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January 16, 2024

FERC Meeting Agenda Summaries for January 2024



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 January 18th, 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 | AD24-1-000 | Agency Administrative Matters |
| A-2 | AD24-2-000 | Customer Matters, Reliability, Security, and Market Operations |

ELECTRIC

**Item Docket
No. No.**

Company

- E-1 [ER22-24-003](#) **System Energy Resources, Inc.** On October 16, 2023, System Energy Resources, Inc. (SERI) submitted an offer of partial settlement to resolve an accounting issue raised in a proceeding regarding a Section 205 application. The application proposed changes to SERI's cost-based formula rate under which SERI sells the capacity and energy produced by the Grand Gulf Nuclear Station to four of the Entergy operating companies. The uncontested offer of partial settlement was certified to the Federal Energy Regulatory Commission (FERC or Commission) on November 9, 2023. Agenda item E-1 may be an order on the partial settlement.
- E-2 [EL23-83-002](#) **Gregory and Beverly Swecker v. Midland Power Cooperative**
- E-2 [QF11-424-012](#) **Gregory and Beverly Swecker.** On October 31, 2023, Gregory and Beverly Swecker submitted a notice of rehearing request in a proceeding with Midland Power Cooperative over a dispute regarding whether Midland paid the Sweckers what they believed to be an appropriately determined avoided cost rate for their qualifying facility (QF) energy and capacity. Agenda item E-2 may be an order on this rehearing request.
- E-3 [ER23-977-001](#) **Manitowoc Public Utilities.** On October 11, 2023, Manitowoc Public Utilities (MPU) submitted an offer of settlement (Settlement) regarding MPU's proposed Rate Schedule FERC No. 3, which sets forth a monthly system support resource (SSR) payment for the continued operation of Lakefront Unit No. 9, a 63 MW (nameplate) generation unit located in Manitowoc, Wisconsin, during the term of an SSR agreement between MPU and Midcontinent Independent System Operator, Inc. (MISO). On November 12, 2023, the administrative law judge (ALJ) issued an order certifying the uncontested Settlement to the Commission. Agenda item E-3 may be on order on the Settlement.
- E-4 [ER24-327-000](#) **Long Lake Solar, LLC.** On October 31, 2023, Long Lake Solar, LLC (Long Lake) submitted a request for a limited and prospective waiver pertaining to Section 4.4.4 of Attachment X of MISO's Open Access Transmission, Energy, and Operating Reserve Markets Tariff, and Section 2.3.1 of Long Lake's Amended and Restated Generator Interconnection Agreement, dated February 3, 2023, by and among Long Lake, MISO, and Entergy Arkansas, LLC, to accommodate a short extension of the commercial operation date beyond the stated limitation on extensions. Agenda item E-4 may be an order on this request.
- E-5 [ER22-2643-000](#) **Three Corners Solar, LLC.** On November 9, 2022, Three Corners Solar, LLC (Three Corners) submitted a refund report pursuant to a letter order issued by FERC on October 4, 2022 (Order). This refund report provides the basis for and calculation of the refund to ISO New England Inc. Submitted on November 3, 2022. Three Corners developed an approximately 112 MWac solar generation facility in Kennebec County, Maine, and estimated such facility would be operational in June 2022. Based on such estimate, Three Corners qualified the facility as a new generating capacity resource in ISO-NE and obtained a summer-only capacity supply obligation in ISO-NE's Forward Capacity Auction 13. However, due to unanticipated development delays, construction of the facility did not commence until October 2022. The Order directed Three Corners to refund the time value of the revenues collected without Commission authorization, as well as all revenues resulting from the difference, if any, between the market-based rate and the cost-justified rate. On May 25, 2023, Three Corners submitted a supplemental report at the request of Commission staff. Agenda item E-5 may be an order on the refund report.

**Item Docket
No. No.**

Company

- E-6 [ER21-2722-001](#) **E. BarreCo Corp LLC.** On August 20, 2021, E. BarreCo Corp LLC (E. BarreCo) submitted an application for market-based rate authorization and request for waivers and blanket authorizations, which was granted but the order directed E. BarreCo to make refunds for sales made prior to receipt of FERC's authorization. E. BarreCo filed a refund report in November 2021, which was further revised in 2022 to correct errors. Agenda item E-6 may be an order on E. BarreCo's refund report.
- E-7 [ER20-2004-003](#) **Public Service Electric and Gas Company and PJM Interconnection, LLC.** On February 17, 2023, Public Service Electric and Gas Company (PSE&G) submitted a compliance filing in response to an Order on Compliance issued by the Commission on November 2, 2022, that required additional tariff revisions to comply with Order No. 864. *Public Utility Transmission Rate Changes to Address Accumulated Deferred Income Taxes*, Order No. 864, 169 FERC ¶ 61,139 (2019), *order on reh'g & clarification*, Order No. 864-A, 171 FERC ¶ 61,033 (2020). On April 18, 2023, the Commission issued a deficiency letter and requested additional information from PSE&G. On May 18, 2023, PSE&G submitted a response to the Commission's deficiency letter. Agenda item E-7 may be an order on PSE&G's compliance filing.
- E-8 [ER17-405-000](#) **Appalachian Power Company and AEP Appalachian Transmission Company Inc. American Municipal Power, Inc., et al. v. Appalachian Power Company, et al., and AEP Appalachian Transmission Company Inc., et al.** On March 14, 2023, American Municipal Power, Inc., et al. (AMP) submitted a joint formal challenge and complaint against AEP East companies regarding the formula transmission service rates that were charged for rate years 2021 and 2022. Agenda item E-8 may be an order on the formal challenge and complaint.
- E-9 [ER17-406-000](#) **AEP Oklahoma Transmission Company, Inc. Public Service Company of Oklahoma Arkansas Electric Cooperative Corporation, et al. v. Public Service Company of Oklahoma, et al.** On May 22, 2023, a group of AEP West transmission service customers including Arkansas Electric Cooperative Corporation, East Texas Electric Cooperative, Inc., Northeast Texas Electric Cooperative, Inc., and Golden Spread Electric Cooperative, Inc. (collectively, Joint Customers) submitted a formal challenge and complaint regarding the formula transmission service rates charged by the AEP West operating companies and the AEP West transmission companies for rate year 2021. Agenda item E-9 may be an order on the Joint Customers' formal challenge and complaint.
- E-10 [EL23-51-000](#) **arGo Partners GP LLC.** On February 16, 2023, arGo Partners GP LLC (arGo) petitioned the Commission for a declaratory order confirming that a transaction recently approved by the Commission pursuant to which an affiliate of arGo would acquire a 50% interest in Brookfield Smoky Mountain Holdings LLC (BSMH) would not affect certain waivers under the Public Holding Company Act of 2005 (PUHCA) currently held by BSMH and its subsidiary companies. Agenda item E-10 could be a declaratory order in response to arGo's petition.

Item Docket

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Company

E-11 [EL23-41-000](#) **arGo Partners GP LLC.** On February 16, 2023, concurrent with its filing in EL23-41-000 (*see* agenda item E-10), arGo petitioned the Commission for a declaratory order granting arGo and its current and future subsidiary companies a waiver from the accounting, record-retention, and reporting requirements of PUHCA and its implementing regulations. Agenda item E-11 could be a declaratory order in response to arGo's petition.

HYDRO

H-1 [P-7656-019](#) **Village of Highland Falls High-Point Utility, LDC.** On June 30, 2023, FERC issued an order finding that Village of Highland Falls High-Point Utility, LDC (High-Point) was in violation of (1) certain provisions of its hydro license, for failing to acquire the requisite property rights for the Buttermilk Falls Hydroelectric Project No. 7656 in Orange County, New York, and (2) a prior order approving transfer of the license to High-Point, for failing to restore project operations. FERC required High-Point to file, within 90 days of the June 30 order, (1) a plan and schedule to restore project operations and (2) documentation that High-Point acquired the requisite property rights. FERC noted that the existing violations would be made part of the compliance history for the project, and that FERC could take further action regarding those violations. FERC also noted that failure to comply with this compliance order may lead to an order to cease generation, an order revoking license, or a penalty assessment order issued pursuant to section 31 of the FPA. High-Point sought rehearing of the June 30 order, which was denied by operation of law, but has not filed any plans or documentation in the docket. Agenda item H-1 may be further action by the FERC, consistent with the June 30 order.

H-2 [P-943-142](#) **Public Utility District No. 1 of Chelan County, Washington.** On May 16, 2023, Public Utility District No. 1 of Chelan County, Washington (Chelan PUD) filed a Power Sales Agreement between Chelan PUD and Avista Corporation for electricity from the Rocky Reach Hydroelectric Project No. 2145 and Rock Island Hydroelectric Project No. 943, noting that the effectiveness of the agreement extends beyond the license term of the Rock Island project. Agenda item H-2 may be an order on Chelan PUD's filing.

H-3 [P-1494-455](#) **Grand River Dam Authority.** On March 31, 2022, Grand River Dam Authority (GRDA), licensee for the Pensacola Project No. 1494 (Project), moved for entry of an order establishing the procedures to govern the remand in *City of Miami, Oklahoma v. FERC*, 22 F.4th 1039 (D.C. Cir. 2022). GRDA stated that the U.S. Court of Appeals for the D.C. Circuit held that FERC had not answered the question of whether Article 5 of GRDA's license for the Project obligates GRDA to acquire ownership of approximately 13,000 acres in and around the City of Miami, Oklahoma (City). GRDA also asserted that the Court directed FERC to address four issues: (1) the role of the U.S. Army Corps of Engineers in flood control at the Project; (2) the responsibility GRDA bears if the Project has caused flooding in the City; (3) the evidence produced by the City relating to flooding; and (4) the applicability of section 7612 of the National Defense Authorization Act for Fiscal Year 2020 to the claim raised by the City. GRDA requested that FERC provide an opportunity for briefing on, and the resolution of, the outstanding legal issues prior to any further fact-finding on the factual disputes involved in this matter. On June 20, 2023, the City filed a request for expeditious action on remand. Agenda item H-3 may be FERC action on GRDA's motion and/or remand.

Item Docket

No. No.

Company**CERTIFICATES**

- C-1 [CP22-493-000](#) **Tennessee Gas Pipeline Company, LLC.** On July 22, 2022, Tennessee Gas Pipeline Company, L.L.C. (TGP) filed an application for a certificate of public convenience and necessity to construct, install, modify, operate, and maintain its proposed Cumberland Project. Located in Dickson, Houston, and Stewart counties, Tennessee, the Cumberland Project is intended to allow TGP to transport approximately 245,040 dekatherms per day from TGP's mainline system to a new combined-cycle combustion turbine natural gas plant that would be constructed and operated by Tennessee Valley Authority to replace an existing coal-fired power plant at the Cumberland Fossil Plant Reservation Site. FERC issued a final environmental impact statement for the Cumberland Project on June 30, 2023. Agenda item C-1 may be an order on TGP's application.
- C-2 [CP22-495-000](#) **Transcontinental Gas Pipe Line Company, LLC.** On August 9, 2022, Transcontinental Gas Pipe Line Company, LLC (Transco) filed an application for a certificate of public convenience and necessity to construct and operate its proposed Texas to Louisiana Energy Pathway Project. The project involves one new compressor station in Fort Bend County, Texas, as well as modification of existing compressor stations in Hardin County, Texas, and Victoria County, Texas, to provide 364,000 dekatherms per day of firm transportation service from the Valley Crossing Interconnection to the Station 65 Pooling Point. FERC issued a final environmental impact statement for the Project on June 9, 2023. On January 9, 2024, Transco submitted a Request for Commission Order, seeking FERC's prompt action on the application. Agenda item C-2 may be an order on Transco's application.
- C-3 [CP23-511-000](#) **Golden Triangle Storage, LLC.** On July 7, 2023, Golden Triangle Storage, LLC (GTS) filed an application for an amendment to its existing certificate of public convenience and necessity (issued in 2007; Docket Nos. CP07-414, *et al.*) to increase the authorized maximum rates at which GTS may withdraw/inject gas at its storage facility in Texas. Specifically, GTS seeks to increase its maximum withdrawal rate by 80 million cubic feet (MMcf)/day and to increase its injection rate by 465 MMcf/day. The proposed increase in maximum rates would not require construction or modification of the facilities involved. As such, on July 26, 2023, FERC issued a statement concluding that there is no environmental impact involved in approval of this project. Agenda item C-3 may be an order on GTS' application.
- C-4 [CP23-82-000](#) **Columbia Gas Transmission, LLC.** On March 2, 2023, Columbia Gas Transmission, LLC (Columbia) submitted an application for the abandonment of natural gas storage facilities to abandon 37 injection/withdrawal wells, and associated pipelines and appurtenances, at its Lucas and Pavonia Storage Fields in Ashland and Richland Counties, Ohio. According to Columbia, abandonment is necessary due to the wells' integrity risk in alignment with U.S. DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations and the Columbia's Modernization Program Eligible Facilities Plan III. FERC issued an environmental assessment for the project on September 8, 2023. Agenda item C-4 may be an order on Columbia's application.
- C-5 [CP17-101-005](#) **Transcontinental Gas Pipe Line Company, LLC.** On April 27, 2023, Transcontinental Gas Pipe Line Company (Transco) requested a two-year extension of time (until May 3, 2025) to construct and place into service its Northeast Supply Enhancement Project. Numerous parties submitted comments and protests. Agenda item C-5 may be an order on Transco's request.

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