

From: Troutman Sanders LLP [Communications@troutman.com]
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Subject: Washington Energy Report April 26, 2018

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Washington Energy Report

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[FERC Issues Notice of Inquiry into Pipeline Certificate Policy](#)

By [Russell Kooistra](#) & [Jasmine Hites](#) on April 23, 2018

POSTED IN [NATURAL GAS](#), [RULEMAKINGS](#)

On April 19, 2018, FERC issued a Notice of Inquiry ("NOI") seeking information regarding whether—and if so, how—to revise its policy for determining if a proposed natural gas pipeline is in the public convenience and necessity. Specifically, the NOI requests information in four areas related to FERC's policy for reviewing such certificate applications: (1) determining need for a pipeline project; (2) eminent domain issues; (3) evaluating environmental impacts, including greenhouse gas ("GHG") emissions and climate change; and (4) changes that would improve the efficiency and effectiveness of FERC's review.

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[FERC Finalizes Generator Interconnection Procedures and Agreements Reforms](#)

Pending a Pennsylvania state court's determination of claims under state law, a federal court has put on hold a federal challenge to the Pennsylvania Department of Revenue's expansive reading of Pennsylvania's new tax on vapor products. The suit began in the Commonwealth Court of Pennsylvania and challenges the Department's reading as a matter of statutory interpretation, the Pennsylvania Constitution and the U.S. Constitution.

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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.

By [Meghan Mandel](#) & [Thomas DeVita](#) on April 25, 2018

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

On April 19, 2018, FERC issued a final rule ("Order No. 845") revising its pro forma Large Generator Interconnection Procedures ("LGIP") and the pro forma Large Generator Interconnection Agreement ("LGIA") to address reforms of generator interconnection procedures and agreements for generators of more than 20 megawatts. FERC adopted a majority of the reforms proposed in FERC's December 15, 2016 Notice of Proposed Rulemaking ("NOPR").

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[FERC Issues Final Rule Regarding Transparency in Price Formation](#)

By [Jamond Perry](#) & [Christopher Zentz](#) on April 25, 2018

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

On April 19, 2018, FERC issued a final rule ("Order No. 844") addressing transparency in markets operated by Regional Transmission Organizations ("RTOs") and Independent System Operators ("ISOs"). FERC required that each RTO/ISO establish in its tariff: requirements to report information about uplift payments for each resource and transmission zone; requirements to report information on each operator-initiated commitment; and the transmission constraint penalty factors used in its market software. Order No. 844 will become effective 75 days after publication in the *Federal Register*.

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[FERC Reaffirms Jurisdiction over Wholesale EERs and Accepts PJM EER-Related Tariff Filing](#)

By [Adrienne Thompson](#) & [Jasmine Hites](#) on April 25, 2018

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Contacts

[Daniel Archuleta](#)

202.274.2926

[Email](#)

[Annie Colby](#)

202.274.2922

[Email](#)

[M. Lisanne Crowley](#)

202.274.2814

[Email](#)

[Anne Dailey](#)

202.274.2870

[Email](#)

[Bill Derasmo](#)

202.274.2886

[Email](#)

[Christopher Jones](#)

202.662.2181

[Email](#)

[Brendon Marzo](#)

404.885.3683

[Email](#)

[Chuck Sensiba](#)

202.274.2850

[Email](#)

[Clifford Sikora](#)

202.274.2966

[Email](#)

[Lara Skidmore](#)

503.290.2310

[Email](#)

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POLICY, RELIABILITY, RENEWABLES

In two orders concurrently issued on April 17, 2018, FERC reaffirmed its jurisdiction over the participation of energy efficiency resources ("EERs") in wholesale electricity markets and accepted an EER-related tariff filing from PJM Interconnection, L.L.C. ("PJM"). In one order, FERC denied rehearing and granted clarification of a December 1, 2017 order ("Declaratory Order") asserting jurisdiction over EERs, rejecting claims that FERC had overstepped its "directly affects" jurisdiction under the Federal Power Act ("FPA"), and in the second order, FERC applied that understanding to find PJM's proposal to integrate EERs into PJM's wholesale markets just and reasonable.

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