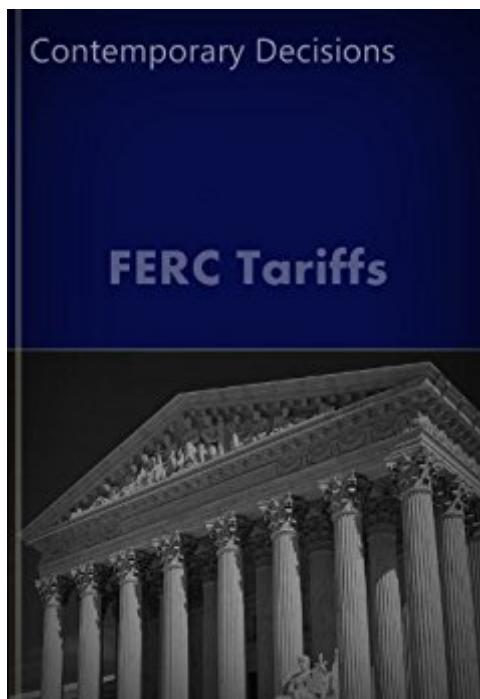


The book was found

FERC Tariffs: Contemporary Decisions (Public Utility Series)



Synopsis

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)

Book Information

File Size: 4730 KB

Print Length: 1913 pages

Simultaneous Device Usage: Unlimited

Publisher: LandMark Publications (August 15, 2012)

Publication Date: August 15, 2012

Sold by: Digital Services LLC

Language: English

ASIN: B008Y65F70

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Enhanced Typesetting: Enabled

Best Sellers Rank: #2,428,673 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #25

in Kindle Store > Kindle eBooks > Law > Administrative Law > Public Utilities #81 in Books > Law > Administrative Law > Public Utilities #1065317 in Kindle Store > Kindle eBooks >

Nonfiction

[Download to continue reading...](#)

FERC Tariffs: Contemporary Decisions (Public Utility Series) FERC Rates and Tariffs (Public Utility Series)

Electric Utilities: Federal Regulation (Public Utility Series) Filed Rate Doctrine (Public Utility Series)

Regulating Public Utility Performance: The Law of Market Structure, Pricing and Jurisdiction

Principles of Public Utility Rates Intellectual Property: Supreme Court Contemporary Decisions

(Intellectual Property Law Series) The Manual to Online Public Records: The Researcher's Tool to

Online Resources of Public Records and Public Information Gas & Electric Utilities: Contemporary

Supreme Court Decisions (LandMark Case Law) International Harvester Shop Manual Series 300

300 Utility - Ih - 10 (I & T Shop Service) What is DirectX in Windows: This eBook explains what

DirectX is and the utility that manages DirectX in the Windows environment. (PC Technology 9) A

Beginner's Guide to AutoHotkey, Absolutely the Best Free Windows Utility Software Ever! (Third

Edition): Create Power Tools for Windows XP, Windows Vista, ... and Windows 10 (AutoHotkey Tips

and Tricks) Water Utility Management (M5): AWWA Manual of Practice (AWWA Manuals)

Trenchless Technology : Pipeline and Utility Design, Construction, and Renewal DIY Instruments for

Amateur Space: Inventing Utility for Your Spacecraft Once It Achieves Orbit Horizontal Directional

Drilling (HDD): Utility and Pipeline Applications (Civil Engineering) The Utility of Force: The Art of

War in the Modern World Principles of Utility Corporate Finance U.S. Utility Mergers and the

Restructuring of the New Global Power Industry Utility Benchmarking and Regulation in Developing

Countries: Practical Application of Performance Monitoring and Incentives

[Dmca](#)