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Sent: 6/19/2018 2:32:40 PM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]
Subject: Washington Energy Report June 19, 2018

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Washington Energy Report

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[Senate Energy and Natural Resources Committee Holds Hearing on FERC Oversight](#)

By [Elizabeth McCormick & Thomas DeVita](#) on June 18, 2018

POSTED IN [UNCATEGORIZED](#)

On June 12, 2018, the Senate Energy and Natural Resources Committee hosted all five FERC Commissioners for an oversight hearing to discuss topics that included the agency's approach to changes in the makeup of generating plants on the bulk power system and the efficiency of its energy infrastructure permitting processes.

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[Commissioner LaFleur Calculates Downstream GHG Impacts of Pipeline Project in Concurrency](#)

By [Meghan Mandel & Christopher Zentz](#) on June 18, 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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POSTED IN [NATURAL GAS](#)

On June 12, 2018, FERC Commissioner Cheryl LaFleur, through a concurrence in an order denying rehearing (“Rehearing Order”), announced that going forward she will try to consider and disclose the upstream and downstream greenhouse gas (“GHG”) impacts of proposed pipeline projects, even if such information is generic and ignored, as part of FERC’s public interest determination. In the Rehearing Order, Commissioner LaFleur calculated her own estimation of the total downstream GHG emissions as part of her environmental review in the proceeding, even though the majority did not.

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[D.C. Circuit Upholds FERC's Decision Regarding the Timing of the Application of an Effective Rate](#)

By [Meghan Mandel](#) & [Jasmine Hites](#) on June 18, 2018

POSTED IN [GENERATION](#), [MARKET POLICY](#), [TRANSMISSION](#)

On June 8, 2018, the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) upheld FERC’s re-examination of an order regarding the effective rate for network upgrades in an Interconnection Agreement (“IA”) with the PJM Interconnection, L.L.C. (“PJM”). A power developer, West Deptford Energy, LLC (“West Deptford”), requested interconnection with PJM. After the negotiations for the IA commenced, PJM’s effective rate changed, triggering a dispute between the parties as to the appropriate effective rate for the IA: the rate in effect at the start of negotiations or the rate in effect at the time the IA was completed. The D.C. Circuit agreed with FERC’s finding that the governing rate is the rate in effect at the time the IA was completed.

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By [Russell Kooistra](#) & [Christopher Zentz](#) on June 18, 2018

POSTED IN [MARKET POLICY](#), [TRANSMISSION](#)

On June 12, 2018, the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) rejected challenges to FERC orders modifying PJM’s financial transmission right (“FTR”) and auction revenue right (“ARR”) designs. FERC had ordered changes to PJM’s FTR/ARR designs to address PJM’s inability to make all of the payments owed to FTR owners.

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[FERC Approves Civil Penalty Against Duke for Submitting Inaccurate Data in Section 203 Proceeding](#)

By [Jamond Perry](#) & [Jasmine Hites](#) on June 18, 2018

POSTED IN [FERC ENFORCEMENT](#)

On June 8, 2018, FERC approved a Stipulation and Consent Agreement (“Settlement”) between the Office of Enforcement (“OE”) and Duke Energy Corporation and its public utility operating subsidiaries (“Duke”). OE claimed that Duke violated FERC regulations when it failed to accurately describe certain information in the transmission studies submitted in support of its merger with Progress Energy, Inc. (collectively, “Applicants”). FERC determined that the Settlement was fair and reasonable and resolved all outstanding claims and proceedings between OE and Duke.

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