

[Updates](#)

December 14, 2023

FERC Meeting Agenda Summaries for December 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 December 19th, 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 |
|-----------------------|-------------------|--|
| ADMINISTRATIVE | | |
| A-1 | AD24-1-000 | Agency Administrative Matters |
| A-2 | AD24-2-000 | Customer Matters, Reliability, Security, and Market Operations |
| A-3 | AD24-5-000 | FERC-NERC-Regional Entity Joint Blackstart Availability Study in Texas |
| ELECTRIC | | |

| Item No. | Docket No. | Company |
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| Federal Power Act Section 203 Blanket Authorizations for Investment Companies. | | |
| E-1 | AD24-6-000 | <p>Under Section 203 of the Federal Power Act, FERC is responsible for determining whether certain mergers and other corporate transactions (e.g., disposition of assets) are consistent with the public interest. FERC regulations implementing Section 203 allow the Federal Energy Regulatory Commission (Commission) to grant "blanket authorizations" for specified categories of transactions where in the public interest. Agenda item E-1 may be an order regarding such blanket authorizations for investment companies.</p> |
| | ER23-2657-001 | Emera Energy LNG, LLC; Emera Energy Services Subsidiary [Nos. 11–13, 15] LLC. |
| | ER23-2658-001 | |
| E-2 | ER23-2659-001 | <p>In August 2023, Emera Energy LNG, LLC (and the docketed subsidiaries) (collectively, Emera entities) filed revised market-based rate tariffs with FERC to request removal of restrictions on the sales of electric capacity, energy, and ancillary services at market-based rates in any balancing area authority (BAA) directly connected to the Tampa Electric Company (Tampa Electric) BAA. Agenda item E-2 may be an order on the requested tariff revisions.</p> |
| | ER23-2660-001 | |
| | ER23-2661-001 | |
| <p><i>Public Utilities Commission of the State of California v. Sellers of Long-Term Contracts to the California Department of Water Resources; California Electricity Oversight Board v. Sellers of Long-Term Contracts to the California Department of Water Resources.</i></p> | | |
| | EL02-60-007 | <p>Agenda item E-3 is the latest in a long-running action (originally initiated in 2002; now consolidated) relating to long-term contracts between the California Department of Water Resources (DWR) and Shell Energy North America (Shell)/Iberdrola Renewables, LLC (Iberdrola) during the Western Energy Crisis. At a high level, the state of California (through the California Public Utilities Commission [CPUC] and the now defunct California Electricity Oversight Board) filed suit to abrogate or reform the Shell and Iberdrola contracts, arguing that the rates are unjust and unreasonable. For more information on the lengthy procedural history in this matter, <i>see</i> FERC's 2021 Remand Order (175 FERC ¶ 61,233).</p> <p>Most recently, on September 1, 2023, the current California parties (i.e., California Attorney General, CPUC, Pacific Gas and Electric, and Southern California Edison) filed a renewed motion for disposition of exceptions, requesting that FERC rule on remaining issues in this matter by December 1, 2023. E-3 may be a ruling on this motion and/or resolution of the two pending initial decisions in this matter.</p> |
| | EL02-60-013 | |
| E-3 | EL02-62-006 | |
| | EL02-62-012 | |
| | (Consolidated) | |

| Item No. | Docket No. | Company |
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| | ER09-1256-000 | |
| | ER09-1256-003 | |
| | ER09-1256-005 | Potomac-Appalachian Transmission Highline, LLC and PJM Interconnection, L.L.C. |
| E-4 | ER09-1256-007 (no 007 ends with 006) | Agenda item E-4 relates to development of the Potomac-Appalachian Transmission Highline (PATH) project in accordance with the PJM Interconnection, L.L.C. (PJM) Regional Transmission Expansion Plan of 2007. In 2012, prior to the start of construction, PJM directed cancellation of the project, which led to several related FERC proceedings and orders. On November 17, 2023, the companies involved in the PATH project filed an offer of settlement to resolve all issues in the remaining dockets, including cancellation of the formula transmission rate and process for final wind-down of the entities involved. Agenda item E-4 may be an order regarding the offer of settlement. |
| | ER12-2708-000 | |
| | ER12-2708-007 | |
| | ER12-2708-009 (no 009) | |
| | ER12-2708-010 | |
| | | Southwest Power Pool, Inc. |
| E-5 | ER22-2339-001 | On July 28, 2023, Southwest Power Pool, Inc. (SPP) filed a compliance filing revising its Open Access Transmission Tariff (OATT) in compliance with Order No. 881, which required transmission providers to incorporate the <i>pro forma</i> OATT Attachment M. Agenda item E-5 may be an order on SPP's filing. |
| | | Greenbacker Renewable Energy Company LLC, Greenbacker Renewable Energy Company II, LLC |
| E-6 | EL24-4-000 | On September 19, 2023, Greenbacker Renewable Energy Company LLC (Greenbacker) submitted a petition for declaratory order requesting an exemption from certain requirements of the Commission's regulations implementing the Public Utility Holding Company Act of 2005 (PUHCA). Agenda item E-6 may be an order on Greenbacker's filing. |

| Item No. | Docket No. | Company |
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| | | <p>PJM Interconnection, L.L.C.</p> <p>Docket No. ER24-163-000 relates to a filing by Exelon Corporation (Exelon), on behalf of three of its affiliates, Baltimore Gas and Electric Company (BGE), PECO Energy Company (PECO), and Potomac Electric Power Company (Pepco), on October 20, 2023, that requested authorization to recover 100% of prudently incurred costs associated with investment in certain transmission projects referred to as the "Brandon Shores Project" if the Brandon Shores Project is abandoned or cancelled, in whole or in part, for reasons beyond the control of BGE, PECO, or Pepco. Agenda item E-7 may be an order on Exelon's filing.</p> |
| E-7 | ER24-163-000 | |
| | | <p>Tri-State Generation and Transmission Association, Inc.; Wheat Belt Public Power District; La Plata Electric Association, Inc.; Northwest Rural Public Power District; San Isabel Electric Association, Inc.; San Miguel Power Association; Springer Electric Cooperative, Inc.; and United Power Inc. v. Tri-State Generation and Transmission Association, Inc.</p> <p>In consolidated Docket Nos. ER21-2818 and EL22-4, FERC issued an order on October 29, 2021, accepting Tri-State Generation and Transmission Association, Inc.'s (Tri-State) proposed tariff revisions and instituting Section 206 proceedings concerning the justness and reasonableness of Tri-States' proposed modified Contract Termination Payment (CTP) Methodology.</p> |
| | ER21-2818-000 EL22-4-000 (Consolidated) | |
| E-8 | EL21-75-000 EL21-53-000 (Unconsolidated) | <p>In Docket No. 21-75, FERC issued an order on June 17, 2021, instituting Section 206 proceedings concerning the justness and reasonableness of Tri-States' OATT, Bylaws, and Rate Schedules.</p> <p>In Docket No. 21-53, Wheat Belt Public Power District et al. filed a complaint on February 26, 2021, alleging Tri-State's refusal to implement the CTP Methodology approved in 171 FERC ¶ 61,207 (2020) (Rate Schedule No. 281) and requesting that FERC order Tri-State to calculate each of the joint complainants' contract termination payments under Rate Schedule No. 281. The complaint also asked the Commission to initiate a Section 206 investigation of the CTP Methodology.</p> <p>Agenda item E-8 may be FERC's order on these Section 206 proceedings.</p> |
| | | <p>Southwest Power Pool, Inc.</p> <p>Agenda item E-9 appears to relate to Docket No. ER23-2183-000. On June 20, 2023, SPP filed a proposed amendment to Section 3.1 of Attachment B of its Western Energy Imbalance Service Tariff under Section 205 of the FPA to modify the language related to the residual supply index and to ensure that the resources of affiliated market participants are evaluated together. SPP requested a decision from the Commission by September 18, 2023. Agenda item E-9 may be an order on SPP's filing.</p> |
| E-9 | ER22-2183-000 | |

| Item No. | Docket No. | Company |
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| | Southwest Power Pool, Inc. | <p>On August 14, 2023, Sunflower Electric Power Corporation, Basin Electric Power Cooperative, Midwest Energy, Inc., and Kansas Electric Power Cooperative, Inc. (collectively, the Parties) jointly filed a request for rehearing of the Commission's July 13, 2023, order setting aside its prior order dated October 28, 2022, that had addressed a process for regional allocation of certain costs in connection with transmission projects between 100 kV and 300 kV. On September 14, 2023, the Parties request for rehearing was denied by operation of law. Subsequently, Sunflower Electric Power Corporation and Midwest Energy, Inc. filed petitions for judicial review with the Court of Appeals for the D.C. Circuit. Agenda item E-10 may be an order on the Parties' request for rehearing.</p> |
| E-10 | ER22-1846-004 | Solar Energy Industries Association v. Midcontinent Independent System Operator, Inc. |
| | Midcontinent Independent System Operator, Inc. | <p>On January 31, 2023, in Docket No. EL23-28-0001, the Solar Energy Industries Association (SEIA) filed a complaint alleging that Midcontinent Independent System Operator, Inc.'s (MISO) Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff) is unjust, unreasonable, and unduly discriminatory or preferential because it prohibits wind, solar, and battery hybrid resources from providing the ancillary services that they are technically capable of providing. SEIA also requested that the Commission order MISO to reform its current ancillary service Tariff provisions to allow wind, solar, and battery hybrid resources to participate in all of MISO's ancillary services markets in which they are technically capable of participating. On August 31, 2023, the Commission denied SEIA's complaint. Subsequently, on October 2, 2023, SEIA filed a request for rehearing of the ommission's order denying SEIA's January 2023 complaint. SEIA's request for rehearing was denied by operation of law.</p> |
| E-11 | EL23-28-001 | <p>On October 2, 2023, in Docket No. ER23-1195-001, a coalition of clean energy associations filed a request for rehearing of the Commission's August 31, 2023, order accepting MISO's proposed revisions to its Open Access Transmission, Energy, and Operating Reserve Markets Tariff to make dispatchable intermittent resources (DIR) ineligible to provide the up ramp capability and down ramp capability products and to change the down ramp demand curve from \$5/MWh to \$0/MWh. The clean energy associations' request for rehearing was denied by operation of law. Agenda item E-11 may be an order on these requests for rehearing.</p> |
| | ER23-1195-002 | |

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

Company

Summit Ridge Energy, LLC and Osaka Gas USA Corporation.

E-12 [EL23-106-000](#) On September 20, 2023, Summit Ridge Energy, LLC (SRE) and Osaka Gas USA Corporation (Osaka) filed a petition for declaratory order under PUHCA granting them and their current and future parent holding companies and subsidiaries each an individual exemption from the requirements of 18 C.F.R. § 366.2 for Commission access to books and from the accounting, recordkeeping, and annual reporting requirements of 18 C.F.R. §§ 366.21, 366.22, and 366.23. SRE and Osaka requested that the Commission issue a declaratory order on the petition by November 27, 2023, and provide declaratory relief effective August 21, 2023, or the earliest possible date thereafter. Agenda item E-12 may be an order on this petition.

PJM Interconnection L.L.C.

[ER22-2931-000](#) On September 26, 2022, PJM filed an unexecuted Interconnection Service Agreement (ISA) among PJM, New Market Solar, LLC (New Market), and Delmarva Power & Light Company related to the interconnection of a 50 MW solar facility. The ISA was filed unexecuted due to New Market's concerns over the AC1-190 Facilities Study Report issued in May 2022, including its allocation of network upgrades. SunEnergy1, which owns New Market, filed a protest. Agenda item E-13 may be an order on the unexecuted ISA and initiating new proceedings in EL24-26.

E-13 EL24-26-000
(no docket)

Energy Harbor LLC v. PJM Interconnection, L.L.C.

E-14 [EL23-63-000](#) On April 27, 2023, Energy Harbor LLC (Energy Harbor) filed a complaint against PJM regarding PJM's calculation of nonperformance charges (NPCs) against Energy Harbor in connection with Winter Storm Elliott. Energy Harbor alleged that PJM improperly assessed NPCs for capacity that was unavailable due to a PJM-approved maintenance outage at Energy Harbor's Sammis facility. On June 5, 2023, the Commission set this complaint for settlement procedures along with multiple other complaints related to imposition of NPCs during Winter Storm Elliott that are the subject of agenda items E-15 and E-16 below. On September 29, 2023, PJM filed an offer of settlement in connection with all of the Winter Storm Elliott complaints. The offer of settlement requested that the Commission decide the merits of the Energy Harbor complaint on the basis of the record in this docket. Agenda item E-14 may be an order regarding Energy Harbor's complaint.

| Item No. | Docket No. | Company |
|-----------------|-------------------------------|--|
| | ER23-2975-000 | |
| | EL23-53-000 | |
| | EL23-53-002 | |
| | EL23-54-000 | |
| | EL23-54-002 | PJM Interconnection L.L.C. |
| | EL23-55-000 | Essential Power OPP, LLC; Essential Power Rock Springs, LLC; and Lakewood Cogeneration, L.P. v. PJM Interconnection, L.L.C. |
| | EL23-55-002 | Aurora Generation, LLC; LSP University Park, LLC; Rockford Power, LLC; |
| | EL23-56-000 | Rockford Power II, LLC; University Park Energy, LLC; Elwood Energy LLC; |
| | EL23-56-002 | Jackson Generation, LLC; Lee County Generating Station, LLC; and Lincoln Generating Facility, LLC v. PJM Interconnection. L.L.C. |
| | EL23-57-000 | Coalition of PJM Capacity Resources v. PJM Interconnection, L.L.C. |
| | EL23-57-001 | Talen Energy Marketing LLC v. PJM Interconnection, L.L.C. |
| | EL23-57-004 | Lee County Generating Station, LLC v. PJM Interconnection, L.L.C. |
| | EL23-57-006 | SunEnergy 1, LLC v. PJM Interconnection, L.L.C. |
| | EL23-58-000 | Lincoln Generating Facility, LLC v. PJM Interconnection |
| | EL23-58-002 | Parkway Generation Keys Energy Center LLC v. PJM Interconnection, L.L.C. |
| | EL23-59-000 | Old Dominion Electric Cooperative v. PJM Interconnection, L.L.C. |
| E-15 | EL23-59-002 | Energy Harbor LLC v. PJM Interconnection, L.L.C. |
| | EL23-60-000 | Calpine Corporation v. PJM Interconnection, L.L.C. |
| | EL23-60-002 | Invenergy Nelson LLC v. PJM Interconnection, L.L.C. |
| | EL23-61-000 | East Kentucky Power Cooperative, Inc. v. PJM Interconnection, L.L.C. |
| | EL23-61-002 | CPV Maryland, LLC and Competitive Power Ventures Holding, LP v. PJM Interconnection, L.L.C. |
| | EL23-63-000 | Parkway Generation Operating LLC and Parkway Generation Sewaren Urban |
| | EL23-63-002 | Renewal Entity LLC v. PJM Interconnection, L.L.C. |
| | EL23-66-000 | Between March 31 and June 16, 2023, 15 complaints were filed against PJM seeking relief from nearly \$1.8 billion in NPCs that PJM imposed in connection with capacity resource performance during Winter Storm Elliott. On September 29, 2023, PJM filed an offer of settlement in connection with all of the Winter Storm Elliott complaints. |
| | EL23-66-002 | Among other things, the offer of settlement would reduce total assessed NPCs by 31.7% and resolve all issues in the complaints except for the issues raised in the Energy Harbor complaint (subject of agenda item E-14 above) and certain relief requested by East Kentucky Power Cooperative. Inc. beginning in the 2023/2024 delivery year. The |
| | EL23-67-000 | |
| | EL23-67-002 | |

| Item No. | Docket No. | Company |
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| | EL23-53-000 | |
| | EL23-53-003 | |
| | EL23-54-000 | |
| | EL23-54-003 | |
| | EL23-55-000 | |
| | EL23-55-003 | Essential Power OPP, LLC; Essential Power Rock Springs, LLC; and Lakewood Cogeneration, L.P. v. PJM Interconnection, L.L.C. |
| | EL23-56-000 | |
| | EL23-56-003 | Aurora Generation, LLC; LSP University Park, LLC; Rockford Power, LLC; Rockford Power II, LLC; University Park Energy, LLC; Elwood Energy LLC, Jackson Generation, LLC, Lee County Generating Station, LLC, and Lincoln Generating Facility, LLC v. PJM Interconnection, L.L.C. |
| | EL23-57-000 | |
| | EL23-57-005 | Coalition of PJM Capacity Resources v. PJM Interconnection, L.L.C. |
| | EL23-58-000 | |
| | EL23-58-003 | Talen Energy Marketing, LLC v. PJM Interconnection, L.L.C. |
| | EL23-59-000 | |
| | EL23-59-003 | Lee County Generating Station, LLC v. PJM Interconnection, L.L.C. |
| | EL23-60-000 | SunEnergy1, LLC v. PJM Interconnection, L.L.C. |
| | EL23-60-003 | Lincoln Generating Facility, LLC v. PJM Interconnection, L.L.C. |
| | EL23-61-000 | Parkway Generation Keys Energy Center LLC v. PJM Interconnection, L.L.C. |
| E-16 | EL23-61-003 | Old Dominion Electric Cooperative v. PJM Interconnection, L.L.C. |
| | EL23-62-000 | Energy Harbor LLC v. PJM Interconnection, L.L.C. |
| | EL23-62-003 | Calpine Corporation v. PJM Interconnection, L.L.C. |
| | EL23-63-000 | Invenergy Nelson LLC v. PJM Interconnection, L.L.C. |
| | EL23-63-003 | East Kentucky Power Cooperative, Inc. v. PJM Interconnection, L.L.C. |
| | EL23-66-000 | CPV Maryland, LLC and Competitive Power Ventures Holdings, LP v. PJM Interconnection, L.L.C. |
| | EL23-66-003 | |
| | EL23-67-000 | Parkway Generation Operating LLC and Parkway Generation Sewaren Urban Renewal Entity LLC v. PJM Interconnection, L.L.C. |
| | EL23-67-003 | |
| | EL23-74-000 | On October 25, 2023, multiple parties to the settlement proceedings described in regard to agenda item E-15 above filed a request for rehearing of the Commission's decision to grant the late-filed motions to intervene filed by Chief Conemaugh Power, LLC and Chief Keystone Power, LLC in the captioned proceedings. Agenda item E-16 may be an order on their rehearing request. |
| | EL23-74-003 | |
| | EL23-75-000 | |

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

Company

BP Pipelines (Alaska) Inc., ConocoPhillips Transportation Alaska, Inc., and ExxonMobil Pipeline Company

G-1 [OR14-6-003](#)

In 2020, the Commission voluntarily remanded and set for hearing certain issues related to the Trans Alaska Pipeline System (TAPS) Quality Bank that compensates shippers for discrepancies between the value of the crude oil they inject into the commingled common stream and the value of the crude oil they receive at the end of the TAPS pipeline. A hearing was held, and on May 16, 2022, the presiding administrative law judge issued an initial decision on all the issues set for hearing. Parties filed briefs on and opposing exceptions to the initial decision. Agenda item G-1 may be an order on the initial decision.

HYDRO

HGE Energy Storage 3 LLC

H-1 [P-15287-000](#)

On September 27, 2022, HGE Energy Storage 3 LLC (HE Energy Storage 3, LLC) filed a preliminary permit application for its proposed project Fort Ross Pumped Storage Project (P-15287). Agenda Item H-1 may be an order on HE Energy Storage 3, LLC's application.

PacifiCorp.

H-2 [P-2082-071](#)

On July 5, PacifiCorp filed an application for noncapacity amendment of its license for its Klamath Hydroelectric Project (FERC Project No. 2082). Following the FERC-approved license surrender of the Lower Klamath Project No. 14803 in November 2022, an additional procedural step in implementing the Klamath Hydroelectric Settlement Agreement is for PacifiCorp to convey Keno Dam and associated lands and infrastructure, which are part of the Klamath Hydroelectric Project, to the U.S. Department of the Interior (DOI). PacifiCorp's application seeks to remove the Keno facilities from the Klamath Hydroelectric Project license. Agenda Item H-2 may be an order on PacifiCorp's application.

CERTIFICATES

| Item No. | Docket No. | Company |
|--|-----------------------------|---|
| ANR Pipeline Company | | |
| C-1 | CP23-15-000 | On November 14, 2022, ANR Pipeline Company (ANR) filed an abbreviated application for a certificate of public convenience and necessity for its Wisconsin Reliability Project that would upgrade existing pipeline and compression facilities in Illinois. On July 21, 2023, FERC staff issued an environmental assessment for the Wisconsin Reliability Project. Agenda Item C-1 may be an order on ANR's application. |
| Mountain Valley Pipeline, LLC. | | |
| C-2 | CP16-10-012 | On September 12, 2023, Mountain Valley Pipeline, LLC (Mountain Valley) submitted an abbreviated application for a limited amendment to its Certificate of Public Convenience of Necessity for the Mountain Valley Pipeline Project, which FERC had approved in October 2017. Specifically, Mountain Valley requested that FERC issue an order on an expedited basis, by October 27, 2023, authorizing revised initial transportation rates for the project. Agenda Item C-2 may be an order on Mountain Valley's abbreviated application. |
| Mountain Valley Pipeline, LLC. | | |
| C-3 | CP19-14-002 | On June 15, 2023, Mountain Valley requested that FERC grant an extension of time until June 18, 2026, to complete construction of the MVP Southgate Project and place project facilities into service, as authorized in a June 2020 Order Issuing Certificate under Section 7 of the Natural Gas Act (NGA). Agenda Item C-3 may be an order on Mountain Valley's request for extension. |
| Port Arthur LNG Phase II, LLC and PALNG Common Facilities Company, LLC. | | |
| C-4 | CP20-55-001 | On October 23, 2023, Port Arthur and PALNG Common Facilities Company, LLC (the Companies) moved for clarification of, or, in the alternative, request for limited rehearing of, FERC's September 21, 2023, order authorizing the Companies to construct and operate two additional liquefaction trains and associated facilities at the Port Arthur LNG terminal located in Jefferson County, Texas. The Companies sought clarification regarding the requirements of two environmental conditions set forth in the order. On November 24, 2023, FERC issued a notice of denial of rehearing by operation of law. Agenda Item C-4 may be an order on the companies' request for clarification or limited rehearing of the September 2023 order. |

| Item No. | Docket No. | Company |
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Georgia-Pacific Consumer Operations LLC.

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| C-5 | CP22-16-000 | On November 15, 2021, Georgia-Pacific Consumer Operations LLC (Georgia-Pacific) submitted an abbreviated application to abandon in place its Crossett interstate pipeline consisting of approximately 19.5 miles of natural gas pipelines located in Arkansas and Louisiana and to remove certain aboveground metering facilities. Agenda Item C-5 may be an order on Georgia-Pacific's application. |
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