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Subject: Washington Energy Report May 23, 2018

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Washington Energy Report

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[FERC Rejects Requests for Rehearing of SPP Congestion Revenue Rights Orders](#)

By [Adrienne Thompson](#) & [Jasmine Hites](#) on May 21, 2018
Posted in [Market Policy](#), [Transmission](#)

On May 17, 2018, FERC issued two orders denying requests for rehearing of two orders rejecting certain Southwest Power Pool, Inc. ("SPP") Open Access Transmission Tariff ("OATT") proposals that, as FERC found, provided Auction Revenue Rights ("ARRs") and Long-term Congestion Rights ("LTCRs") on an unjust and unreasonable basis ("May 2018 Orders"). FERC's previous orders, both issued on October 19, 2017 ("October 2017 Orders"), found that SPP was impermissibly providing ARRs and LTCRs for network service subject to "redispatch" (or, curtailment), on the same basis as network service not subject to redispatch (see October 25, 2017 edition of the [WER](#)). In these latest orders, FERC rejected claims that, among other things, the October 2017 Orders had violated the contract rights of eligible network customers and that they constituted unlawful retroactive agency action.

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[FERC Proposes to Eliminate Form 80 for Hydroelectric Projects](#)

The Washington Energy Report is a weekly publication written by the Troutman Sanders Federal Energy Regulatory Commission ("FERC") practice that monitors and reports on significant developments in FERC and energy-related matters around the country.

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By [Jamond Perry & Jasmine Hites](#) on May 21, 2018
Posted in [Hydropower](#), [Rulemakings](#)

On March 17, 2018, FERC issued a Notice of Proposed Rulemaking (“NOPR”) proposing to eliminate the Licensed Hydropower Development Recreation Report, designated as FERC Form No. 80 (“Form 80”), which collects information on the use and development of recreational facilities at licensed hydropower projects. In addition, FERC proposed in the NOPR to revise related regulations in order “to modernize public notice practices, clarify recreational signage requirements, and provide flexibility to assist licensees’ compliance efforts.”

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[FERC Affirms Initial Decision Regarding Entergy’s Bandwidth Calculation Filing](#)

By [Meghan Mandel & Thomas DeVita](#) on May 22, 2018
Posted in [Market Policy](#)

On May 17, 2018, FERC affirmed an Initial Decision addressing a bandwidth calculation filing applicable to a seven-month period in 2005 filed by Entergy Services, Inc. on behalf of the Entergy Operating Companies (“Operating Companies”; collectively, “Entergy”) in November 2016.

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[FERC Clarifies CEII Rules](#)

By [Jamond Perry & Christopher Zentz](#) on May 23, 2018
Posted in [Rulemakings](#)

On May 17, 2018, FERC issued Order No. 833-A wherein it denied rehearing of Order No. 833 and granted, in part, Edison Electric Institute’s (“EEI”) request for clarification of Order No. 833. Order No. 833 amended FERC’s regulations regarding Critical Energy Infrastructure Information (“CEII”), as directed by the FAST Act. The FAST Act, signed into law on December 4, 2015, added section 215A to the Federal Power Act (“FPA”) to improve the security and resilience of energy infrastructure in the face of emergencies. The FAST Act also directed FERC to issue regulations on the procedures for designating certain material as CEII, provided for the imposition of

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