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Washington Energy Report

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AUGUST 1, 2018

[FERC Suggests Interstate Power Flows Could Be Coming to ERCOT](#)

By [Russell Kooistra](#) & [Thomas DeVita](#) on August 1, 2018
Posted in [Transmission](#)

On July 26, 2018, FERC approved AEP Energy Partners, Inc.'s ("AEP Energy") request that Sharyland Utilities, L.P., AEP Texas, Inc., and Electric Transmission Texas, LLC (collectively, "Tie Owners") provide AEP Energy with transmission service across interconnections between the Electric Reliability Council of Texas ("ERCOT") and the Mexcian Comisión Federal de Electricidad ("CFE") transmission system. In issuing that ruling, FERC seemingly went out of its way to suggest that if two proposed transmission projects – unrelated to AEP Energy's request – are completed, the interconnections between ERCOT and the CFE system could result in interstate power flows in ERCOT. While the Commission did not go any further other than to point out this fact, if FERC finds that such interstate power flows exist, FERC could potentially subject utilities in ERCOT to FERC's plenary Federal Power Act ("FPA") jurisdiction.

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[Fourth Circuit Dismisses Constitutional Challenges to NGA Pipeline Certificate Process](#)

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 [Meghan Mandel](#) & [Thomas DeVita](#) on August 1, 2018
Posted in [Natural Gas](#)

On July 25, 2018, the U.S. Court of Appeals for the Fourth Circuit ("Fourth Circuit") affirmed the U.S. District Court for the Western District of Virginia's ("District Court") opinion rejecting landowners' constitutional challenge provisions of the Natural Gas Act ("NGA") regarding the natural gas pipeline certificate process. Specifically, the Fourth Circuit agreed that the District Court lacked jurisdiction to review the complaint, finding that Congress intended the complaint to be brought before FERC instead.

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[D.C. Circuit Affirms FERC Finding of No Manipulation in ISO-NE Capacity Market Auction](#)

By [Elizabeth McCormick](#) & [Christopher Zentz](#) on August 1, 2018
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On July 24, 2018, the U.S. Court of Appeals for the D.C. Circuit ("D.C. Circuit") affirmed FERC's 2015 and 2016 orders denying challenges to ISO New England's ("ISO-NE") ninth and tenth Forward Capacity Auctions ("FCA 9" and "FCA 10") and approving the results of those auctions. The D.C. Circuit found that petitioners, Utility Workers Union of America Local 464 and its President, Robert Clark, failed to establish standing to challenge the FERC orders approving the results of FCA 9 and FCA 10.

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