

[Updates](#)

May 23, 2024

FERC Meeting Agenda Summaries for May 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 May 23rd, at 11:00 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	AD06-3-000	Market Update
ELECTRIC		

Item No.	Docket No.	Company
North American Electric Reliability Corporation		
E-1	RD24-3-000	On January 31, 2024, the North American Electric Reliability Corporation (NERC) submitted for FERC approval a proposed reliability standard governing cybersecurity and communications between control centers. The proposed reliability standard advances the reliability of the bulk-power system by requiring responsible entities to implement protections regarding the availability of communications links and sensitive bulk electric system (BES) data communicated between BES control centers. Agenda item E-1 may be an order on NERC's proposed reliability standard.
North American Electric Reliability Corporation		
E-2	RD23-1-002	On February 16, 2024, NERC submitted a compliance filing regarding its electric reliability organization (ERO) enterprise plan to gather and analyze certain data related to generator owner declared constraints and the performance of freeze protection measures during future extreme cold weather events. Agenda item E-2 may be an order on NERC's compliance filing.
Constellation Mystic Power, LLC		
E-3	ER18-1639-028	On January 4, 2024, Constellation Mystic Power, LLC (Mystic) filed a request for clarification or in the alternative rehearing of FERC's December 5, 2023, order addressing challenges to the second of five annual informational filings that Mystic is required to make under the Mystic Agreement Protocols to support the fixed costs of the Mystic generating units and their fuel supply facility, the Everett LNG terminal. Agenda item E-3 may be an order on Mystic's request for clarification or rehearing.
Ameren Illinois Company		
E-4	ER23-1335-001 ER23-1335-002	On December 15, 2023, Ameren Services Company (Ameren Illinois) filed a request for rehearing and/or clarification of FERC's November 16, 2023, order that granted in part and denied in part formal challenges related to Ameren Illinois' informational filing of its transmission formula rate. On January 16, 2024, Ameren Illinois submitted a filing in compliance with the November 16 Order that was protested by certain customers. Agenda item E-4 may be an order addressing both the request for rehearing and/or clarification, as well as the compliance filing.

Item No.	Docket No.	Company
-----------------	-------------------	----------------

Lackawanna Energy Center LLC v. PJM Interconnection, L.L.C.

E-5	EL24-64-000	<p>On January 25, 2024, Lackawanna Energy Center LLC (Lackawanna) filed a complaint against PJM Interconnection, L.L.C. (PJM) requesting that FERC direct PJM to reimburse Lackawanna the lost opportunity costs Lackawanna incurred as a result of PJM having curtailed Lackawanna's output from May 19, 2023, through June 10, 2023, in connection with a planned outage of the Juniata-Sunbury 500 kV transmission line. Lackawanna also requested that, to the extent the Commission construed PJM's tariff as permitting it to withhold lost opportunity costs from generators that are curtailed to maintain system reliability, FERC find that the Tariff is unjust, unreasonable, and unduly discriminatory. Agenda item E-5 may be an order on Lackawanna's complaint.</p>
-----	-----------------------------	---

Pacific Gas and Electric Company

E-6	ER24-219-001	<p>On January 22, 2024, Pacific Gas and Electric Company (PG&E) filed a request for reconsideration or rehearing of FERC's December 22, 2023, denial of PG&E's request for a limited, prospective waiver of its formula rate model and associated protocols under TO20 (which are used to set its transmission rate) to exclude certain cost inputs to the cost of long-term debt used in PG&E's formula rate for Rate Years 2024 and 2025. Agenda item E-6 may be an order on PG&E's request for rehearing or reconsideration.</p>
-----	------------------------------	---

ISO New England Inc.

E-7	ER22-983-006	<p>On December 4, 2023, Advanced Energy United submitted a request for rehearing of the Commission's order issued November 2, 2023, regarding ISO New England Inc.'s (ISO-NE) third compliance filing related to Order No. 2222. Agenda item E-7 may be an order on the request for rehearing.</p>
-----	------------------------------	--

Item No.	Docket No.	Company
		Tri-State Generation and Transmission Association, Inc.
		<i>Wheat Belt Public Power District and 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.</i>
		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.
	ER21-2818-002	
	EL22-4-002	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' open access transmission tariff (OATT), bylaws, and rate schedules.
E-8	(consolidated)	
	EL21-75-001	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
	EL21-53-001	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.
	(unconsolidated)	
		On September 29, 2022, in consolidated Docket Nos. ER21-2818 and EL22-4, the presiding judge issued an initial decision regarding the CTP Methodology (September 29 Initial Order). On December 19, 2023 (December 19 Order), the Commission issued a final order affirming in part, reversing in part, modifying in part, and clarifying the September 29 Initial Decision in part. On January 18, 2024, Tri-State and several intervenors in the original docket filed requests for rehearing of the December 19 Order. On February 20, 2024, the Commission issued a Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration. Agenda item E-8 may be an order on these matters.
		Southwest Power Pool, Inc.
E-9	ER24-1221-000	On February 9, 2024, Southwest Power Pool (SPP) submitted a compliance filing to revise Section 4 of Attachment AA of SPP's OATT and to provide further information on how SPP uses the Loss of Load Expectation study to determine the Planning Reserve Margin (PRM), along with the additional considerations that factor into this determination and a timeline for implementing any PRM changes in advance of the planning year. Agenda item E-9 may be an order on this filing.

Item No.	Docket No.	Company
		ALLETE, Inc.
E-10	ES23-71-000	<p>On September 25, 2023, ALLETE, Inc., an energy services company that, among other things, distributes electricity to retail and wholesale customers in Minnesota through its public utility arm "Minnesota Power," submitted an application to FERC requesting authority to issue securities under section 204 of the Federal Power Act (FPA). Specifically, ALLETE sought to determine whether Minnesota Power's ownership of limited generation and transmission facilities in North Dakota (<i>i.e.</i>, not within Minnesota Public Service Commission oversight) render the section 204(f) exemption under FPA inapplicable. Agenda item E-10 may be an order on the application.</p>
	EL24-95-000	
	QF16-365-000	
	QF16-366-003	
	QF16-369-004	Allco Finance Limited
E-11	QF16-379-004	<p>On March 27, 2024, Allco Finance Limited (Allco) submitted a petition requesting that FERC initiate an enforcement action against the Connecticut Department of Energy and Environmental Protection (DEEP), alleging that certain state energy programs constitute "improper implementation" of section 210 of the Public Utility Regulatory Policies Act (PURPA). Agenda item E-11 may be an order on Allco's petition.</p>
	QF16-381-003	
	QF16-382-003	
	QF21-661-001	
	QF24-367-001	
	QF24-368-001	
		<i>City and County of San Francisco v. Pacific Gas and Electric Company</i>
E-12	ER24-1572-000	<p>On March 19, 2024, Pacific Gas and Electric Company (PG&E) and the City and County of San Francisco (City) submitted a Joint Offer of Settlement and Settlement Agreement (Settlement) for approval pursuant to Rule 602 of FERC's Rules of Practice and Procedure. The proposed Settlement resolves issues related to the City's challenge to PG&E's Wholesale Distribution Tariff (WDT), in part by allowing the City to obtain distribution service at secondary voltage levels notwithstanding contrary provisions in the WDT that restrict this type of service. The proposed Settlement is uncontested. Agenda item E-12 may be an order on the Settlement.</p>
	EL19-38-002	
	EL19-38-000	
GAS		

Item No.	Docket No.	Company
-----------------	-------------------	----------------

West Texas Gulf Pipe Line Company LLC

Permian Express Partners LLC

[OR19-22-02](#)

G-1 [OR19-32-002](#)
(consolidated)

On October 23, 2023, West Texas Gulf Pipe Line Company LLC (WTG) and Permian Express Partners LLC (PEP) filed a request for rehearing of Opinion No. 583, in which FERC granted WTG and PEP's request for market-based ratemaking authority for crude oil transportation to the Nederland and Anchorage Destination Markets but denied WTG and PEP's request to the Tyler Destination Market. Agenda item G-1 may be a further order on WTG and PEP's request for rehearing.

HYDRO

RM24-5-000

H-1 (not yet available)

Agenda item H-1 may relate to the establishment of a categorical reasonable period of time for action on requests for water quality certification under Section 401(a)(1) of the Clean Water Act and clarifying types of hydroelectric project proceedings that may require water quality certification.

Nevada Irrigation District

H-2 [P-2266-129](#)

On March 8, 2024, the Nevada Irrigation District (NID) filed a request for rehearing of FERC's February 15, 2024, order denying NID's supplemental petition for a declaratory order that the California State Water Resources Control 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 the Yuba-Bear Hydroelectric Project. Agenda item H-2 may be an order on NID's request for rehearing.

CERTIFICATES

Rio Bravo Pipeline Company, LLC

C-1 [CP23-519-000](#)

On July 20, 2023, Rio Bravo Pipeline Company, LLC (Rio Bravo) submitted an application for an amendment to the certificate of public convenience and necessity for the Rio Bravo Pipeline Project, issued on November 22, 2019. Rio Bravo requested authorization to adjust the Project's certificated pipeline route at four discrete locations and to modify the design of the 48-inch and 42-inch mainline pipelines on a majority of the route located in Class 1 areas. Agenda item C-1 may be an order on the application.

Item No.	Docket No.	Company
		Gulf LNG Liquefaction Company, LLC and Gulf LNG Energy, LLC
C-2	<u>CP15-521-001</u>	On February 22, 2024, Gulf LNG Liquefaction Company, LLC (Gulf LNG) requested an extension of time to complete the authorized natural gas liquefaction and export facilities at Gulf LNG's existing liquefied natural gas terminal in Jackson County, Mississippi near Pascagoula, Mississippi. Gulf LNG requested an extension from July 16, 2024, to July 16, 2029. Agenda item C-2 may be an order on this request.
		Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC
C-3	<u>CP24-70-000</u>	On February 22, 2024, Rio Grande LNG, LLC (RGLNG), Rio Grande LNG Train 4, LLC (RGLNG 4), and Rio Grande LNG Train 5, LLC (RGLNG 5) submitted an application for the partial transfer of the existing authorization under Natural Gas Act Section 3 to site, construct, and operate the Rio Grande LNG Terminal; to RGLNG4 for the ownership of Train 4 of the Terminal; and to RGLNG5 for the ownership of Train 5 of the Terminal. Agenda item C-3 may be an order on this application.
		Port Arthur Pipeline, LLC
C-4	<u>CP23-513-000</u>	On July 14, 2023, Port Arthur Pipeline, LLC submitted an abbreviated application for a Certificate of Public Convenience and Necessity to modify the pipeline alignment, construction footprint, and installation methods for the Louisiana Connector Project under CP23-513. Agenda item C-4 may be an order on this application.
		NEXUS Gas Transmission, LLC
C-5	<u>CP16-22-007</u>	On March 23, 2023, Central Land Consulting, LLC submitted a Request for Rehearing of the March 16, 2023, FERC's Order approving NEXUS Gas Transmission, LLC's restoration and remediation plan for two tracts of land in Erie County, Ohio, impacted by construction of NEXUS's interstate natural gas pipeline system (the project approved by FERC on August 25, 2017). The rehearing request was denied by operation of law on April 24, 2023. On June 15, 2023, FERC modified the discussion to reach the same result as on April 24, 2023. Agenda item C-5 may be related to this request for rehearing.

© 2024 Perkins Coie LLP

Authors

Explore more in

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

Related insights

Update

[HHS Proposal To Strengthen HIPAA Security Rule](#)

Update

[California Court of Appeal Casts Doubt on Legality of Municipality's Voter ID Law](#)