

REGULATORY UPDATE FOR DECEMBER 20, 2021 (WEEK OF DECEMBER 13)**CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC or COMMISSION)**December 16 Meeting the Last for President Batjer and Commissioner Guzman Aceves

The Commission's December 16, 2021 Voting Meeting was the last voting meeting for President Batjer, who announced her resignation earlier this year, and for Commissioner Guzman Aceves, who has been nominated by President Biden to lead the U.S. Environmental Protection Agency's Region 9, which covers the southwestern United States and the Pacific Islands. Governor Newsom appointed Alice Reynolds, his Senior Advisor for Energy, to replace President Batjer. No replacement for Commissioner Guzman Aceves has been announced.

New Proposed Decisions and Draft Resolutions¹

R.20-08-020 (NEM Tariffs). This decision establishes a successor net metering tariff, NEM 3.0, to succeed the current NEM 2.0 tariff. It also makes revisions that impact current customers of the NEM 2.0 Tariff and its predecessor, NEM 1.0. The decision would establish the following elements for the NEM 3.0 tariff. Residential customers would be required to be on specific highly-differentiated time-of-use rates (EV2-A (PG&E), EV-TOU-5 (SDG&E) and TOU-D-PRIME (SCE)). Residential customers would also be subject to a new monthly Grid Participation Charge equal to \$8.00/kW. However, residential customers would also be eligible for a Market Transition Credit that would remain constant for 10 years from a customer's interconnection date. For non-low income residential customers, the credit would be equal to \$1.62/kW for PG&E and \$3.59/kW for SCE. The decision would also dramatically reduce export compensation rates. Finally, for NEM 1.0 and NEM 2.0 customers, the 20-year eligibility period for those tariffs are reduced to 15 years.

R.17-06-026 (PCIA). This decision adopts improvements to support efficient consideration of Power Charge Indifference Adjustment (PCIA) issues in Energy Resource Recovery Account (ERRA) proceedings. This decision modifies the PCIA market price benchmark release date and deadlines for ERRA forecast applications to enable the Commission to timely issue decisions on ERRA forecast applications. This decision adopts party proposals to establish a policy for disposition of the year-end balance in the ERRA account and to modify the calculation of the ERRA trigger point and threshold. This decision also adopts party proposals to support efficient party access to ERRA forecast proceeding data. This proceeding remains open to consider additional Phase 2 issues, including: (a) whether greenhouse gas-free resources are under-valued in the PCIA, and if so, whether to adopt an adder or allocation mechanism, (b) whether to adopt a new method to include long-term fixed-price transactions in calculating the Renewables Portfolio Standard adder, (c) whether to modify the calculation of the PCIA

¹ Per CPUC Rules of Practice and Procedure Rule 14.3, comments on proposed decisions are due 20 days after issuance of the proposed decision, and reply comments are due five days thereafter. Comments on draft resolutions are due 20 days after the draft resolution appears in the CPUC's daily calendar, per Rule 14.5.

energy index market price benchmark, and (d) whether to provide community choice aggregators with access to confidential, market sensitive ERRA monthly reports information for the non-proceeding purpose of creating PCIA rate forecasts.

Voting Meetings

The Commission held a voting meeting December 16, 2021. The agenda included the following energy related items:

Item 4. R.18-10-007 (Wildfire Mitigation Plans). This decision closes this proceeding. Pursuant to Assembly Bill (AB) 111 (2019), all duties, powers, and responsibilities of the Commission's Wildfire Safety Division were transferred on July 1, 2021, to the Office of Energy Infrastructure, established within the California Natural Resources Agency under the same bill. **Signed, D.21-12-025.**

Item 5. A.18-03-009 (SCE and SDG&E Nuclear Decommissioning). The proceeding addresses the reasonableness of decommissioning costs as claimed by the Utilities for the San Onofre Nuclear Generating Station (SONGS) Units 1, 2, and 3. The proceeding consists of three (3) phases. D.19-09-003 resolved Phase 1, which addressed nuclear fuel cancellation costs and the form of the revised 2016 Palo Verde Nuclear Generating Station decommissioning cost estimate. The instant decision resolves Phase 2 (Reasonableness Review of Recorded 2016-2017 Decommissioning Costs) and Phase 3 (Reasonableness of 2017 Decommissioning Cost Estimates). Regarding the 2017 decommissioning costs, the decision finds the following are reasonable: \$209.0 million (100% share, 2014 \$) for SONGS Unit 1 and (2) \$4,479 million (100% share, 2014 \$) for SONGS Units 2 and 3. This decision also finds reasonable SDG&E's estimate of \$45.9 million (SDG&E share, 2014 \$) for SDG&E-only decommissioning costs. **Signed, D.21-12-026.**

Item 9. A.21-08-013, A.21-08-014, A.21-08-015 (IOU Cost of Capital). This decision grants the motions of SCE, SDG&E, and PG&E to establish respective memorandum accounts to record the difference between the rates in effect beginning January 1, 2022 and the rates to be adopted in these proceedings. **Signed, D.21-12-029.**

Item 11. Resolution E-5173. This resolution approves two resource adequacy (RA) power purchase agreements between SCE and AES Redondo Beach, LLC (AES) for Units 5 and 6 of the AES Redondo Beach Generating Station for April 1, 2022 through December 31, 2022, to meet SCE's system, LA Basin local, and flexible RA requirements. **Approved.**

Item 12. R.20-05-012 (SGIP). This decision allocates all Self-Generation Incentive Program (SGIP) accumulated unallocated funds, approximately \$67 million, to SGIP energy storage budgets. The accumulated funds derive primarily from previously unreported accrued interest earned on SGIP ratepayer revenue collections since the program's inception in 2001. This decision allocates the funds first to energy storage budgets with waitlisted applications as of the date of adoption of this decision, with priority given to the waitlisted Equity Resiliency budget, Equity and then General Market applications. It then allocates funds that remain after all waitlisted applications have been served, if any, to Equity Resiliency budgets. This decision

requires the SGIP Program Administrators to file a Tier 1 advice letter no later than 30 days from the date of adoption of this decision reporting on the resulting funding allocations. It requires an annual Tier 1 budget advice letter and updates fiscal audit requirements for the SGIP Program Administrators for the next five years. **Signed, D.21-12-031.**

Item 13. R.18-07-003 (RPS Implementation). This decision directs SDG&E to reopen its Renewable Market Adjusting Tariff (ReMAT) program following the parameters adopted in D.20-10-005, as modified in this decision. This decision further establishes a de minimis threshold for each product category, and a process through which the investor-owned utilities shall aggregate remaining capacity across one or two of the three product categories, if necessary, to meet their individual shares of the statewide ReMAT capacity target. This decision reaffirms the utilities' option to provide information-only time-of-delivery factors, as adopted in D.19-12-042, resolves several petitions for modification of D.12-05-035 and D.13-05-034, and defers consideration of the joint petition for modification of D.13-05-034 filed by PG&E and SCE until more information is available. **Signed, D.21-12-031.**

Item 14. R.18-12-006 (Vehicle Electrification). In D.11-07-029, the Commission adopted a policy of allocated distribution upgrade costs above the individual customer allowances in Rules 15 and 16 to be considered common costs, and allocated to all residential ratepayers, rather than allocating them to the individual customer who triggered the costs. This decision would make that policy permanent, pursuant to the requirements of AB 841 (2020). **Signed, D.21-12-033.**

Item 15. A.20-12-018 (PacifiCorp EE Programs). This decision authorizes PacifiCorp to administer its energy efficiency programs with a total budget of approximately \$6.1 million for 2022-2026 to achieve the higher energy savings targets of 14,474 megawatt hours. **Signed, D.21-12-034.**

Item 21. Resolution E-5138. This resolution approves SCE's Emergency Reliability Engineering, Procurement, Construction, and Maintenance Contract for 535.7 Megawatts of Utility-Owned Storage. It also finds that the projects do not require a Certificate of Public Convenience and Necessity or Permit to Construct to be issued from the Commission. **Approved.**

Item 24. A.20-08-023 (PG&E Ruby Pipeline Natural Gas Transportation Contract Amendments). This decision resolves the application and request of PG&E for approval of amendments to long-term natural gas transportation contracts with Ruby Pipeline, LLC (Ruby Contracts) entered into on behalf of PG&E's Electric Fuels Department and Core Gas Supply Department. The contract amendments are approved, as well as the request to discontinue the annual certification requirement that PG&E is receiving the lowest price from Ruby Pipeline. Future amendments may be submitted for approval via a Tier 3 advice letter. **Signed, D.21-12-035.**

Item 25. A.12-01-008, A.12-04-020, A.14-01-007 (Green Tariff Shared Renewables). This decision resolves three petitions for modification of D.15-01-051 and D.16-05-006. It conditionally grants a petition by PG&E, grants in part a second petition by a number of

community choice aggregators (Joint CCAs), and denies without prejudice a petition by the Coalition for Community Solar Access. The decision allows PG&E to count some of its current RPS resources towards its Green Tariff Shared Renewables (GTSR) obligation, to address program oversubscription. The decision also grants the Joint CCAs' request to change the methodology for calculating a rate adder for the charge the utility incurs for RA capacity to serve its bundled customers. It also denies a petition from the Coalition that requested changes to the Enhanced Community Renewables program within the GTSR, without prejudice to those issues being raised in a subsequent proceeding. **Signed, D.21-12-036.**

Item 26. Resolution E-5178. This resolution grants certain amendments to the energy storage agreement for the 75 MW Hummingbird energy storage project in Morgan Hill, California. The amendment delays the online date for the project due to delays associated with COVID-19 impacts, and extends the term, at no additional cost, from 15 to 16 years. **Approved.**

Item 30. A.21-04-010 (SDG&E 2022 Electric Procurement Revenue Requirement Forecasts and GHG-Related Forecasts). This decision adopts the 2022 Electric Procurement Revenue Requirement and Greenhouse Gas-Related Forecasts for inclusion in the retail rates of SDG&E effective January 1, 2022. It also includes the rate impacts from SDG&E's Application (A.) 21-05-006, the 2021 Energy Resource Recovery Account Trigger Proceeding (ERRA Trigger). There will be a separate subsequent decision in A.21-05-006 on the merits of that application; therefore, SDG&E is not requesting approval of the 2021 ERRA Trigger in this application. **Signed, D.21-12-040.**

Item 45. Draft Resolution SED-5. In this resolution, the CPUC approves an Administrative Consent Order and Agreement between the Commission's Safety and Enforcement Division and SCE to resolve all issues involving the 2017 Liberty, Rye, Meyers, and Thomas Fires and the 2018 Woolsey Fire, whereby SCE agrees to fines, safety measures, and disallowances totaling \$550 million as follows: \$110 million fine to the General Fund of the State of California; \$65 million in shareholder-funded safety measures; and \$375 million in permanent disallowances of cost recovery. **Approved 4-1, Commissioner Houck dissenting. Commissioner Rechtschaffen reserved the right to file a concurrence.**

CALIFORNIA ISO (CAISO)

Stakeholder Initiatives: Upcoming Meetings and Deadlines

Extended Day-Ahead Market: Working Group Logistics and Schedule. The CAISO will hold a stakeholder meeting on December 16, 2021, to discuss the logistics and schedule for a series of working group meetings for the Extended Day-Ahead Market initiative that will commence the week of January 3, 2022.

EIM Resource Sufficiency Evaluation Enhancements. The CAISO has rescheduled the stakeholder call to discuss the revised draft final proposal for Phase 1 of the Energy Imbalance Market (EIM) Resource Sufficiency Evaluation Enhancements initiative from Dec. 14, 2021, to Dec. 21, 2021. Comments on the workshop materials and discussion are now due on January 10, 2022.

Interconnection Process Enhancements 2021 Initiative. The CAISO held a public stakeholder call on December 13, 2021, to discuss the issue paper/straw proposal for the Interconnection Process Enhancements 2021 initiative. Comments are due January 3, 2022. For more information on the issue paper/straw proposal, see our Renewable + Law blog post [here](#).

Energy Storage Enhancements Straw Proposal. The CAISO held a stakeholder call on December 14, 2021, to discuss the straw proposal for the Energy Storage Enhancements initiative. Comments are due January 12, 2022.

Reliability Demand Response Resource Bidding Enhancements. The CAISO will hold a stakeholder call on December 22, 2021, to discuss the revised straw proposal for the Reliability Demand Response Resource Bidding Enhancements initiative. Comments are due January 7, 2022.

CALIFORNIA ENERGY COMMISSION (CEC)

2021 Integrated Energy Policy Report (IEPR)

On December 7, 2021, the CEC published a Notice of Availability and Request for Comments on the Draft 2021 IEPR. Copies of the Notice and the Draft 2021 IEPR are available [here](#). Note that only three of the four 2021 IEPR volumes have been released for public comment. Volume III will be released for public comment at a later date under a separate notice of availability. As set forth in the CEC's March 16, 2021 scoping order, the 2021 IEPR volumes cover the following:

- **Volume I** addresses actions needed to reduce GHGs related to the buildings in which Californians live and work, with an emphasis on energy efficiency. It also addresses reducing GHGs from the industrial and agricultural sectors.
- **Volume II** examines actions needed to increase the reliability and resiliency of California's energy system.
- **Volume III** looks at the evolving role of gas in California's energy system, both the importance in near-term reliability and the need for the system to evolve as California works to achieve carbon neutrality—the point at which the removal of carbon pollution from the atmosphere equals or exceeds emissions—by 2045. This volume is not yet available for comment.
- **Volume IV** reports on California's energy demand outlook, including a forecast to 2035 and long-term energy demand scenarios to 2050. The analysis includes the electricity, gas, and transportation sectors.
- The **Appendix** evaluates the benefits of California's clean transportation system.

The CEC held over 20 workshops between February 2021 and December 16, 2021 on the topics identified in the scoping order. Written comments on the three volumes of the Draft 2021 IEPR are due by 5:00 p.m. on December 21, 2021. Instructions for submitting comments are included in the December 7, 2021 [Notice of Availability](#).

Rulemaking to Amend Regulations for Delegation of Certification Authority and Small Power Plant Exemptions (Docket No. 21-OIR-02)

On December 8, 2021, the CEC adopted Order No. 21-1208-03 (Order), which officially [instituted a formal rulemaking proceeding](#) to consider amendments to the CEC's procedures for delegation of certification authority and small power plant exemptions. According to the Order, the rulemaking will specifically address: (i) delegating the CEC's full authority for the certification of geothermal powerplants within a county which has adopted a geothermal element for its general plan and demonstrates that it has an equivalent certification program (Cal. Code Regs., tit. 20, §§ 1802, 1804, and 1860-1870); and (ii) exempting from its exclusive certification authority thermal powerplants with a generating capacity of up to 100 megawatts (Cal. Code Regs., tit. 20, §§ 1934-1948, and Appendix F).

The Order notes that the CEC is undertaking the rulemaking proceeding in response to the Governor's Proclamation of a State of Emergency issued on July 30, 2021, which directs state agencies to perform actions to accelerate the State's transition to carbon-free energy. According to the CEC, the goal of the rulemaking proceeding is to streamline and accelerate the administrative processes and procedures for: the delegation of certification for geothermal powerplants, and for small power plant exemptions for all thermal powerplants. While doing so, the CEC will ensure that all environmental, public health, safety, and reliability requirements of CEQA and the Warren-Alquist Act are met.

CEC Business Meetings

The next CEC Business Meeting is scheduled for January 26, 2022.

CALIFORNIA AIR RESOURCES BOARD (ARB)

ARB is accepting informal public comments on the proposed [Advanced Clean Fleets](#) regulation, which aims to achieve a zero-emissions truck and bus California fleet by 2045. Comments may be submitted [here](#) on or before December 31, 2021.

ARB is holding virtual public workshops as part of the AB 32 Scoping Plan Update. Comments on the recent [technical workshop](#) on modeling land management scenarios for natural and working lands can be submitted [here](#) on or before January 5, 2022. Comments on the [public workshop](#) on building decarbonization can be submitted to ARB [here](#) on or before January 7, 2022. Recordings of past AB 32 Scoping Plan Update meetings and workshops are available [here](#).

ARB held a recent [workshop](#) on potential future changes to the Low Carbon Fuel Standard program. Comments on the workshop can be submitted [here](#) on or before January 7, 2022.

ARB's next regular Board meeting will be held January 27-28, 2022. The agenda will be available [here](#) 10 days prior to the meeting.

MINNESOTA PUBLIC UTILITIES COMMISSION (MPUC)Northern States Power Company dba Xcel Energy, PUC Docket No. 17-401

On Thursday, December 16, 2021, the MPUC evaluated Xcel's first annual performance-based ratemaking metric report as part of its ongoing review of Xcel's performance metrics/incentives docket. After review and discussion, the MPUC accepted Xcel's 2021 report, mandated future reporting requirements, and required the Xcel to establish tracking metrics for low-income energy efficiency programs, reliability and service quality, and workforce transitions. This docket is ongoing and a written order is pending.

MPUC Schedule Week of December 20, 2021

On Monday, December 20, 2021, the MPUC will hold its annual Power Plant Siting Act Hearing from 7:30 a.m. to 2:30 p.m. PT.

The regular weekly agenda meeting was moved to Wednesday, December 22, 2021, at 8:00 a.m. PT. The MPUC will hear six separate matters: (1) Silv Communications' closure; (2) Frontier Communications petition for reconsideration of the Commission's September 2021 order; (3) Review of all utilities' performance incentives for energy conservation; (4) Xcel Energy's cogeneration tariff modification; (5) Minnesota Power's electric vehicle petition for further review; and (6) Xcel Energy's dry cask storage certificate of need proceeding. The December 22, 2021 hearing will be the last MPUC hearing of 2021.

OREGON PUBLIC UTILITY COMMISSION (OPUC)New Rules Adopted with respect to Small Scale Renewable Energy Project Standard for Electric Utilities – AR 622

Last Wednesday, OPUC issued Order 21-464 which adopted new rules regarding PacifiCorp and PGE's small scale renewable energy project standard established via SB 1547, SB 399, and HB 2021. The standard requires that by the year 2030, any electric company serving more than 25,000 customers in Oregon must have 10% of their aggregate electric capacity originate from small scale renewable energy projects or biomass cogeneration facilities. The rules adopted last week address how PacifiCorp and PGE are to calculate the 10% requirement. The newly enacted OAR 860-091-0000 through 860-091-0040 can be located in the order found [here](#).

Request for Public Comments with respect to Oregon's Community Solar Program (CSP) -UM 1930

Last Monday, OPUC Staff submitted a request for public comment on a proposed pause to the pre-certification process under the Oregon CSP. The pause would take effect on January 21, 2022, if the program's capacity, subscription and billing levels are not sufficient to cover the program's ongoing administrative costs. Comments are due by December 29, 2021,

and can be submitted via email to puc.filingcenter@puc.oregon.gov. More information on the proposal can be located [here](#).

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION (WUTC)

WUTC Meeting this Week

On Thursday, December 23rd at 9:30 a.m. PST, the WUTC will host an open meeting in a wide range of dockets including UE-210818 (regarding Puget Sound Energy's Tariff WN U-60, Schedule 153 and QF transmission service), UE-210816 (regarding Puget Sound Energy's Tariff WN U-60, Schedule 91 and QF avoided cost rates), and UE-210848 (regarding PacifiCorp's Tariff WN U-76 and QF avoided cost rates).

NEW YORK

On December 19, 2021, Governor Kathy Hochul announced a framework for New York to achieve at least ten gigawatts of distributed solar by 2030. Distributed solar projects are under five megawatts in size and include rooftop installations and community solar projects. The New York State Energy Research and Development Authority and the New York State Department of Public Service submitted the plan, which involves a large expansion to the successful NY-Sun Initiative, to the Public Service Commission (PSC) for public comment and approval. The NY-Sun Initiative provides incentives, financing, and certain tax credits to residential and business customers that choose to go solar. If approved by the PSC, the proposal would provide approximately \$4.4 billion in private investment and create 6,000 additional solar jobs across the state. Additionally, at least 35 percent of the benefits of the proposal would involve investments to statutorily-defined disadvantaged communities and low- to moderate-income New Yorkers.

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Willie L. Phillips was sworn in as the fifth FERC Commissioner earlier this month. Commissioner Phillips is serving a five-year term that ends June 30, 2026. Commissioner Phillips was unanimously confirmed by the Senate and brings the FERC back to its full complement of five commissioners.

Mark your calendars...*carefully!* In an order issued late Friday, December 10, 2021, FERC denied requests for rehearing of its non-order allowing the Southeast Energy Exchange Market (SEEM) to go into effect by operation of law. FERC determined the requests for rehearing were two days late. Here's how: generally, a request for rehearing is due no later than 30 days following FERC final action on a filing. In this case, however, FERC issued no order due to a 2-2 tie among the commissioners and, as a result, SEEM went into effect by operation of law on October 12. FERC issued an order on October 13 confirming the effective date. Petitioners calculated their deadline for requesting rehearing based on the October 12 effective date, which would have put their 30-day deadline at November 11...which was a federal holiday. So they filed November 12. The problem is that FERC says its 60-day clock began on October 11, despite that date also being a holiday, because to act the FERC had *until the later of*

60 days after a completed filing is submitted (October 10—a Sunday) *or* the date before the requested effective date (October 11—a holiday). And that meant requests for rehearing were due by October 11 + 30 days = November 10, 2021. Rest assured that FERC's conclusion here will not be the end of the story, however this saga at least provides strong encouragement to very carefully calculate rehearing deadlines when a filing goes into effect by operation of law.

The FERC has extended the waiver of its requirement that filings be notarized or supported by sworn declarations until March 31, 2022. The FERC also extended the waiver of its requirements to hold in-person meetings or submit notarized documents for open access transmission tariffs.

FERC issued a [final rule](#) to improve transmission line ratings to help lower transmission costs. The final rule requires all transmission providers, both inside and outside of organized markets, to use ambient-adjusted ratings as the basis for evaluating near-term transmission service to increase the accuracy of near-term line ratings. The final rule does not mandate the adoption of dynamic line ratings, but does require that organized market operators establish systems and procedures to allow transmission owners to use dynamic line ratings if they choose to do so. The rule recognizes that dynamic line ratings may deliver incremental benefits and opens a new proceeding in Docket AD22-5-000 to continue to explore further action on dynamic line ratings. Transmission providers must submit compliance filings within 120 days of the effective date of the rule and the requirements of the rule must be implemented within three years from the compliance filing due date.

FERC issued a [Notice of Inquiry](#) to examine the rate recovery, reporting and accounting treatment of industry association dues and certain civic, political and related expenses, as well as whether additional transparency is needed with respect to defining donations for charitable, social or community welfare purposes. The FERC also is requesting comments on whether any changes are necessary to ensure those expenditures are properly accounted for and recovered in rates. Comments are due 60 days after publication of the notice in the Federal Register and reply comments are due 90 days thereafter.

Market-Based Rate (MBR) Database: FERC extended the deadline for baseline submissions to the new MBR relational database. Baseline submissions will now be due February 1, 2022. Baseline submissions are required for all entities with MBR authorization.

Reactive Power Capability Compensation: On November 18, 2021, FERC issued a Notice of Inquiry (NOI) seeking comments on reactive power capability compensation and market design. ([Link to NOI here.](#)) Reactive power is a critical component of the bulk electric system and over the last decade, has become a key component in cost recovery for renewable resources including solar and wind facilities. In 1999, the FERC approved a method proposed by American Electric Power Service Corporation (AEP) for allocating costs for a synchronous generator between real and reactive power capability. This so-called AEP methodology is now recommended by FERC when an entity seeks to recover reactive power capability costs. In the NOI, FERC is performing a holistic review of the applicability of the AEP methodology to renewable resources.

Initial Comments are due January 31, 2022, and Reply Comments are due February 28, 2022. Please see our related [blog post](#) for details regarding this Notice of Inquiry.

On December 17, 2021, FERC rejected El Paso Electric Company's (El Paso) filing of an unexecuted, non-conforming large generator interconnection agreement (LGIA) with Solar PV Development NM 29 II LLS (Solar PV) for failure to demonstrate that the proposed deviations from El Paso's *pro forma* LGIA are necessary to address specific reliability concerns, novel legal issues or other unique factors associated with interconnecting Solar PV's project to El Paso's transmission system. [Order Rejecting Unexecuted Generator Interconnection Agreement](#). Under Order 2003, FERC requires interconnection agreements that do not conform to the transmission provider's *pro forma* LGIA in their tariff to be filed with the FERC. According to the FERC, a transmission provider seeking a case-specific deviation from its *pro forma* LGIA "bears a high burden to justify and explain that its changes are not merely 'consistent with or superior to' the *pro forma* agreement, but are necessary changes" to accommodate interconnection-specific issues. In this case, the FERC found that El Paso's asserted reliability concerns relating to inverter-based (non-synchronous) generation connections was not necessary to address specific reliability concerns associated with the interconnection or generator at issue, but rather are provisions that El Paso seeks to broadly apply to all non-synchronous generators interconnecting to its system.

Also on December 17, 2021, FERC granted a complaint filed by Tenaska against Southwest Power Pool (SPP) in which Tenaska asserted that the transmission provider had violated its tariff when it restudied a Tenaska generator interconnection request and assigned it \$66 million in network upgrades. FERC determined that the restudy had been triggered correctly, however SPP's use of 2019 transmission planning models was unduly discriminatory or preferential. FERC ordered SPP to restudy the project once again using 2017 planning models and to make a compliance filing within 10 days of the restudy's completion. Docket No. EL21-77.