



Below are brief summaries of the agenda items for the Federal Energy Regulatory Commission's (FERC or the Commission) open meeting to be held on April 20, 2023, at 10:00 a.m. ET. The summaries below are based on publicly available information in the dockets listed on the FERC agenda at the time of publication. For ease of reference, a link to each lead docket on the meeting agenda has been included. The Commission may decide to remove any items from the meeting agenda at any time.

<b>Item No.</b>	<b>Docket No.</b>	<b>Company</b>
<b>ADMINISTRATIVE</b>		
A-1	AD23-1-000	Agency Administrative Matters

Item No.	DocketNo.	Company
A-2	AD23-2-000	<b>Customer Matters, Reliability, Security, and Market Operations</b>
A-3	<a href="#">RD23-2-000</a>	<b>North American Electric Reliability Corporation.</b> On December 15, 2022, FERC issued an order directing the North American Electric Reliability Corporation (NERC) to file a report on the findings and recommendations from NERC's study evaluating (1) the adequacy of the applicability criteria set forth in the Physical Security Reliability Standard CIP-014-3 (Physical Security Reliability Standard), (2) the required risk assessment set forth in the Physical Security Reliability Standard, and (3) whether a minimum level of physical security protections should be required for all bulk-power system transmission stations and substations and primary control centers. NERC submitted its report on April 14, 2023. Agenda item A-3 may be an order related to NERC's report.

## ELECTRIC

E-1	<a href="#">RM22-19-000</a>	<b>Incentives for Advanced Cybersecurity Investment.</b> On September 22, 2022, FERC issued a notice of proposed rulemaking (NOPR) that proposed to revise its regulations to provide incentive-based rate treatments for the transmission of electric energy in interstate commerce and the sale of electric energy at wholesale in interstate commerce by utilities to benefit consumers by encouraging investments by utilities in advanced cybersecurity technology and participation by utilities in cybersecurity threat information sharing programs, as directed by the Infrastructure Investment and Jobs Act of 2021. Agenda item E-1 may be an order regarding the NOPR.
E-2	<a href="#">RM16-17-001</a> <a href="#">ER21-331-000</a> <a href="#">ER21-330-000</a>	<b>Data Collection for Analytics and Surveillance and Market-Based Rate Purposes; DDP Specialty Electronic Materials US, Inc.; MC (US) 3, LLC.</b> In Docket No. RM16-17-001, FERC issued Order No. 860-A, which addressed requests for rehearing and clarification on Order No. 860, which required market-based rate sellers to submit market-based rate information in a relational database maintained by FERC. Subsequently, FERC issued several orders revoking the market-based rate authority of sellers that had not complied with the requirements of Order No. 860, as modified by Order No. 860-A. Separately, in Docket Nos. ER21-330-000 and ER21-331-000, FERC granted market-based rate authority to two subsidiaries of DuPont de Nemours, Inc. on June 24, 2021. Agenda item E-2 may be an order regarding those entities' market-based rate authority as relates to Order No. 860 compliance.
E-3	<a href="#">EL22-34-001</a>	<b>Office of the Ohio Consumers' Counsel v. American Electric Power Service Corporation, American Transmission Systems, Inc., and Duke Energy Ohio, LLC.</b> On February 24, 2022, the Office of the Ohio Consumers' Counsel (OCC) filed a complaint against American Electric Power Service Corporation (AEPSC), American Transmission Systems, Inc., and Duke Energy Ohio alleging that they are ineligible for a 50-basis point adder to the authorized return on equity for participation in a regional transmission organization because their participation is not voluntary under Ohio law. On December 15, 2022, FERC granted the complaint in part, denied it in part, and established a refund effective date of February 24, 2022. Both OCC and AEPSC requested rehearing of the December 15, 2022, order, which was denied by operation of law. Agenda item E-3 may be an order on rehearing.
E-4	OMITTED	

Item No.	DocketNo.	Company
E-5	<a href="#">ER21-2460-003</a>	<p><b>New York Independent System Operator, Inc.</b> On November 14, 2022, the New York Independent System Operator, Inc. (NYISO) filed its compliance filing with respect to FERC's June 17, 2022, order on NYISO's compliance with the requirements of Order No. 2222. Agenda item E-5 may be an order on NYISO's November 14, 2022, compliance filing.</p>
E-6	<a href="#">ER22-2350-000</a>	<p><b>New York Independent System Operator, Inc.</b> On July 12, 2022, NYISO filed its compliance filing with respect to FERC's Order No. 881 and Order No. 881-A, which revised the pro forma open access transmission tariff to improve the accuracy and transparency of electric transmission line ratings. Agenda item E-6 may be an order on NYISO's compliance filing.</p>
E-7	<a href="#">ER22-2362-000</a>	<p><b>California Independent System Operator Corporation.</b> On July 12, 2022, the California Independent System Operator Corporation (CAISO) submitted its compliance filing with respect to FERC's Order No. 881 and Order No. 881-A, which revised the pro forma open access transmission tariff to improve the accuracy and transparency of electric transmission line ratings. Agenda item E-7 may be an order on CAISO's compliance filing.</p>
E-8	<a href="#">ER22-1546-000</a>	<p><b>Tampa Electric Company.</b> On April 1, 2022, Tampa Electric Company submitted its compliance filing with respect to FERC's Order No. 881 and Order No. 881-A, which revised the pro forma open access transmission tariff to improve the accuracy and transparency of electric transmission line ratings. Agenda item E-8 may be an order on Tampa Electric Company's compliance filing.</p>
E-9	<a href="#">ER22-2303-000</a>	<p><b>Black Hills Power, Inc.</b> On July 8, 2022, Black Hills Power, Inc. submitted its compliance filing with respect to FERC's Order No. 881 and Order No. 881-A, which revised the <i>pro forma</i> open access transmission tariff to improve the accuracy and transparency of electric transmission line ratings.</p>
<p>Agenda item E-8 may be an order on Black Hills' compliance filing.</p>		
E-10	<a href="#">ER22-1863-001</a>	<p><b>Arizona Public Service Company.</b> On July 8, 2022, Arizona Public Service Company (APS) filed its compliance filing with respect to FERC's Order No. 881 and Order No. 881-A, which revised the <i>pro forma</i> open access transmission tariff to improve the accuracy and transparency of electric transmission line ratings. Agenda item E-10 may be an order on APS compliance filing.</p>
E-11	<a href="#">ER22-2305-000</a>	<p><b>Louisville Gas and Electric Company.</b> On July 8, 2022, Louisville Gas and Electric Company and Kentucky Utilities Company (LG&amp;E/KU) submitted their compliance filing with respect to FERC's Order No. 881 and Order No. 881-A, which revised the pro forma open access transmission tariff to improve the accuracy and transparency of electric transmission line ratings. Agenda item E-11 may be an order on LG&amp;E/KU's compliance filing.</p>

Item No.	DocketNo.	Company
E-12	<a href="#">ER22-1539-001</a>	<p><b>NRG Power Marketing LLC.</b> On April 1, 2022, NRG Power Marketing LLC (NRG-PML) submitted its Reliability Must-Run (RMR) Rate Schedule Electric filing, which the Commission accepted on May 31, 2022, subject to refund and suspended for a nominal period to become effective June 1, 2022, and established hearing and settlement judge procedures, which are still ongoing. On February 2, 2023, NRG-PML submitted a revised RMR Rate Schedule FERC No. 3 for the provision of reliability must-run service from Indian River Unit 4, pursuant to guidance from FERC eTariff Advisory Staff to make an administrative "clean-up" filing of the PDF Version to correct conversion errors in the original filing. Agenda item E-12 may be an order on NRG-PML's filing.</p>
E-13	<a href="#">ER22-1980-001</a> <a href="#">ER22-1980-000</a>	<p><b>Deuel Harvest Wind Energy LLC.</b> On May 27, 2022, Deuel Harvest Wind Energy LLC (Deuel Harvest) submitted a proposed reactive service tariff in accordance with Schedule 2 of the Midcontinent Independent System Operator, Inc. (MISO) Open Access Transmission, Energy and Operating Reserve Markets Tariff specifying its revenue requirement for the provision of Reactive Supply and Voltage Control from Generation or Other Sources Service from the Deuel Harvest generating facility. Multiple parties intervened and filed protests. On July 29, 2022, FERC accepted the proposed Reactive Service Tariff, suspended it for a nominal period to become effective August 1, 2022, subject to refund, and set the proposed Reactive Service Tariff for hearing and settlement judge procedures. On February 28, 2023, an administrative law judge filed a Certification of Uncontested settlement. Agenda item E-13 may be an order on the proposed settlement.</p>
E-14	<a href="#">ER20-681-008</a>	<p><b>Tri-State Generation and Transmission Association, Inc.</b> On December 16, 2022, Tri-State Generation and Transmission Association, Inc. (Tri-State) applied for Market-Based Rate Authorization in the Western Area Colorado Missouri Balancing Authority Area with a requested effective date of December 17, 2022. Agenda item E-14 may be an order on the application filing.</p>
E-15	<a href="#">EL22-34-000</a>	<p><b>Office of Ohio Consumers' Counsel v. American Electric Power Service Corporation, American Transmission System, Inc., and Duke Energy Ohio, LLC.</b> On February 24, 2022, the Office of the Ohio Consumers' Counsel (OCC) filed a complaint against American Electric Power Service Corporation (AEP), American Transmission Systems, Inc. (ATSI), and Duke Energy Ohio (Duke), alleging that the public utilities are ineligible for a 50-basis point adder to the authorized return on equity for participation in a regional transmission organization provided (RTO Adder) under FERC's Order No. 679, because their participation is not voluntary under Ohio law. OCC's complaint requested that FERC declare AEP, ATSI, and Duke ineligible for the RTO Adder and sought refunds of the extra profits charged to consumers as of the date of the filing of the complaint.</p> <p>On December 15, 2022, FERC granted the complaint in part, denied it in part, and established a refund effective date of February 24, 2022. FERC directed the utilities to make a compliance filing within 30 days of the order to remove the RTO Adder from their rates effective February 24, 2022, directed refunds with interest within 60 days of the date of its order, and directed the utilities to file a refund report detailing the principal amounts plus interest paid to each of their customers within 60 days of the date of its order.</p>

Item No.	DocketNo.	Company
E-15	<a href="#">ER23-855-000</a>	<p><b>Ohio Power Company, PJM Interconnection, L.L.C., American Electric Power Service Corporation, and AEP Ohio Transmission Company, Inc.</b> On January 17, 2023, AEP, on behalf of its affiliate AEP East Operating Company, Ohio Power Company and its affiliate AEP East Transmission Company, AEP Ohio Transmission Company, Inc., submitted revisions to Attachment H-14B and Attachment H-20B3 of the PJM Open Access Transmission Tariff, to comply with FERC's December 15, 2022 order, and requested an effective date of February 24, 2022. Agenda item E-15 may be an order on the compliance filing.</p>
E-16	<a href="#">EL22-38-000</a>	<p><b>PacifiCorp.</b> On April 21, 2022, FERC instituted a show cause proceeding pursuant to section 206 of the Federal Power Act and directed PacifiCorp to (1) show cause as to why its formula rate protocols under its open access transmission tariff remain just and reasonable and not unduly discriminatory or preferential; or (2) explain what changes to its open access transmission tariff it believes would remedy the identified concerns if the Commission were to determine that the open access transmission tariff has, in fact, become unjust and unreasonable or unduly discriminatory or preferential and, therefore, PacifiCorp proceeds to establish a replacement open access transmission tariff. Several parties filed motions to intervene. On June 17, 2022, PacifiCorp submitted a response to FERC's show cause order, as supplemented on July 29, 2022, and proposed to resolve the proceeding by making FERC's suggested tariff revisions. Agenda item E-16 may be an order resolving the show cause order.</p>
E-17	<a href="#">EC23-28-000</a>	<p><b>Michigan Electric Transmission Company, LLC and ITC Interconnection LLC.</b> On November 16, 2022, Michigan Electric Transmission Company, LLC (METC) and ITC Interconnection LLC (ITCI) requested Commission authorization to transfer ownership of the approximately one-mile 345 kV Covert-Segreto transmission line and associated facilities (e.g., breakers, switches, and related equipment) from ITCI to METC. Agenda item E-17 may be an order on the application.</p>
E-18	<a href="#">EL22-59-001</a>	<p><b>Tenaska Clear Creek Wind, LLC v. Southwest Power Pool, Inc., Midcontinent Independent System Operator, Inc. Associated Electric Cooperative, Inc., and Tennessee Valley Authority.</b> On January 13, 2023, Tenaska Clear Creek Wind, LLC (Tenaska Clear Creek) requested rehearing of FERC's December 15, 2022, order denying Tenaska Clear Creek's complaint and petition against Southwest Power Pool, Inc., MISO, Associated Electric Cooperative, Inc., and Tennessee Valley Authority concerning nonpublic curtailment procedures applied to Tenaska Clear Creek's wind facility in Marysville, Missouri. Agenda E-18 may be an order on the rehearing.</p>
<b>HYDRO</b>		
H-1	<a href="#">P-12766-008</a>	<p><b>Green Mountain Power Corporation.</b> On December 22, 2022, FERC issued a new license for Green Mountain Power Corporation (GMP) to continue operating and maintaining the Clay Hill Road Line 66 Transmission Project No. 12766, a 2.3-mile-long, 12.5-kilovolt transmission line located in Windsor County, Vermont. The transmission line serves as part of the primary transmission line and is part of the complete unit of development for GMP's North Hartland Hydroelectric Project No. 2816. On January 20, 2023, GMP filed a request for clarification or, in the alternative, rehearing of the December 22, 2022, order. Agenda item H-1 may be an order on GMP's request for clarification or, in the alternative, rehearing.</p>
H-2	<a href="#">P-15280-000</a>	<p><b>Stonecat Hydro, LLC.</b> On June 6, 2022, Stonecat Hydro, LLC submitted a preliminary permit application for the Lower Swanton Dam Hydroelectric Project, Missisquoi River, Vermont. Agenda item H-2 may be an order on the application.</p>

Item No.	DocketNo.	Company
----------	-----------	---------

**CERTIFICATES**

- |     |                                     |   |
|-----|-------------------------------------|---|
| C-1 | <a href="#"><u>CP16-454-003</u></a> | <b>Rio Grande LNG, LLC; Rio Bravo Pipeline Company LLC.</b> On May 5, 2016, Rio Grande LNG, LLC (Rio Grande) filed an application under section 3 of the Natural Gas Act for authorization to construct and operate a liquefied natural gas (LNG) export terminal on the north embankment of the Brownsville Ship Channel in Cameron County, Texas. At the same time, Rio Bravo Pipeline Company, LLC (Rio Bravo) filed an application under NGA section 7(c) for authorization to construct and operate a natural gas pipeline system that would deliver gas to the terminal for liquefaction and export. On November 22, 2019, FERC authorized Rio Grande's and Rio Bravo's respective proposals, subject to conditions. On August 3, 2021, the U.S. Court of Appeals for the D.C. Circuit (D.C. Circuit) partially remanded, but did not vacate, FERC's authorization. FERC staff issued environmental information requests to Rio Grande and Rio Bravo to address deficiencies noted in the D.C. Circuit's August 3, 2021, decision, to which the parties provided responses. On September 30, 2022, FERC issued a notice seeking public comment on the responses to the information requests. Agenda item C-1 may be an order on partial remand. |
| C-2 | <a href="#"><u>CP16-455-002</u></a> | <b>Texas LNG Brownsville LLC.</b> On March 30, 2016, Texas LNG Brownsville LLC (Texas LNG) filed an application under section 3 of the Natural Gas Act for authorization to construct and operate an LNG export terminal on the north embankment of the Brownsville Ship Channel in Cameron County, Texas. On November 22, 2019, the Commission authorized Texas LNG's proposal, subject to conditions. On August 3, 2021, the D.C. Circuit partially remanded, but did not vacate, the Commission's authorization. FERC staff issued environmental information requests to Texas LNG to address deficiencies noted in the D.C. Circuit's August 3, 2021, decision, to which the parties provided responses. FERC issued a notice seeking public comment on the responses to the information requests. Agenda item C-2 may be an order on partial remand.   |
| C-3 | <a href="#"><u>CP17-40-016</u></a>  | <b>Spire STL Pipeline LLC.</b> On January 17, 2023, the Environmental Defense Fund, as an intervenor in this proceeding, sought rehearing of the FERC's Order on Remand and Issuing Certifications in this docket. The Environmental Defense Fund alleged that FERC's remand order improperly issued a final and permanent Certificate of Public Convenience and Necessity under section 7 of the Natural Gas Act to Spire STL Pipeline without conducting sufficient process following the vacatur and remand from the D.C. Circuit of the Commission's previous orders authorizing the construction and operation of the Pipeline. Agenda item C-3 may be an order on the rehearing request.  |
| C-4 | <a href="#"><u>CP21-465-000</u></a> | <b>Driftwood Pipeline LLC.</b> On October 29, 2021, Driftwood Pipeline LLC submitted a limited amendment to its pending Application for Certificate of Public Convenience and Necessity to increase the capacity of the proposed Line 200 and Line 300 Project from the originally proposed nominal capacity of 4.6 billion cubic feet per day (BCF/d) to a nominal capacity of 5.4 BCF/d, with a maximum seasonal capacity of 5.7 BCF/d. Agenda item C-4 may be an order on the limited amendment.   |
|     | <a href="#"><u>CP21-465-001</u></a> |   |
|     | <a href="#"><u>CP21-465-002</u></a> |   |

<b>Item No.</b>	<b>DocketNo.</b>	<b>Company</b>
C-5	<a href="#"><u>CP21-94-002</u></a> <a href="#"><u>CP21-94-000</u></a> <a href="#"><u>CP21-94-001</u></a>	<b>Transcontinental Gas Pipe Line Company, LLC.</b> On February 10, 2023, Food & Water Watch and Sierra Club requested rehearing and rescission of the Commission's January 11, 2023, order granting a Certificate of Public Convenience and Necessity to Transcontinental Gas Pipe Line Company, LLC, conditionally authorizing construction and operation of the proposed Regional Energy Access Expansion project. Agenda item C-5 may be an order on the rehearing request.
C-6	<a href="#"><u>CP21-467-001</u></a>	<b>Texas Gas Transmission, LLC.</b> On November 21, 2022, Citizens Action Coalition of Indiana requested rehearing and rescission of the Commission's October 20, 2022, order granting a Certificate of Public Convenience and Necessity to Texas Gas Transmission, LLC, conditionally authorizing construction and operation of the proposed Henderson County Expansion Project. Agenda item C-6 may be an order on the rehearing request.

© 2023 Perkins Coie LLP

## Authors



### [Jane Rueger](#)

Partner

[JRueger@perkinscoie.com](mailto:JRueger@perkinscoie.com) [202.661.5834](tel:202.661.5834)

## Explore more in

[Environment, Energy & Resources](#) [Energy Infrastructure & Clean Technology](#)

## Related insights

Update

[Wrapping Paper Series: Issues and Trends Facing the Retail Industry During the Holiday Season](#)

Update

**New Statutory Requirements for Commercial Leases: SB 1103 Updates California Laws for Landlords and Commercial Tenants**