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Sent: 7/3/2018 2:32:40 PM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]
Subject: Washington Energy Report July 3, 2018

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Washington Energy Report

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JULY 3, 2018

Commissioner Powelson Announces Resignation

By [Elizabeth McCormick](#) & [Jasmine Hites](#) on July 2, 2018

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FERC Commissioner Robert Powelson announced Thursday, June 28, 2018, that he plans to resign from FERC in mid-August 2018 to become president and CEO of the National Association of Water Companies, a trade group for the private water industry.

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Supreme Court Rules SEC ALJs Were Not Constitutionally Appointed

By [Meghan Mandel](#) & [Jasmine Hites](#) on July 2, 2018

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On June 21, 2018, the Supreme Court of the United States ("Supreme Court") held that the U.S. Securities Exchange Commission's ("SEC") Administrative Law Judges ("ALJs") are "Officers of the United States" whose

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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appointment must meet the requirements of the Constitution's Appointments Clause. Accordingly, pursuant to the Appointments Clause, the SEC ALJs must be appointed by the SEC itself, as the "Head of the Department." It is unclear whether this impacts any of the current ALJs at FERC.

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FERC Confirms No Licensing Requirement for Certain Groundwater-Only Pumped Storage Projects

By [Morgan Gerard](#) & [Jasmine Hites](#) on July 2, 2018

POSTED IN [HYDROPOWER](#), [RELIABILITY](#), [RENEWABLES](#)

Three recent FERC staff decisions ("Decisions") confirm that, for purposes of establishing the mandatory licensing requirements under the Federal Power Act ("FPA"), groundwater is not a "non-navigable Commerce Clause stream." Thus, a hydropower project—and particularly a closed-loop pumped storage project—that uses only groundwater as its water source will not require FERC licensing if the project does not trigger other jurisdictional tests under the FPA.

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Senate Approves Hydropower Bills by Unanimous Consent

By [Elizabeth McCormick](#) & [Jasmine Hites](#) on July 3, 2018

POSTED IN [HYDROPOWER](#)

On Thursday, June 28, 2018, the Senate approved ten individual hydropower bills by unanimous consent. Seven of the ten were previously passed by the House and will now go to the President for his signature. The remaining three bills have not yet been passed by the House, but in all three cases, the House has passed either a

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companion bill or bills with language similar to the Senate bills.

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