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Washington Energy Report

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JULY 17, 2018

[D.C. Circuit Rejects Challenges Alleging FERC Due Process Violations](#)

By [Meghan Mandel](#) & [Thomas DeVita](#) on July 17, 2018

POSTED IN [NATURAL GAS](#)

On July 10, 2018, the U.S. Court of Appeals for the D.C. Circuit ("D.C. Circuit") rejected the Delaware Riverkeeper Network's and its director Maya van Rossum's (collectively, "Appellants") claim that FERC is incentivized to approve new natural-gas pipeline certificates in order to secure itself future funding sources. The D.C. Circuit also rejected Appellants' challenge to FERC's use of tolling orders to meet its statutory deadlines for taking action on rehearing applications.

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[MISO Proposes to Reinstate Prior Transmission Owner Network Upgrade Funding Mechanism](#)

By [Jamond Perry](#) & [Christopher Zentz](#) on July 17, 2018

POSTED IN [GENERATION, TRANSMISSION](#)

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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On July 5, 2018, the Midcontinent Independent System Operator, Inc. ("MISO") proposed to restore provisions in its Open Access Transmission, Energy and Operating Reserve Markets Tariff ("Tariff") to allow Transmission Owners the discretion to elect to provide initial funding for network upgrades. MISO filed its proposed Tariff changes after the U.S. Court of Appeals for the D.C. Circuit ("D.C. Circuit") vacated earlier FERC orders that required MISO interconnection customers' consent before allowing Transmission Owner funding of interconnection-related network upgrades.

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FERC Denies Application to Terminate PURPA Mandatory Purchase Obligation

By [Elizabeth McCormick](#) & [Jasmine Hites](#) on July 17, 2018

POSTED IN [GENERATION](#), [PURPA](#)

On July 9, 2018, FERC denied Cloverland Electric Cooperative's ("Cloverland") application to terminate its mandatory obligation under the Public Utilities Regulatory Policies Act of 1978 ("PURPA") to purchase electric energy and capacity from qualifying cogeneration or small power production facilities ("QF") with a net capacity in excess of 20 megawatts. In denying the request, FERC emphasized that direct membership in regional transmission organizations or independent system operators is necessary to meet the exemption Cloverland requested under PURPA.

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