectivity is indicated.