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Washington Energy Report

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[FERC to Review ADIT Methodology for Certain Public Utilities' Formula Transmission Rates](#)

By [Meghan Mandel](#) & [Thomas DeVita](#) on June 26, 2018

POSTED IN [TRANSMISSION](#)

On June 21, 2018, FERC issued an order instituting several proceedings, pursuant to section 206 of the Federal Power Act, to examine the methodology utilized by certain public utilities for calculating Accumulated Deferred Income Tax ("ADIT") balances in their projected test year and annual true-up calculations for their formula transmission rates.

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[D.C. Circuit Affirms Denial of Recovery of Gas Purchase Costs During 2014 Polar Vortex](#)

By [Russell Kooistra](#) & [Thomas DeVita](#) on June 26, 2018

POSTED IN GENERATION, MARKET POLICY, NATURAL GAS

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 June 15, 2018, in separate opinions, the U.S. Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") affirmed two FERC rulings that denied utilities' requests to be made whole for purchasing natural gas at inflated prices to comply with their PJM Interconnection, L.L.C. ("PJM") capacity resource obligations during the 2014 Polar Vortex. Specifically, the D.C. Circuit upheld FERC's holdings that (1) permitting the utility in one case to recover costs retroactively would violate the filed rate doctrine and the rule prohibiting retroactive ratemaking and (2) the utility in the second case was not entitled to indemnification for its losses resulting from PJM requesting the utility to comply with its capacity resource obligations.

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FERC Approves CAISO's Creation of Opportunity Cost Adder for Use-Limited Resources

By [Elizabeth McCormick](#) & [Jasmine Hites](#) on June 26, 2018

POSTED IN [MARKET POLICY](#)

On June 21, 2018, FERC approved tariff provisions proposed by the California Independent System Operator ("CAISO"). Specifically, the Commission's order approved, subject to compliance filing, CAISO's proposals to revise the definition of which resources qualify as use-limited and to allow those resources to include opportunity cost adders in their bids, while rejecting CAISO's proposed revisions relating to the Master File, an electronic database of generator-provided data on resources participating in CAISO markets, as well as its proposal to remove ramp rates as components of daily bids.

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FERC Conditionally Approves MISO Tariff Revisions Regarding Termination of GIAs

By [Jamond Perry](#) & [Christopher Zentz](#) on June 26, 2018

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On June 21, 2018, FERC found that the Midcontinent Independent System Operator, Inc.'s ("MISO") Open Access Transmission Tariff ("Tariff") provisions governing the termination of generator interconnection agreements ("GIAs") were unjust and unreasonable due to an inconsistency between the terms of the GIA contained in the Tariff and the MISO Generator Interconnection Procedures ("GIP"). FERC also accepted, after a paper hearing, MISO's proposed revisions to the GIA and GIP termination provisions, subject to further revisions. MISO's Tariff revisions clarified that an interconnection customer could extend its commercial operating date ("COD") for up to three years without risking termination from MISO, which FERC found, subject to modification, just and reasonable.

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