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Washington Energy Report

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FEBRUARY 7, 2018

[D.C. Circuit Vacates FERC Orders on Transmission Owner Funding for Network Upgrades in MISO](#)

By [Jamond Perry](#) & [Thomas DeVita](#) on February 7, 2018

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

On January 26, 2018, a divided panel of the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") vacated a series of FERC orders that removed from transmission owners in the Midcontinent Independent System Operator, Inc. ("MISO") the ability to elect to fund the construction of network upgrades on their transmission systems to accommodate the interconnection of new generation.

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[D.C. Circuit Denies Rehearing after Vacating Pipeline Certificate; Developers Seek Emergency Relief from FERC](#)

By [Adrienne Thompson](#) & [Christopher Zentz](#) on February 5, 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 January 31, 2018, the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") denied requests for an en banc rehearing of an August 2017 decision (*Sierra Club v. FERC*) vacating FERC's approval of the Southeast Market Pipelines Project ("SMP Project"), a natural gas pipeline currently under construction in the southeastern United States.

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[D.C. Circuit Upholds PJM Capacity Market CONE](#)

By [Adrienne Thompson](#) & [Thomas DeVita](#) on February 5, 2018

POSTED IN [MARKET POLICY](#)

On January 26, 2018, the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") rejected a challenge to FERC's approval of tariff revisions from the PJM Interconnection, L.L.C. ("PJM") regarding the so-called cost-of-new-entry ("CONE"), or the anticipated revenues required to recover costs in PJM's wholesale capacity market. A coalition of generators challenged PJM's CONE as too low, which they argued undercut their own recovery in the capacity market.

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[FERC Enforcement Staff Argues Claims Against BP Are Not Time-Barred due to Differences Between NGA and FPA](#)

By [Russell Kooistra](#) & [Jasmine Hites](#) on February 6, 2018

POSTED IN [FERC ENFORCEMENT](#), [NATURAL GAS](#)

On January 25, 2018, as amended on January 31, 2018, FERC Office of Enforcement Staff ("OE Staff") answered BP America Inc., BP Corporation North America Inc., BP America Production Company, and BP Energy Company's (collectively, "BP") arguments that FERC must dismiss its order assessing civil penalties and

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disgorgement against BP for violating FERC's anti-market manipulation rule due to the five-year statute of limitations for civil penalties.

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