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February 13, 2024

FERC Meeting Agenda Summaries for February 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 February 15th, 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

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| A-1 | AD24-1-000 | Agency Administrative Matters |
| A-2 | AD24-2-000 | Customer Matters, Reliability, Security and Market Operations |
| A-3 | AD22-11-000 | OPP Fundamentals for Participating in FERC Matters |

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

Company

Office of Public Participation

[AD21-9-000](#) In 2021, the Federal Energy Regulatory Commission (FERC or Commission) established an Office of Public Participation (OPP) to empower, promote, and support public engagement in FERC proceedings (*see* AD2, 1-9-000). Most recently, in docket A22-11-000, OPP published a recorded workshop on "Fundamentals of Intervention in FERC Matters," which addresses the process for intervention in infrastructure and electric rates proceedings. Agenda item A-3 may be an update on OPP's upcoming workshops or other engagement efforts.

ELECTRIC

E-1 [RD24-1-000](#) **North American Electric Reliability Corporation.** In October 2023, the North American Electric Reliability Corporation (NERC) submitted two revised reliability standards with new and enhanced requirements for cold weather operations and preparedness: (1) EOP-011-4 (Emergency Operations) and (2) TOP-002-5 (Operations Planning). The proposed standards represent the end of a process to address recommendations from the "FERC, NERC, and the Regional Entity Staff Report" on the causes of the February 2021 cold weather event in Texas and the south central United States. The proposed standards build upon the first and second iterations of such standards (in 2021 and 2022), aiming to further reduce the risks posed by extreme cold weather to the reliability of the bulk power system. Agenda item E-1 may be an order on the proposed standards.

E-2 [ER18-1639-026](#) **Constellation Mystic Power, LLC.** In 2018, Constellation Mystic Power, LLC (Mystic) submitted to FERC for approval an agreement among Mystic, Exelon Generation Company, LLC, and ISO New England Inc., which provides cost-of-service compensation to Mystic for continued operation of two natural gas-fired generating units. In 2022, the U.S. District Court for the District of Columbia granted review of the series of FERC orders involving the agreement, ultimately culminating in an order on remand from FERC in March 2023. In response to the remand order, Mystic sought rehearing of FERC's determinations regarding the scope of the true-up process, which resulted in a subsequent order from FERC on October 6, 2023. In November 2023, the Eastern New England Consumer-Owned Systems (ENECOS) submitted an additional request for rehearing of the October 6, 2023, order arguing, in part, that FERC's treatment of the annual true-up process departs from the March 2023 remand order without explanation. On February 5, 2024, ENECOS filed a petition for review in the D.C. Circuit. Agenda item E-2 may be an order on the request for rehearing.

E-3 [ER24-646-000](#) **Wisconsin Electric Power Company.** In December 2023, Wisconsin Electric Power Company requested a one-time waiver of certain requirements of Section 3.7.1(i) of Attachment X of the Midcontinent Independent System Operator (MISO) Open Access Transmission, Energy, and Operating Reserve Markets Tariff as a result of replacing its existing coal-fired generating units at its Oak Creek Power Plant with new natural gas-fired combustion turbine generating units. Agenda item E-3 may be an order on this waiver request.

Item No.	Docket No.	Company
E-4	ER24-494-000	<p>California Independent System Operator Corporation. In November 2023, California Independent System Operator Corporation (CAISO) sought Commission approval under FERC Rule 207 and section 37.9.4 of the CAISO tariff, to distribute a \$16,500 penalty assessed in 2020 against Tenaska Power Services Co. in its role as scheduling coordinator for Blue Lake Power, LLC for a violation of CAISO tariff section 37.6.1. Agenda item E-4 may be an order on CAISO's request.</p>
E-5	TX23-5-000	<p>THSI bn, LLC. In June 2023, THSI bn, LLC (THSI) applied for a Commission order requiring Arizona Electric Power Cooperative (AEPSCO) to provide interconnection service to THSI's proposed Three Sisters Solar Project, a solar generation and battery storage project THSI is developing in Cochise, Arizona. FPA Section 210 permits the Commission to order interconnection upon application of an electric utility if it is in the public interest. FERC issued a Proposed Order directing AEPSCO to interconnect the Three Sisters Solar Project in October 2023 and stating that if the parties are able to agree to an interconnection agreement, the Commission will issue a final order reflecting the agreed-upon terms and conditions in that agreement if the Commission finds them acceptable. In December 2023, THSI filed a proposed Large Generator Interconnection Agreement and three other agreements related to the interconnection. Agenda item E-5 may be an order on THSI's application.</p>
	ER18-1182-000	<i>System Energy Resources, Inc.</i>
	EL17-41-000	<i>Arkansas Public Service Commission and Mississippi Public Service Commission v. System Energy Resources, Inc.</i>
	EL18-142-000	<i>Louisiana Public Service Commission v. System Energy Resources, Inc. and Entergy Services, Inc.</i>
E-6	EL18-204-000	<i>Louisiana Public Service Commission v. System Energy Resources, Inc. and Entergy Services, Inc.</i>
	(consolidated)	
	EL18-152-000	<i>Louisiana Public Service Commission,</i>
		<i>Arkansas Public Service Commission,</i>
	EL20-72-000	

Item No.	Docket No.	Company
	<u>ER21-117-000</u>	
	<u>ER21-129-000</u>	
	<u>EL21-24-000</u>	<i>Council of the City of New Orleans, Louisiana, and Mississippi Public Service Commission v. System Energy Resources, Inc. and Entergy Services, LLC, System Energy Resources, Inc.</i>
	<u>ER21-748-000</u>	<i>Louisiana Public Service Commission, Arkansas Public Service Commission, and Council of the City of New Orleans, Louisiana v. System Energy Resources, Inc., Entergy Services, LLC, and Entergy Operations, Inc. System Energy Resources, Inc.</i>
	<u>EL21-46-000</u>	<i>Louisiana Public Service Commission, Arkansas Public Service Commission, and Council of the City of New Orleans, Louisiana v. System Energy Resources, Inc. Entergy Services, LLC, and Entergy Operations, Inc.</i>
	(consolidated) <u>EL21-56-000</u>	<i>Louisiana Public Service Commission, Arkansas Public Service Commission, and Council of the City of New Orleans, Louisiana v. System Energy Resources, Inc. Entergy Services, LLC, and Entergy Operations, Inc.</i>
	<u>ER22-958-000</u>	The listed dockets primarily concern the interpretation and implementation of a unit power sales agreement and System Energy Resources, Inc.'s (SERI) FERC-jurisdictional cost-based formula rate. On June 23, 2022, Entergy Services, LLC—as an agent for SERI—filed a partial settlement agreement and offer of settlement. On December 7, 2023, SERI, on its own behalf and that of the Arkansas Public Service Commission, filed a motion requesting that FERC grant procedural relief to facilitate the disposition of a partial settlement agreement filed on November 17, 2023. The Council of the City of New Orleans and the Louisiana Public Service Commission filed comments in non-opposition to the partial settlement agreement. Agenda item E-6 may be an order on SERI's motion for procedural relief and/or an order on the partial settlement agreement.
	<u>ER23-435-000</u>	
	<u>ER23-816-000</u>	
	<u>ER23-1022-000</u>	
	<u>ER23-1164-000</u>	
	<u>EL24-5-000</u>	

California Independent System Operator

E-7	<u>ER24-355-000</u>	Corporation. On November 2, 2023, CAISO filed a petition under Commission Rule 207 for approval of its plan for the disposition of penalty assessment proceeds collected for violations of the CAISO's Rules of Conduct for the calendar year 2022. CAISO also sought approval of how it intends to distribute nonrefundable study deposits for projects interconnecting to Southern California Edison's distribution system for the calendar year 2022. Agenda item E-7 may be an order on this petition.
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Item No.	Docket No.	Company
E-8	EL23-101-000	<p>Mid-Atlantic Offshore Development, LLC. On September 21, 2023, Mid-Atlantic Offshore Development, LLC (MAOD) requested authorization for certain incentive rate treatments for MAOD's substation and related facilities comprising a portion of the Larrabee Tri-Collector Solution transmission project. In relevant part, this is predominantly a combined MAOD-owned and Jersey Central Power & Light Company-owned onshore transmission delivery solution selected by the New Jersey Board of Public Utilities to interconnect New Jersey offshore wind projects to onshore points of interconnection. MAOD requested expedited consideration of its request. Agenda item E-8 may be an order on this request.</p>

MISCELLANEOUS

Enforcement of Statutes, Orders, Rules, and Regulations

M-1	PL24-2-000	<p>Agenda item M-1 appears to be a new policy proceeding related to enforcement of statutes, orders, rules, and regulations.</p>
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HYDRO

Neptune Pumped Storage 1, LLC

H-1	P-15310-000	<p>On May 8, 2023, Rye Development, LLC (Rye), on behalf of Neptune Pumped Storage 1, LLC (Applicant), submitted an application for preliminary permit for the Elephant Rock Pumped Storage Project to be located near the Sixes River and the City of Port Orford in Curry County, Oregon. The project will involve the construction of new water storage, water conveyance, and generation facilities, as well as primary transmission lines. Agenda item H-1 may be an order on this application.</p>
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Neptune Pumped Storage 2, LLC

H-2	P-15311-000	<p>On May 8, 2023, Rye, on behalf of Neptune Pumped Storage 2, LLC (Applicant), submitted an application for preliminary permit for the Soldier Camp Pumped Storage Project to be located near the Lobster Creek and the City of Gold Beach in Curry County, Oregon. The project will involve the construction of new water storage, water conveyance, and generation facilities, as well as primary transmission lines. Agenda item H-2 may be an order on this application.</p>
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Item No.	Docket No.	Company
	P-15233-000	Nature and People First Arizona PHS, LLC
H-3	P-15234-000 P-15235-000	On October 4, 2021, Nature and People First Arizona PHS, LLC (NPFA) filed applications for preliminary permit for three proposed pumped storage projects with a combined generating capacity of 6,000 MW located near Kayenta in Navajo County, Arizona. Agenda item H-3 may be an order on these applications.
		Nature and People First New Mexico PHS, LLC
H-4	P-15293-001	On December 9, 2022, Nature and People First New Mexico PHS, LLC (NPFNM) filed a preliminary permit application for its proposed Chuska Mountain Pumped Storage Project (FERC Project No. 15293), a 9,000 MW pumped storage hydroelectric facility located in San Juan and McKinley counties, New Mexico. FERC identified deficiencies associated with NPFNM's application on April 20, 2023, rejected NPFNM's application on June 29, 2023, and stated that NPFNM could resubmit its application if the deficiencies were corrected. NPFNM resubmitted its application on July 12, 2023. Agenda item H-4 may be an order on NPFNM's application.
		Nature and People First Arizona PHS, LLC
H-5	P-15309-000	On May 2, 2023, NPFA filed a preliminary permit application for its proposed Chuska Mountain North Pumped Storage Project (FERC Project No. 15309), a 3,000 MW pumped storage hydroelectric facility located in Apache County, Arizona. Agenda item H-5 may be an order on NPFA's application.
		Western Navajo Pumped Storage 1, LLC
		Western Navajo Pumped Storage 2, LLC
H-6	P-15314-000 P-15315-000	On June 12, 2023, Rye, on behalf of Western Navajo Pumped Storage 1, LLC and Western Navajo Pumped Storage 2, LLC, submitted two preliminary permit applications for their proposed Western Navajo Pumped Storage Projects Nos. 1 and 2 (FERC Project Nos. 15314 and 15315) in Coconino County, Arizona. The projects will involve the construction of new water storage, water conveyance, and generation facilities, as well as primary transmission lines. Agenda item H-6 may be orders on Western Navajo Pumped Storage 1, LLC's and Western Navajo Pumped Storage 2, LLC's applications.

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

Company

Pacific Gas and Electric Company

Nevada Irrigation District

On September 28, 2023, Nevada Irrigation District (NID) filed a request for rehearing of FERC's September 5, 2023, order (*Pac. Gas & Elec. Co.*, 184 FERC ¶ 61138) denying Pacific Gas and Electric Company's (PG&E) petition for a declaratory order that the California State Water Resources Control Board (State Board) waived its authority under Section 401(a)(1) of the Clean Water Act (CWA) to issue a water quality certification for the proposed relicensing of PG&E's Drum-Spaulding Project (FERC Project Nos. 2310, 14530 and 14531).

[P-2310-259](#)

H-7 [P-14531-003](#)

[P-14530-004](#)

[P-2266-128](#)

NID attached to its request for rehearing its September 27, 2023, supplemental petition for a declaratory order that the State Board waived its authority to issue a water quality certification with respect to NID's pending application for a new license on its Yuba-Bear Hydroelectric Project (FERC Project No. 2266), which is interconnected with the Drum-Spaulding Project. NID argues in its request for rehearing that the supplemental petition presents evidence not previously considered by the Commission or the U.S. Court of Appeals for the Ninth Circuit (*Cal. State Water Res. Control Bd. v. FERC*, 43 F.4th 920 (2022)), establishing that the State Board actively coordinated with hydroelectric applicants to avoid having to act within the one-year deadline on PG&E's water quality certification request.

The request for rehearing was denied by operation of law. Agenda item H-7 may be an order on NID's petition for a request for rehearing and/or an order modifying or setting aside its September 5, 2023, order.

CERTIFICATES

**Item
No. Docket No.**

Company

Tennessee Gas Pipeline Company, L.L.C.

C-1 CP19-7-002

Docket CP19-7 refers to Tennessee Gas Pipeline Company, L.L.C.'s (Tennessee) October 2018 application for a certificate of public convenience and necessity to construct, install, modify, operate, and maintain certain pipeline and compression facilities located in Massachusetts and Connecticut that will increase natural gas capacity on Tennessee's pipeline system by approximately 72,400 dekatherms per day. On December 19, 2019, the Commission issued an order granting Tennessee its requested certificate, to which multiple environmental organizations filed requests for rehearing. The Commission denied rehearing in February 2020, and in April 2020, the environmental organizations challenged the Commission's order before the D.C. Circuit. Construction proceeded while the court case progressed. On March 11, 2022, the D.C. Circuit remanded the Commission's orders in the proceeding. On September 27, 2023, Commissioner James Danly requested additional information on the utilization of Tennessee's facilities as potentially relevant to the Commission's decision making on remand. Agenda item C-1 may be an order from the Commission on remand.

Driftwood LNG LLC and Driftwood Pipeline LLC

C-2 [CP17-117-001](#)
[CP17-118-001](#)

On April 18, 2019, the Commission issued an order in dockets CP17-117-000 and CP17-118-000 authorizing Driftwood LNG LLC (Driftwood LNG) to site, construct, and operate facilities for the liquefaction and export of natural gas in Calcasieu Parish, Louisiana and granting Driftwood Pipeline LLC (Driftwood Pipeline) a certificate of public convenience and necessity to construct and operate a new 48-inch interstate natural gas pipeline system in Evangeline, Acadia, Jefferson Davis, and Calcasieu parishes, Louisiana. In October 2023, both Driftwood LNG and Driftwood Pipeline requested extensions of an additional 36 months beyond the originally authorized in-service date to complete construction and place each of the approved projects in service. The requests for extension of time were protested. Agenda item C-2 may be an order from the Commission related to the Driftwood LNG and Driftwood Pipeline requests.

Saguaro Connector Pipeline, LLC

C-3 [CP23-29-000](#)

On December 20, 2022, Saguaro Connector Pipeline, LLC (Saguaro) requested Commission authorization and a Presidential Permit to site, construct, connect, operate, and maintain certain natural gas pipeline facilities for the export of natural gas at a point on the International Boundary between the United States and Mexico, in the vicinity of Sierra Blanca in Hudspeth County, Texas. Agenda item C-3 may be an order from the Commission related to Saguaro's request.

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