

Ferc Tariffs Contemporary Decisions Public Utility Series: Exploring the Nexus of Energy Regulation and Public Interest

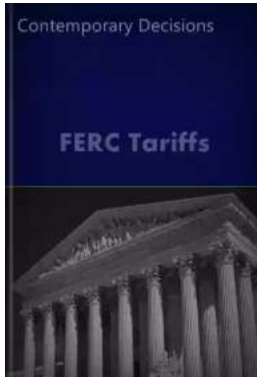
In the ever-evolving energy landscape, energy utility companies play a crucial role in ensuring the availability and affordability of electricity to meet the growing demands of consumers. However, in order to maintain a fair market, regulate the industry, and protect consumer interests, the Federal Energy Regulatory Commission (FERC) monitors and assesses the implementation of tariffs by public utility companies. This article delves into the contemporary decisions made by FERC regarding tariffs and sheds light on their implications for the energy sector and public.

Understanding FERC Tariffs

FERC tariffs refer to the rates, terms, and conditions under which public utility services, such as transportation and transmission of electricity, are provided to customers. These tariffs act as established guidelines to ensure that utilities charge just and reasonable rates and conduct their operations in a fair and nondiscriminatory manner.

FERC, as an independent regulatory agency within the Department of Energy, is responsible for overseeing the implementation of these tariffs. The commission is composed of five members appointed by the President, who together make decisions regarding tariffs, energy market regulations, and the overall functioning of the electricity grid and natural gas pipelines.

FERC Tariffs: Contemporary Decisions (Public Utility Series) by LandMark Publications(Kindle Edition)



★★★★★ 5 out of 5

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The Contemporary Decisions by FERC

In recent years, FERC has been making critical decisions to adapt to the changing energy landscape, promote competition, and protect consumer interests. These decisions have far-reaching implications for both public utilities and consumers, shaping the energy sector's future and ensuring a sustainable energy transition.

Promoting Renewable Energy Integration

One of the key contemporary decisions made by FERC is the promotion of renewable energy integration into the existing energy grid. FERC has recognized the importance of transitioning towards a greener future and has enacted policies to incentivize the incorporation of renewable energy sources, such as wind and solar, into the electricity generation mix.

Through FERC tariffs, public utility companies are now required to provide fair and equal access to the grid for renewable energy providers. This decision has

opened up avenues for small-scale clean energy producers, promoting competition, and driving down costs for consumers.

Ensuring Grid Reliability and Resilience

FERC has also made significant decisions to enhance the reliability and resilience of the electricity grid. With the increasing penetration of renewable energy sources, maintaining a stable grid becomes crucial to avoid disruptions and ensure continuous power supply.

FERC tariffs now provide incentives for public utilities to invest in grid modernization, improve infrastructure, and incorporate advanced technologies like energy storage and demand response systems. These decisions aim to enhance the grid's ability to handle intermittent renewable energy generation, improve system efficiency, and withstand extreme weather events.

Consumer Protection and Affordability

FERC's decisions, while ensuring the sustainability of the energy sector, also focus on protecting consumer interests and maintaining affordable electricity rates. FERC has been actively monitoring market conditions, preventing anti-competitive behavior, and addressing market manipulation to safeguard consumers from unfair practices.

The commission has also implemented policies to encourage transparency in tariff structures, enabling consumers to make informed choices about their energy providers. By promoting competition and fair market practices, FERC strives to ensure that electricity remains affordable for all while maintaining reliable service.

The Implications for the Energy Sector and Public

FERC's contemporary decisions regarding tariffs have immense implications for the energy sector and the general public. By promoting renewable energy integration, FERC is accelerating the transition to a cleaner and more sustainable energy future.

These decisions create opportunities for innovation, job creation, and economic growth in the renewable energy sector. Moreover, they contribute to reducing greenhouse gas emissions, combating climate change, and improving public health and well-being.

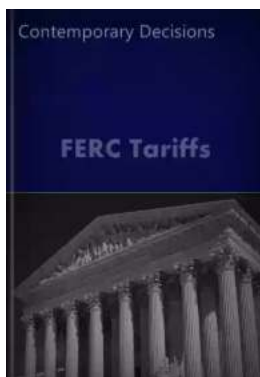
Enhancing the grid's reliability and resilience ensures that consumers have uninterrupted access to electricity, even during extreme weather events or natural disasters. By incentivizing investments in advanced technologies, FERC is bolstering the energy sector's ability to adapt to changing conditions and maintain a reliable and secure power supply.

Consumer protection and affordability are at the core of FERC's decisions. By monitoring market conditions and fostering fair competition, FERC aims to keep electricity rates competitive and prevent unjust price hikes. This creates a more equitable energy market that benefits consumers, facilitates energy choice, and encourages wider access to affordable energy sources.

The contemporary decisions made by FERC regarding tariffs in the public utility series reflect the evolving energy landscape's needs and priorities. FERC's focus on renewable energy integration, grid reliability, and consumer protection safeguards the interests of both the energy sector and the public.

Through its decisions, FERC shapes the energy sector's trajectory, creating opportunities for sustainable growth while ensuring affordable and reliable electricity for all. As the energy landscape continues to evolve, FERC's role in

regulating tariffs will remain pivotal in promoting a cleaner, resilient, and consumer-centric energy future.



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This casebook contains a selection of 119 Federal Court of Appeals decisions that review FERC tariff rulings. The decisions span from 2001 to the date of publication. The opinions are organized by year and are listed in the Table of Contents in the order of frequency of citation. The most cited decisions are listed first.

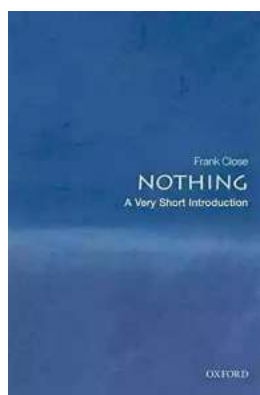
Under the Federal Power Act ("the Act"), utilities must file tariff schedules with FERC, and FERC must determine that the rates the utility plans to charge are just, reasonable, and lawful. 16 U.S.C. §§ 824d, 824e. Traditionally, utilities and FERC rely on a cost-based pricing model when assessing the reasonableness of rates. But merchant transmission developers are unlike ordinary utilities.

Transmission projects have no preexisting transmission network in which costs

can be determined—they seek to create a network, not operate within one—and no captive pool of customers from which they can recoup those costs. For these reasons, FERC allows transmission developers to request permission to charge reasonable negotiated rates, rather than cost-based rates. To do so, a transmission project developer must meet a set of criteria designed to ensure that the negotiated rate authority will not lead to unjust rates: among other things, the developer must have no captive customers, must not have the ability to exercise monopoly power, and must bear the full market risk of the project failing.

Occidental Permian Ltd. v. FERC, 673 F. 3d 1024 (DC Cir. 2012)

When an agency erroneously contends that Congress' intent has been clearly expressed and has rested on that ground, we remand to require the agency to consider the question afresh in light of the ambiguity we see. We do so because [], we examine whether the agency has reasonably exercised its discretion. But when the agency's decision was not based on [its] own judgment but rather on the unjustified assumption that it was Congress' judgment that such [an outcome is] desirable or required, the agency has not exercised that discretion at all. The same analysis applies to FERC's interpretation of a tariff. Because discretion must be exercised through the eyes of one who realizes she possesses it, we must remand to permit the Commission to determine "whether [it] wishes to retain [its interpretation] knowing that other options are permissible. *PSEG Energy Resources & Trade LLC v. FERC*, 665 F. 3d 203 (DC Cir. 2011)



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