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# Washington Energy Report

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MARCH 13, 2018

## [D.C. Circuit Affirms FERC Refund Denial in Louisiana PSC Cost Allocation Challenge](#)

By [Adrienne Thompson](#) & [Thomas DeVita](#) on March 12, 2018

POSTED IN [TRANSMISSION](#)

In a decision issued on March 6, 2018, the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit” or the court) upheld a series of FERC orders declining to direct Entergy Services Inc. (“Entergy”) to pay refunds for previously misallocated capacity costs. The D.C. Circuit found that FERC adequately explained its reasoning and clarified that—contrary to previous assertions—the Commission has no general policy of ordering refunds in cases involving flawed rate design, and that it had adequately explained that such a refund order would be inequitable in this instance.

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## [D.C. Circuit Grants FERC Extra Time to Reissue Approval of SE Market Pipelines Project](#)

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 [Russell Kooistra](#) & [Jasmine Hites](#) on March 12, 2018

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On March 7, 2018, the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) granted FERC’s request to stay the issuance of a mandate that would have vacated FERC’s certificate order approving the Southeast Market Pipelines Project (“SMP Project”), a natural gas pipeline currently in service in the southeastern United States. The D.C. Circuit’s order effectively avoids shutdown of the SMP Project while FERC finalizes its supplemental review of the project incorporating its revised environmental analysis. As a result of the D.C. Circuit’s order, FERC now has until March 26, 2018 to issue a new order authorizing the project.

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## [FERC Accepts PJM's Load-Ratio Share and Solution-Based DFAX Proposal](#)

By [Jamond Perry](#) & [Christopher Zentz](#) on March 12, 2018

POSTED IN [TRANSMISSION](#)

On March 5, 2018, FERC accepted PJM Interconnection, L.L.C.’s (“PJM”) revisions to the appendices to Schedule 12 of its Open Access Transmission Tariff (“Tariff”). Under Schedule 12, PJM annually files updates to the cost responsibility assignments for transmission enhancement and expansion projects selected in PJM’s Regional Transmission Plan (“RTEP”). Through the Tariff revisions, PJM sought to update load-ratio share and solution-based distribution factor (“DFAX”) cost allocations in the appendices to Schedule 12 for Regional Facilities, Necessary Lower Voltage Facilities, and Lower Voltage Facilities. Additionally, pursuant to prior FERC orders issued in late-2017, PJM’s Tariff revisions sought to reduce the cost responsibility assignments under the appendices of Schedule 12 of PJM’s Tariff to certain merchant facilities—including, Hudson Transmission Partners and Linden VFT, LLC (together, the “Merchant Facilities”)—to zero.

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## Trump Orders Steel and Aluminum Tariffs

By Jamond Perry & Jasmine Hites on March 13, 2018

POSTED IN NATURAL GAS

On March 8, 2018, President Donald Trump signed an order that enacts tariffs on steel and aluminum imports from all overseas countries, while exempting Canada and Mexico from such tariffs for now. The proclamations signed by the President will institute a tariff of 25% on steel and 10% on aluminum imports. The tariffs are expected to become effective March 23, 2018.

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## D.C. Circuit Defers to FERC's Qualitative Approach for Establishing Term for Hydroelectric Project Licenses

By Meghan Mandel & Jasmine Hites on March 13, 2018

POSTED IN UNCATEGORIZED

On March 6, 2018, the U.S. Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") denied Duke Energy Carolinas, LLC's ("Duke Energy") petition for review of FERC's grant of a forty-year license for the Catawba-Wateree Project ("Project"). FERC had found that, despite Duke Energy's requested fifty-year term for the license renewal, the measures required by FERC in issuing the license were only "moderate," and thus warranted the forty-year term. Duke Energy argued that FERC acted arbitrarily and capriciously by not granting the fifty-year license. The D.C. Circuit deferred to FERC's analysis in granting a forty-year license.

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