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# Washington Energy Report

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JANUARY 17, 2018

## [FERC Terminates DOE NOPR Proceeding, Requests Information from RTOs/ISOs on Resilience](#)

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

POSTED IN [RELIABILITY](#), [RULEMAKINGS](#)

On January 8, 2018, FERC terminated the Department of Energy's ("DOE") Proposed Rule on Grid Reliability and Resilience Pricing ("Proposed Rule") proceeding, and, instead, initiated a new proceeding whereby FERC plans to collect information on resilience from regional transmission organizations ("RTO") and independent system operators ("ISO"). Once that information is collected, FERC will determine whether further action is necessary to address grid resilience.

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## [Multiple States Ask FERC to Adjust Utility and Pipeline Rates due to Tax Reform Bill](#)

By [Meghan Mandel & Jasmine Hites](#) on January 16, 2018

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 January 9, 2018, several state Attorneys General, state agencies, and state consumer advocates (“State Advocates”) sent a joint letter to the FERC Commissioners requesting that FERC open an investigation into the continued justness and reasonableness of FERC-jurisdictional electric and natural gas utilities’ (“Public Utilities”) rates considering the recent reduction in the federal corporate income tax rate.

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## [FERC Concludes New York Did Not Waive Authority to Issue Water Quality Certificate for Gas Pipeline Project](#)

By [Adrienne Thompson](#) & [Thomas DeVita](#) on January 16, 2018

POSTED IN [NATURAL GAS](#)

On January 11, 2018, FERC denied Constitution Pipeline Company, LLC’s (“Constitution”) request asking FERC to conclude that the New York State Department of Environmental Conservation (“New York DEC”) waived its authority to issue a water quality certification under Section 401 of the Clean Water Act (“CWA”). In so doing, FERC reiterated its authority to address such issues, as they relate to “setting and enforcing” Natural Gas Act (“NGA”)-imposed deadlines, and reaffirmed FERC’s long-standing position that state certifying agencies have up to one year to act on a CWA Section 401 application.

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## [Ninth Circuit Holds Utilities Are Ineligible for RTO Membership Adder When Membership Is Involuntary](#)

By [Russell Kooistra](#) & [Thomas DeVita](#) on January 16, 2018

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On January 8, 2018, the U.S. Court of Appeals for the Ninth Circuit ("Ninth Circuit") ruled that FERC acted arbitrarily and capriciously in approving a 50 basis-point incentive adder to Pacific Gas & Electric Company's ("PG&E") return on equity ("ROE") for its participation in the California Independent System Operator Corporation ("CAISO"). In particular, the Ninth Circuit held that FERC did not follow its precedent by approving PG&E's incentive adder while dismissing arguments that PG&E's ongoing membership in CAISO was required by a California Public Utilities Commission ("CPUC") order and thus was not voluntary.

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