

[Updates](#)

May 16, 2023

FERC Meeting Agenda Summaries for May 2023



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 May 18, 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.

**Item Docket
No. No.**

Company

ADMINISTRATIVE

A-1 AD23-1-000 Agency Administrative Matters

A-2 AD23-2-000 Customer Matters, Reliability, Security, and Market Operations

A-3 [AD06-3-000](#)

2023 Summer Energy Market and Reliability Assessment. On March 16, 2023, the Office of Energy Policy and Innovation, Division of Energy Market Assessments of the Federal Energy Regulatory Commission (FERC or the Commission) issued a 2022 State of the Markets report to the Commission. Agenda item A-3 may be a presentation of the report to the Commission.

ELECTRIC

Item No.	DocketNo.	Company
E-1	RD22-4-001	North American Electric Reliability Corporation (NERC). On November 17, 2022, FERC issued an order directing NERC to file a work plan within 90 days to address registration of Inverter-Based Resources (IBRs). On February 15, 2023, NERC filed its Work Plan and requested FERC's approval of it. Agenda item E-1 may be an order regarding NERC's Work Plan.
E-2	ER23-1511-000 TS23-3-000	Arroyo Solar LLC. On March 27, 2023, Arroyo Solar LLC (Arroyo Solar) submitted to FERC a temporary waiver of open-access transmission tariff (OATT), open access same-time information system (OASIS), and standards of conducts requirements with respect to certain limited and discrete interconnection facilities and network upgrades that ultimately will be owned by Public Service Company of New Mexico (PNM) as transmission provider, but which will not be transferred to PNM before the facilities are energized. Agenda item E-2 may be an order on the waiver request.
E-3	ER22-2359-000	PJM Interconnection, L.L.C. On July 12, 2022, PJM Interconnection, L.L.C. (PJM) submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-3 may be an order on PJM's compliance filing.
E-4	ER22-2339-000	Southwest Power Pool, Inc. On July 12, 2022, Southwest Power Pool, Inc. (SPP) submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-4 may be an order on SPP's compliance filing.
E-5	ER22-2310-000	PacifiCorp. On July 8, 2022, PacifiCorp submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-5 may be an order on PacifiCorp's compliance filing.
E-6	ER22-2293-000	Dominion Energy South Carolina, Inc. On July 7, 2022, Dominion Energy South Carolina, Inc. (Dominion Energy) submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-6 may be an order on Dominion Energy's compliance filing.
E-7	ER22-2317-000	Portland General Electric Company. On July 8, 2022, Portland General Electric Company (PGE) submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-7 may be an order on PGE's compliance filing.
E-8	ER22-2346-000	El Paso Electric Company. On July 12, 2022, El Paso Electric Company (EPE) submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-8 EPE's compliance filing.

Item No.	DocketNo.	Company
E-9	ER22-2356-000	Public Service Company of Colorado. On July 12, 2022, the Public Service Company of Colorado (PSCo) submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-9 may be an order on PSCo's compliance filing.
E-10	ER22-2345-000	NorthWestern Corporation. On July 12, 2022, NorthWestern Corporation (NorthWestern) submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-10 may be an order on NorthWestern's compliance filing.
E-11	ER22-2360-000	Tri-State Generation and Transmission Association, Inc. On July 12, 2022, Tri-State Generation and Transmission Association, Inc. (Tri-State) submitted its compliance filing with respect to FERC's Order No. 881 and 881-A, which revised the pro forma OATT to improve the accuracy and transparency of transmission line ratings. Agenda item E-11 may be an order on Tri-State's compliance filing.
E-12	ER23-430-001 ER23-431-001 ER23-433-001	Evergy Kansas Central, Inc., and Southwest Power Pool, Inc. On February 10, 2023, Kansas Electric Power Cooperative, Inc., Kansas Municipal Energy Agency, and Kansas Power Pool (jointly, Kansas Customers) requested rehearing of FERC's January 13, 2023 order (January 13 Order) accepting Evergy Kansas Central, Inc.'s (Evergy KC) application to modify the common stock formula in (1) the transmission formula rate in Attachment H to Evergy KC's OATT and in Attachment H to SPP's tariff and (2) the generation formula rate templates used in certain wholesale power service rate schedules. On March 13, 2023, the request for rehearing was denied by operation of law. Agenda item E-12 may be an order on the rehearing request.
E-13	OMITTED	
E-14	ER22-2385-001 ER22-2385-000	Panorama Wind, LLC. On March 10, 2023, Panorama Wind, LLC (Panorama Wind) and Tri-State submitted to FERC a Joint Offer of Settlement and Settlement Agreement resolving all issues related to Panorama Wind's proposed rate schedule for Reactive Supply and Voltage Control from Generation Sources Service under Tri-State's tariff. On April 13, 2023, the settlement judge certified the uncontested offer of settlement to the Commission. Agenda item E-14 may be an order on the proposed settlement.
E-15	ER16-2320-007 ER16-2320-009	Pacific Gas and Electric Company. On May 17, 2021, Pacific Gas and Electric Company (PG&E) submitted a compliance filing consisting of PG&E's adjusted Transmission Revenue Requirement (TRR) to reflect the effect of the 2017 Tax Cuts and Jobs Act (Tax Act) on the January 1, 2018 – February 28, 2018, TRR. PG&E revised its compliance filing on July 2, 2021. On March 10, 2022, PG&E submitted a motion to lodge a private letter ruling (PLR) issued by the U.S. Internal Revenue Service that found a violation of the IRS's normalization rules as a result of an order from a regulatory commission requiring that a utility use a particular method of accounting to adjust its deferred income tax expense following the reduction in the federal corporate tax rate from 35% to 21% pursuant to the Tax Cuts and Jobs Act of 2017 (Tax Act), without adjusting the remaining three elements of cost of service also affected by the change. PG&E also requested that the Commission take three corrective actions: (1) direct PG&E to seek a private letter ruling from the IRS regarding these issues; (2) defer acting on PG&E's compliance filing pending resolution of such private letter ruling; and (3) direct PG&E to implement a tracking mechanism that will enable the correction of any issue as a result of the PLR. Agenda item E-15 may be an order on PG&E's request.

Item No.	DocketNo.	Company
E-16	ER21-2455-003 ER21-2455-004	California Independent System Operator Corporation (CAISO). On August 15, 2022 , CAISO filed a compliance filing to comply with Order No. 2222 regarding distributed energy resource aggregations. On January 10, 2023, CAISO submitted an errata to its compliance filing. Agenda item E-16 may be an order on the compliance filing.
E-17	EL23-42-000	Soltage Executive Employees, LLC. On March 7, 2023, Soltage Executive Employees, LLC (Soltage), on behalf of itself and its current and future subsidiary companies that are holding companies or associated service companies under the Public Utility Holding Company Act of 2005 (PUCHA), petitioned the Commission for a declaratory order granting the Soltage companies an individual exemption from the access to books and records requirements of 18 C.F.R. § 366.2 and the accounting, record-retention, and reporting requirements of 18 C.F.R. §§ 366.21, 366.22, and 366.23. Soltage represented in the filing that it is the business of developing and owning, and eventually operating, grid-charged battery energy storage systems in the United States, some of which will be engaged exclusively in non-jurisdictional energy sales. Agenda item E-17 may be an order on the petition.
E-18	ER23-1544-000	Otter Tail Power Company. On March 31, 2023, Otter Tail Power Company (Otter Tail) submitted to FERC a request for incentive rate treatment for two Multi-Value Projects (MVPs) that were approved by the Midcontinent Independent System Operator, Inc. (MISO) board of directors as part of a portfolio of 18 Long Range Transmission Plan Tranche 1 (LRTP1) projects. Agenda item E-18 may be an order on the filing.
E-19	EC98-2-005 ER18-2162-004	Louisville Gas and Electric Company and Kentucky Utilities Company. In August 2018, Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (together, LG&E/KU) filed a request to remove a market power mitigation measure that originated from LG&E/KU's 1988 merger and from LG&E/KU's subsequent withdrawal from MISO in 2006. In March 2019, the Commission conditionally granted the request but in multiple subsequent orders modified or clarified its findings. Multiple petitions for review were subsequently filed with the U.S. Court of Appeals for the District of Columbia Circuit related to FERC's orders in these dockets. Agenda item E-19 may be an order related to the pending petitions or otherwise addressing arguments in the proceeding.
E-20	AD21-15-000	Joint Federal-State Task Force on Electric Transmission. On June 17, 2021, pursuant to section 209(b) of the Federal Power Act, FERC issued an order instituting the joint federal-state task force on electric transmission to consider a wide variety of issues where greater federal-state coordination could ease barriers to development of transmission infrastructure. The Task Force has held multiple meetings since it was instituted. Agenda item E-20 may be an order regarding next steps for the task force.
GAS		
G-1	PL23-2-000	Policy Statement on Proposed Penalty Guidelines for Natural Gas Act Project Violations. Agenda item G-1 may be FERC's policy statement announcement regarding penalty guidelines for Natural Gas Act (NGA)'s project violations.

HYDRO

Item No.	DocketNo.	Company
H-1	P-15261-000	<p>Nevada Hydro Company, Inc. On February 8, 2022, Nevada Hydro Company, Inc., (Nevada Hydro) filed a preliminary permit application to FERC, pursuant to section 4(f) of the FPA, proposing to study the feasibility of the Lake Elsinore Advanced Pumped Storage Project to be located on Lake Elsinore and San Juan Creek near the city of Lake Elsinore in Riverside and San Diego counties, California. Agenda item H-1 may be an order on the February 8, 2022, preliminary permit application.</p>
H-2	OMITTED	
H-3	DI21-1-001	<p>Badger Mountain Hydro, LLC. On January 13, 2023, Badger Mountain Hydro, LLC (Badger Mountain) filed a request for rehearing of FERC's December 15, 2022, order ruling on declaration of intention pertaining to the Badger Mountain Pumped Storage No. DI21-1-000 project. On February 13, 2023, the request for rehearing was denied by operation of law. Agenda item H-3 may be an order on the request for rehearing.</p>
C-1	CP17-458-021	<p>Midship Pipeline Company, LLC. On December 16, 2021, FERC issued an order to show cause directing Midship Pipeline Company, LLC (Midship) to (1) file a detailed plan for conducting an investigation to determine the extent of buried rock and construction debris throughout the entire Midship easement and (2) following the investigation, file for Commission review, a remediation plan for removing rock and debris found during the investigation. On February 3, 2023, FERC approved a plan that would require Midship to both investigate and restore the properties all in one step without any Commission review or approval in between. Midship sought rehearing of the February 3, 2023, order and on April 6, 2023, Midship's request for rehearing was denied by operation of law. Agenda item C-1 may be an order on the rehearing request.</p>
C-2	CP22-514-000	<p>Corpus Christi Liquefaction, LLC. On September 29, 2022, Corpus Christi Liquefaction, LLC (CCL), pursuant to section 7 of the NGA and FERC's regulations, filed an abbreviated application for authorization to acquire as part of its operating Liquefaction Project approximately 3,700 linear feet of existing, operating 48-inch and 36-inch diameter natural gas pipeline segments and ancillary facilities (Terminal Supply Line). The Terminal Supply Line connects the outlet of the existing Cheniere Corpus Christi Pipeline, L.P (CCPL) pipeline and metering and regulating station (CCPL M&R Station) to the existing feed gas inlet for the CCL liquefied natural gas terminal (LNG Terminal). Agenda item C-2 may be an order on the application.</p>
C-3	CP18-512-000	<p>Corpus Christi Liquefaction Stage III, LLC; Corpus Christi Liquefaction, LLC; and Cheniere Corpus Christi Pipeline, L.P. On June 28, 2018, Corpus Christi Liquefaction Stage III, LLC (CCL Stage III) filed an application under section 3 of the NGA for authorization to contract and operate an expansion of the Corpus Christi Liquefaction Project approved by the Commission in FERC Docket No. CP12-507-000, which is currently under construction (the Liquefaction Project). On November 21, 2019, The Commission approved, with conditions, a proposal by Corpus Christi Stage III, LLC and Corpus Christi Liquefaction LLC to site, build, and operate the Stage 3 LNG Project that would allow the company to liquefy for export an additional 11.45 million metric tons per year of LNG at Corpus Christi Liquefaction's LNG terminal now operating in San Patricio and Nueces counties, Texas. Subsequently, CCL sought various construction related approvals. Agenda item C-3 may be an order on the requested approvals.</p>

Item No.	DocketNo.	Company
C-4	CP19-502-002	Commonwealth LNG, LLC. On December 19, 2022, Sierra Club, Natural Resources Defense Council, Center for Biological Diversity, Healthy Gulf, the Louisiana Bucket Brigade, the National Audubon Society, and Turtle Island Restoration Network requested rehearing of FERC's November 17, 2022, order authorizing Commonwealth LNG, LLC's project. On January 19, 2023, the request for rehearing was denied by operation of law. Agenda item C-4 may be an order on the rehearing request.
C-5	CP22-461-000	Transcontinental Gas Pipe Line Company, LLC. On May 23, 2022, pursuant to section 7 of the NGA, Transcontinental Gas Pipe Line Company, LLC (Transco) submitted an application for a certificate of public convenience and necessity to increase the capacity of its proposed Southside Reliability Enhancement Project to provide an additional 423,400 dekatherms per day of firm transportation service beginning with the 2024/2025 winter heating season. Agenda item C-5 may be an order on the application.

© 2023 Perkins Coie LLP

Authors

Explore more in

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

Related insights

Update

[President Trump Creates “Make America Healthy Again” Commission](#)

Update

[FERC Meeting Agenda Summaries for February 2025](#)