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By direction of the Commission. Commissioner Danly is concurring in part and dissenting in part with a separate statement attached.

Issued: October 15, 2020.

Kimberly D. Bose,
Secretary.

**United States of America
Federal Energy Regulatory Commission**

Carbon Pricing in Organized Wholesale Electricity Markets
Docket No. AD20–14–000

DANLY, Commissioner, *concurring in part and dissenting in part:*

1. The Commission issues a proposed policy statement today in this docket to “encourage” Regional Transmission Organizations (RTOs) and Independent System Operators (ISOs) to develop potential Federal Power Act section 205¹ filings proposing market rules to accommodate state-determined carbon pricing programs.² I dissent in part because I believe that the issuance of a policy statement on this subject—a wholly discretionary act—is unnecessary and unwise. I concur with that part of the policy statement noting that we have jurisdiction to entertain section 205 filings that seek to accommodate state carbon-pricing policies, which is a fundamental principle that cannot be doubted.

2. As to my concern that the Commission should not exercise its discretion to issue a policy statement, I expressed similar concerns in my recent dissent to Order No. 2222 requiring RTOs/ISOs to promulgate rules to accommodate distributed energy resource aggregators.³ There I questioned the Commission’s seizure of authority at the expense of the States and advocated that “[w]e should allow the RTOs and ISOs . . . to develop their own DER programs in the first instance.”⁴ “[T]hen the question of the Commission’s jurisdiction will be ripe.”⁵

3. This policy statement does not mandate that RTOs/ISOs adopt carbon-pricing accommodation regimes. I agree that the Commission should not issue such a mandate.

4. Instead, the policy statement “encourages” RTO/ISO rule changes. Without seeing a proposal, the Commission predetermines that any such proposal will be within the

Commission’s jurisdiction and “would not in any way diminish state authority.”⁶ That may well turn out to be true, but I would have waited until we had an actual 205 filing before us rather than pre-judging the issue based on unstated assumptions about how such programs might work. It is easy to imagine any number of RTO/ISO carbon-pricing proposals that would violate the Federal Power Act by impermissibly invading the authorities reserved to the States. This policy statement is not, as the majority’s order characterizes it “another example of the type of ‘program of cooperative federalism’ that the Court noted with approval in *EPSA*.”⁷ There is no program. This is instead a non-binding, blanket dismissal of potential jurisdictional concerns.

5. As to the substance of the policy statement, I concur. I cannot do otherwise. The policy statement amounts to little more than a statement of fact: Section 205 of the Federal Power Act has not been repealed and the Commission therefore has jurisdiction to entertain section 205 filings that seek to accommodate state carbon-pricing policies. Surely, that need not be stated. And to the extent the Commission feels the need to “clarify” the fact that we have the power to accept just and reasonable tariff revisions that are designed to include mandatory state charges in energy and capacity market offers, I am hard-pressed to identify a more settled area of Commission law.

For these reasons, I respectfully concur in part and dissent in part.

James P. Danly,
Commissioner.

[FR Doc. 2020–23296 Filed 10–20–20; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator and Foreign Utility Company Status

Sanford Airport Solar, LLC	EG20–205–000
Sugar Creek Wind One LLC	EG20–207–000
Reloj del Sol Wind Farm LLC	EG20–208–000
Wildcat Creek Wind Farm LLC	EG20–209–000
Copper Mountain Solar 5, LLC	EG20–210–000
Battle Mountain SP, LLC	EG20–211–000

¹ 16 U.S.C. 824d (2018).

² *Carbon Pricing in Organized Wholesale Elec. Mkts.*, 172 FERC ¶ 61,062 (2020).

³ See *Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg’l*

Transmission Orgs. & Indep. Sys. Operators, 172 FERC ¶ 61,247 (2020) (Danly, Comm’r, dissenting).

⁴ *Id.* (Danly, Comm’r, dissenting at P 4).

⁵ *Id.*

⁶ *Carbon Pricing in Organized Wholesale Elec. Mkts.*, 172 FERC ¶ 61,062 at P 12.

⁷ *Id.* P 13 (quoting *FERC v. Elec. Power Supply Ass’n*, 136 S. Ct. 760, 779–80 (2016)).

Millican Solar Energy LLC	EG20-212-000
Prineville Solar Energy LLC	EG20-213-000
Saint Solar, LLC	EG20-214-000
Hunter Solar LLC	EG20-215-000
Tatanka Ridge Wind, LLC	EG20-216-000
American Kings Solar, LLC	EG20-217-000
Rancho Seco Solar II LLC	EG20-218-000
SR Georgia Portfolio I MT, LLC	EG20-219-000
East Line Solar, LLC	EG20-220-000
Kings Point Wind, LLC	EG20-221-000
North Fork Ridge Wind, LLC	EG20-222-000
Diamond Spring, LLC	EG20-223-000
Agua Clara S.A.S	FC20-12-000
Derrysallagh Windfarm Limited	FC20-13-000
Conrad (Melksham) Ltd	FC20-14-000

Take notice that during the month of September 2020, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2020).

Dated: October 15, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020-23286 Filed 10-20-20; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19-1943-003.
Applicants: North Western

Corporation.

Description: Compliance filing: Order Nos. 845 & 845-A Third Compliance Filing to be effective 5/22/2019.

Filed Date: 10/15/20.

Accession Number: 20201015-5100.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER20-2888-001.

Applicants: Townsite Solar, LLC.

Description: Second Supplement to

September 16, 2020 Townsite Solar, LLC tariff filing.

Filed Date: 10/14/20.

Accession Number: 20201014-5152.

Comments Due: 5 p.m. ET 10/26/20.

Docket Numbers: ER21-105-000.

Applicants: PJM Interconnection,

L.L.C.

Description: § 205(d) Rate Filing: Original ISA, SA No. 5794; Queue No. AD2-110 to be effective 9/14/2020.

Filed Date: 10/14/20.

Accession Number: 20201014-5118.

Comments Due: 5 p.m. ET 11/4/20.

Docket Numbers: ER21-106-000.

Applicants: ISO New England Inc.

Description: § 205(d) Rate Filing: ISO-NE 2021 Capital Budget & Rev. Tariff

Sheets for Recovery of 2021 Admin Costs to be effective 1/1/2021.

Filed Date: 10/15/20.

Accession Number: 20201015-5020.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-108-000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Third Quarter 2020 Capital Budget Report.

Filed Date: 10/15/20.

Accession Number: 20201015-5024.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-109-000.

Applicants: PJM Interconnection,

L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, SA No. 4768; Queue No. AC1-117 to be effective 8/4/2017.

Filed Date: 10/15/20.

Accession Number: 20201015-5040.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-110-000.

Applicants: Harts Mill TE Holdings

LLC.

Description: Baseline eTariff Filing: Application For Market Based Rate Authority to be effective 11/14/2020.

Filed Date: 10/15/20.

Accession Number: 20201015-5042.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-111-000.

Applicants: Old Dominion Electric

Cooperative.

Description: § 205(d) Rate Filing:

ODEC Errata Filing Related to Superseding Cost-of-Service Rate Schedule to be effective 1/1/2021.

Filed Date: 10/15/20.

Accession Number: 20201015-5067.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-112-000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2020-10-15 GMC Cost of Service Study to be effective 1/1/2021.

Filed Date: 10/15/20.

Accession Number: 20201015-5077.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-113-000.

Applicants: ISO New England Inc.

Description: § 205(d) Rate Filing: ISO-NE; Rev. Tariff Sheet for Recovery of Costs for the 2021 Operation NESCOE to be effective 1/1/2021.

Filed Date: 10/15/20.

Accession Number: 20201015-5078.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-114-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA SA No. 5817; Queue No. AF2-085 to be effective 9/15/2020.

Filed Date: 10/15/20.

Accession Number: 20201015-5089.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-115-000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF-Williston Amended and Restated SA No. 146 to be effective 1/1/2021.

Filed Date: 10/15/20.

Accession Number: 20201015-5092.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-116-000.

Applicants: XO Energy CAL, LP.

Description: Baseline eTariff Filing: Baseline new to be effective 10/16/2020.

Filed Date: 10/15/20.

Accession Number: 20201015-5095.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-117-000.

Applicants: System Energy Resources, Inc.

Description: § 205(d) Rate Filing: SERI UPSA Ratebase Credit to be effective 10/16/2020.

Filed Date: 10/15/20.

Accession Number: 20201015-5098.

Comments Due: 5 p.m. ET 11/5/20.

Docket Numbers: ER21-118-000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Clean-up to OATT, section 36.1 to add accepted language in Docket No. ER19-2030 to be effective 4/1/2020.

Filed Date: 10/15/20.

Accession Number: 20201015-5115.

Comments Due: 5 p.m. ET 11/5/20.