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September 19, 2023

FERC Meeting Agenda Summaries for September 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 September 21st, 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 No.	Docket No.	Company
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ADMINISTRATIVE

A-1	AD23-1-000	Agency Administrative Matters
A-2	AD23-2-000	Customer Matters, Reliability, Security, and Market Operations
A-3	AD23-8-000	FERC-NERC-Regional Entity Joint Inquiry Into Winter Storm Elliot

ELECTRIC

**Item
No.** **Docket No.**

Company

California Independent System Operator

E-1 [EL22-62-000](#) **Corporation.** On July 28, 2022, FERC instituted investigations into whether the existing open access transmission tariffs (OATTs) of California Independent System Operator Corporation (CAISO), ISO New England Inc., New York Independent System Operator, Inc. (NYISO), and Southwest Power Pool Inc. are unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful in the absence of (1) mark-to-auction mechanisms for the calculation of financial transmission right (FTR) market participants' collateral requirements and/or (2) volumetric minimum collateral requirements for FTR market participants. FERC directed each responding RTO/ISO to either show cause why its OATT remained just and reasonable or to explain what changes to its OATT would remedy the concerns identified in the Show Cause Order. On October 26, 2022, CAISO filed its response to FERC's Order to Show Cause. Agenda item E-1 may be an order on CAISO's response.

E-2 [EL22-63-000](#) **ISO New England Inc.** On July 28, 2022, FERC instituted investigations into whether the existing OATTs of CAISO, ISO New England Inc., NYISO, and Southwest Power Pool Inc. are unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful in the absence of (1) mark-to-auction mechanisms for the calculation of FTR market participants' collateral requirements and/or (2) volumetric minimum collateral requirements for FTR market participants. FERC directed each responding RTO/ISO to either show cause why its OATT remained just and reasonable or to explain what changes to its OATT would remedy the concerns identified in the Show Cause Order. On October 26, 2022, ISO New England filed its response to FERC's Order to Show Cause. Agenda item E-2 may be an order on ISO New England's response.

E-3 [EL22-64-000](#) **New York Independent System Operator, Inc.** On July 28, 2022, FERC instituted investigations into whether the existing OATTs of CAISO, ISO New England Inc., NYISO, and Southwest Power Pool Inc. are unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful in the absence of (1) mark-to-auction mechanisms for the calculation of FTR market participants' collateral requirements and/or (2) volumetric minimum collateral requirements for FTR market participants. FERC directed each responding RTO/ISO to either show cause why its OATT remained just and reasonable or to explain what changes to its OATT would remedy the concerns identified in the Show Cause Order. On October 26, 2022, NYISO filed its response to FERC's Order to Show Cause. Agenda item E-3 may be an order on NYISO's response.

E-4 [EL22-65-000](#) **Southwest Power Pool, Inc.** On July 28, 2022, FERC instituted investigations into whether the existing OATTs of CAISO, ISO New England Inc., NYISO, and Southwest Power Pool Inc. are unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful in the absence of (1) mark-to-auction mechanisms for the calculation of FTR market participants' collateral requirements and/or (2) volumetric minimum collateral requirements for FTR market participants. FERC directed each responding RTO/ISO to either show cause why its OATT remained just and reasonable or to explain what changes to its OATT would remedy the concerns identified in the show cause order. On October 26, 2022, Southwest Power Pool filed its response to FERC's Order to Show Cause. Agenda item E-4 may be an order on Southwest Power Pool's response.

Item No.	Docket No.	Company
E-5	EL22-32-000 ER22-2029-000 (Consolidated) ER22-703-002 EL22-32-001	<p>PJM Interconnection, LLC Docket ER22-2029-000 deals with PJM's filing of proposed revisions to its OATT under FPA section 205 to modify the calculation of the FTR credit requirement, which establishes the amount of collateral that FTR market participants are required to provide in order to participate in PJM's FTR market. On February 28, 2022, FERC rejected PJM's section 205 filing as unsupported by the record in the proceeding and opened an FPA section 206 investigation. PJM sought rehearing of that February 2022 order, which request was deemed denied on May 2, 2022. PJM filed a revised FPA section 205 application on June 3, 2022, purporting to resolve the concerns that prompted the February 2022 order. On August 2, 2022, FERC consolidated the FPA section 205 and 206 proceedings and accepted and suspended the proposed tariff revisions to develop a further record to determine whether the proposed revisions are just and reasonable. Agenda item E-5 may be an order on PJM's proposed tariff revisions.</p>

Brookfield Renewable Trading and Marketing

E-6	EL23-89-000	<p>LP v. ISO New England Inc. On August 2, 2023, Brookfield Renewable Trading and Marketing LP (Brookfield) filed a complaint alleging that the ISO New England Transmission, Markets, and Services tariff improperly prohibits participation by pumped hydroelectric resources in the Inventoried Energy Program. Brookfield requested that FERC act on its complaint as expeditiously as possible to allow pumped storage facilities to participate in the Inventoried Energy Program this upcoming winter. ISO New England answered the complaint, to which Brookfield filed leave to answer and a limited answer on September 5, 2023. Agenda item E-6 may be an order on Brookfield's complaint.</p>
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Item No.	Docket No.	Company
	<u>ER20-2705-001</u>	
	<u>ER20-2706-001</u>	
	<u>EL21-36-000</u>	Mankato Energy Center, LLC
	<u>ER10-1874-012</u>	Mankato Energy Center II, LLC Mankato Energy Center, LLC
	<u>ER10-2721-010</u>	Mankato Energy Center II, LLC Mankato Energy Center, LLC
	<u>ER10-2861-009</u>	El Paso Electric Company
	<u>ER12-1308-012</u>	Fountain Valley Power, L.L.C. Palouse Wind, LLC
	<u>ER13-1504-010</u>	SWG Arapahoe, LLC
	<u>ER15-1471-011</u>	Blue Sky West, LLC Evergreen Wind Power II, LLC
E-7	<u>ER15-1672-010</u>	Hancock Wind, LLC
	<u>ER16-2010-005</u>	Sunflower Wind Project, LLC Pio Pico Energy Center, LLC Comanche Solar PV, LLC
	<u>ER16-2561-005</u>	Goal Line L.P.
	<u>ER16-711-008</u>	KES Kingsburg, L.P. Mesquite Power, LLC Valencia Power, LLC
	<u>ER16-915-004</u>	Mankato Energy Center II, LLC. On August 20, 2020, Mankato Energy Center, LLC and Mankato Energy Center II, LLC (together, Mankato Companies) filed a notice of non-
	<u>ER19-2287-002</u>	material change in status as well as revised market-based rate tariffs removing affiliate sales restrictions. On January 11, 2021, FERC opened an FPA section 206 proceeding to examine the potential treatment of J.P. Morgan Investment Management Inc. as an affiliate of the Mankato Companies. On January 19, 2021, the listed entities filed a nonmaterial change in status to inform FERC of the acquisition of a membership interest in the entities' upstream ownership. Agenda item E-7 may be an order concerning these change in status notifications.
	<u>ER19-2289-002</u>	
	<u>ER19-2294-002</u>	
	<u>ER19-2305-002</u>	
	<u>ER19-9-006</u>	

Item No.	Docket No.	Company
E-8	ER22-2306-000	Black Hills Colorado Electric, LLC. On July 8, 2022, Black Hills Colorado Electric, LLC (Black Hills) submitted proposed revisions to its OATT to comply with Order No. 881, with a requested effective date of July 12, 2025. Black Hills proposes a new Attachment P to its OATT, which it says adopts the <i>pro forma</i> OATT Attachment M specified in Order No. 881 with one minor conforming change. Agenda item E-8 may be an order on this filing.
	ER10-2502-010	Black Hills Colorado Electric, LLC
	ER11-2724-010	Black Hills Colorado IPP, LLC
	ER19-645-004	Black Hills Colorado Wind, LLC
	ER18-2518-005	Black Hills Electric Generation, LLC
E-9	ER11-4436-008	Black Hills Power, Inc. Black Hills Wyoming, LLC Cheyenne Light, Fuel and Power Company
	ER10-2472-009	Northern Iowa Windpower, LLC. On January 31, 2023, the listed entities (Black Hills MBR Sellers) submitted a notice of nonmaterial change in status pursuant to Section 205 of the FPA to inform FERC of their affiliation with a new ultimate upstream affiliate, State Street Corporation (State Street). State Street became an ultimate upstream affiliate of the Black Hills MBR Sellers by virtue of State Street's acquisition (indirectly, in the aggregate, by various funds owned by State Street) of more than 10% of the voting securities of Black Hills Corporation, the parent company of the Black Hills MBR Sellers. Agenda item E-9 may be an order on this filing.
	ER10-2473-009	
	ER10-1529-006	
E-10	ER22-2341-000	Alabama Power Company, Georgia Power Company, and Mississippi Power Company. On July 12, 2022, Alabama Power Company, Georgia Power Company, and Mississippi Power Company (collectively Southern Companies) submitted proposed revisions to its OATT to comply with Order No. 881, with a requested effective date of July 12, 2025. Southern Companies propose a new OATT Attachment X, which they indicate adopts the <i>pro forma</i> language specified in Order No. 881. Agenda item E-10 may be an order on this filing.
E-11	ER22-2162-001	Deseret Generation & Transmission Co-operative, Inc. On February 3, 2023, Deseret Generation & Transmission Co-operative, Inc. (Deseret) submitted proposed revisions to its OATT to comply with Order No. 881, with a requested effective date of June 23, 2022. Deseret proposes a new OATT Attachment T, which it says adopts the <i>pro forma</i> language specified in Order No. 881. Agenda item E-11 may be an order on this filing.

Item No.	Docket No.	Company
E-12	ER22-2348-000	<p>Tucson Electric Power Company. On July 12, 2022, Tucson Electric Power Company (Tucson Electric) submitted proposed revisions to its OATT to comply with Order No. 881, with a requested effective date of July 12, 2025. Tucson Electric proposes a new OATT Attachment O, which it says adopts the <i>pro forma</i> language specified in Order No. 881. Agenda item E-12 may be an order on this filing.</p>
E-13	ER22-2352-000	<p>Duke Energy Carolinas, LLC. On July 12, 2022, Duke Energy Carolinas, LLC (Duke Energy) submitted proposed revisions to its OATT to comply with Order No. 881, with a requested effective date of July 12, 2025. Duke Energy proposes a new OATT Attachment Y, which it says adopts the <i>pro forma</i> language specified in Order No. 881. Agenda item E-13 may be an order on this filing.</p>
E-14	ER22-2340-000 ER22-2340-001	<p>Basin Electric Power Cooperative. On July 12, 2022, Basin Electric Power Cooperative (Basin Electric) submitted proposed revisions to its OATT to comply with Order No. 881, with a requested effective date of July 1, 2025. Basin Electric proposes a new Attachment U to its OATT which it says adopts the <i>pro forma</i> language specified in Order No. 881. Agenda item E-14 may be an order on this filing.</p>
E-15	ER22-2349-000	<p>UNS Electric, Inc. On July 12, 2022, UNS Electric, Inc. (UNS Electric) submitted proposed revisions to its OATT to comply with Order No. 881, with a requested effective date of July 12, 2025. UNS Electric proposes a new Attachment M to its OATT, which it says adopts the <i>pro forma</i> language specified in Order No. 881, with modifications, and which will be renamed as Attachment O. Agenda item E-15 may be an order on this filing.</p>
E-16	ER23-2327-000	<p>PJM Interconnection, L.L.C. On June 30, 2023, PJM Interconnection L.L.C. (PJM) filed a request for approval to recover penalty charges assessed by the North American Electric Reliability Corporation (NERC) and arising from a Commission-approved settlement agreement between PJM and ReliabilityFirst Corporation. PJM proposes to recover the costs of the reliability-related NERC penalty from customers under PJM's OATT, Schedule 9-1. Agenda item E-16 may be an order on this request.</p>
E-17	ER22-2351-000	<p>Avista Corporation. On July 12, 2022, Avista Corporation (Avista) submitted proposed revisions to its OATT to comply with Order No. 881, with a requested effective date of July 12, 2025. Avista proposes a new Attachment M to its OATT, which it says adopts the <i>pro forma</i> language specified in Order No. 881, with modifications. Agenda item E-17 may be an order on this filing.</p>

GAS

Item No.	Docket No.	Company
	RP19-78-007	
	RP19-78-010	Panhandle Eastern Pipe Line Company, LP (Panhandle) Southwest Gas Storage Company (Southwest Gas). On December 16, 2022, FERC issued an Opinion and Order on Initial Decision in the consolidated Panhandle and Southwest Gas Natural Gas Act (NGA) Section 4 rate case proceeding (Opinion No. 885). On January 17, 2023, Panhandle filed a Request for Rehearing of Opinion No. 885. The request was deemed denied by operation of law and Panhandle filed a Petition for Review with the D.C. Circuit, which is stayed pending final action from FERC. On May 26, 2023, FERC ordered Panhandle to file revised tariff records pursuant to Opinion No. 885 (with an effective date of March 1, 2020). On June 26, 2023, Panhandle filed a Limited Request for Rehearing arguing, in part, that rate revisions are improper in light of the pending Request for Rehearing of Opinion No. 885. Agenda item G-1 may be an order on Panhandle's June 26, 2023, Limited Request for Rehearing or the original Request for Rehearing of Opinion No. 885.
	RP19-78-011	
	RP19-1523-010	
G-1	RP19-1523-012	
	RP19-257-011	
	RP19-257-012	

(consolidated)

	OR19-22-000	West Texas Gulf Pipe Line Company LLC (West Texas); Permian Express Partners LLC (Permian). On May 1, 2019 and August 16, 2019, West Texas and Permian, respectively, filed applications to charge market-based rates for transportation of crude oil. On April 17, 2020, FERC issued an order consolidating the proceedings for hearing. On March 18, 2022, the presiding administrative law judge (ALJ) issued an Initial Decision, concluding that West Texas and Permian may be granted market-based rates for delivery points in the Nederland and Anchorage destination markets, but not in the Tyler Destination Market. Agenda item G-2 may be a decision on the applications.
G-2	OR19-32-000	

(consolidated)

HYDRO

H-1	P-3820-015	Aclara Meters, LLC. On May 22, 2023, FERC issued an Order Approving Surrender of the License for the Somersworth Hydroelectric Project (No. 3820) located on the Salmon Falls River in New Hampshire and Maine. On June 20, 2023, American Whitewater filed a Request for Rehearing of the May 22, 2023, order on the grounds that the order is "not in the public interest, is arbitrary and capricious, and fails to comply with Section 401(a)(1) of the Clean Water Act." On July 21, 2023, FERC issued a notice stating the request may be deemed denied by operation of law. Agenda item H-1 may be an order on the Request for Rehearing.
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CERTIFICATES

Item No.	Docket No.	Company
Port Arthur LNG Phase II, LLC and PALNG		
C-1	CP20-55-000	Common Facilities Company, LLC (Port Arthur). On February 19, 2020, Port Arthur filed an application for a Certificate of Public Convenience and Necessity requesting authorization to expand its Port Arthur LNG Liquefaction Terminal in Jefferson County, Texas. The expansion would increase the terminal's capability to liquefy natural gas for export from 13.46 million tons per annum (MTPA) to 26.92 MTPA. On April 28, 2023, FERC issued an environmental assessment regarding the project. Agenda item C-1 may be an order on Port Arthur's application.
C-2	CP22-25-000	Venture Global Calcasieu Pass, LLC. On December 3, 2021, Venture Global Calcasieu Pass, LLC (Venture Global) filed an application to increase its Calcasieu Pass export terminal's authorized peak liquefaction capacity achievable under optimal conditions from 12.0 MTPA to 12.4 MTPA of liquefied natural gas (LNG) – or from approximately 620 billion cubic feet (BCF) to approximately 640.666 BCF per year. On August 5, 2022, FERC issued an environmental assessment of the proposed amendment. Agenda item C-2 may be an order on Venture Global's application.
C-3	OMITTED	
C-4	CP22-138-000	Northern Natural Gas Company. On March 28, 2022, Northern Natural Gas Company (Northern Natural) filed an application pursuant to section 7 of the NGA for authorizations related to its Northern Lights 2023 Expansion Project. On March 10, 2023, FERC issued an environmental impact statement regarding the project. Agenda item C-4 may be an order on Northern Natural's application.
C-5	CP22-15-000	Texas Eastern Transmission, LP. On November 10, 2021, Texas Eastern Transmission, LP (Texas Eastern) filed an application pursuant to section 7 of the NGA for authorizations related to its Venice Lateral Project. On February 17, 2023, FERC issued an environmental impact statement regarding the project. Agenda item C-5 may be an order on Texas Eastern's application.

**Item
No.** **Docket No.**

Company

Rio Grande LNG, LLC

Rio Bravo Pipeline Company, LLC. On November 22, 2019, FERC authorized, under section 3 of the NGA, Rio Grande LNG, LLC (Rio Grande) to construct and operate a new LNG terminal designed to produce a nominal capacity of up to 27 MTPA of LNG for export. In the same order, FERC also issued a certificate of public convenience and necessity under section 7 of the NGA to Rio Bravo Pipeline Company, LLC (Rio Bravo) to construct and operate a new interstate natural gas pipeline system designed to provide up to 4.5 billion cubic feet per day (Bcf/d) of firm natural gas transportation capacity from several interconnects in the vicinity of the Agua Dulce Hub in Nueces County, Texas, to Rio Grande's liquefied LNG export terminal on the Brownsville Ship Channel in Cameron County. On January 23, 2020, the Commission denied rehearing. The orders were appealed, and on August 3, 2021, the U.S. Court of Appeals for the D.C. Circuit remanded the orders to FERC, holding that FERC's NEPA analyses of the projects' impacts on climate change and environmental justice communities were deficient under the Administrative Procedure Act (APA).

[CP16-454-006](#)

C-6 [CP16-455-003](#)

[CP20-481-001](#)

Separately, on June 16, 2020, in Docket No. CP20-481-000, Rio Bravo filed an application pursuant to section 7 of the NGA to amend its certificate of public convenience and necessity issued in Docket No. CP16-455-000, which authorized the construction and operation of the Rio Bravo Pipeline Project.

On April 21, 2023, FERC granted Rio Bravo's requested amendment and on remand reaffirmed its authorization of both the Rio Grande LNG project and the Rio Bravo pipeline (as amended). Rehearing requests were filed. Agenda item C-6 may be an order on rehearing.

Texas LNG Brownsville LLC. On November 22, 2019, FERC authorized Texas LNG Brownsville LLC (Texas LNG) to construct and operate an LNG export terminal and associated facilities in order to export approximately 4 MTPA of natural gas as LNG. On February 21, 2020, the Commission denied rehearing. The decisions were appealed, and on August 3, 2021, the D.C. Circuit remanded the orders to FERC, holding that FERC's NEPA analyses of the project's impacts on climate change and environmental justice communities were deficient under the APA. On April 21, 2023, FERC issued an order on remand that reaffirmed its authorization to Texas LNG to construct and operate its LNG export terminal. Rehearing requests were filed. Agenda item C-7 may be an order on rehearing.

C-7 [CP16-116-003](#)

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