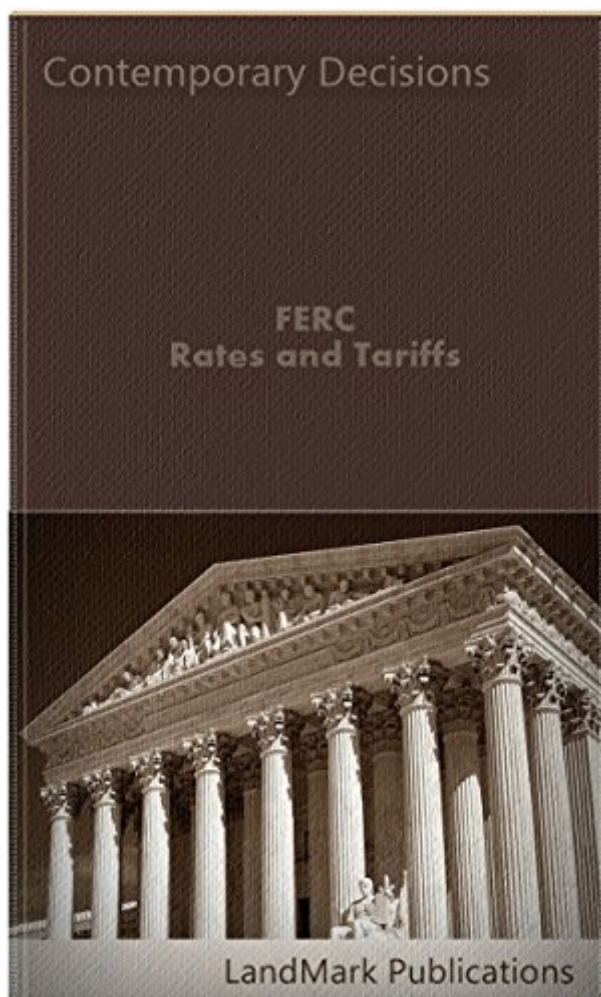


The book was found

# FERC Rates And Tariffs (Public Utility Series)



## Synopsis

THIS CASEBOOK contains a selection of 145 decisions of the U. S. Court of Appeals that analyze and discuss issues stemming from FERC rate and tariff rulings. The selection of decisions spans from 2007 to the date of publication. Filed tariffs are "the equivalent of a federal regulation," and therefore a suit to enforce them arises under federal law. *Cahnmann v. Sprint Corp.*, 133 F.3d 484, 488 (7th Cir.1998). FERC has exclusive jurisdiction over their subject matter under the filed rate doctrine. The Supreme Court has made clear that in passing the Federal Power Act, 16 U.S.C. Â§ 824(b), Congress made a bright line distinction between state and federal jurisdiction, giving FERC plenary and exclusive authority over interstate wholesale [electric] rates. *Nantahala Power & Light Co. v. Thornburg*, 476 U.S. 953, 966, 106 S.Ct. 2349, 90 L.Ed.2d 943 (1986). [ ] Under the filed rate doctrine, no seller of energy may collect a rate other than the one filed with and approved by FERC, and no court may substitute its own judgment for that of FERC. *Id.* *City of Osceola, Ark. v. Entergy Arkansas, Inc.*, 791 F. 3d 904 (8th Cir. 2015). The authority to determine whether rates are just and reasonable is vested solely in FERC. *Ak. La. Gas Co. v. Hall*, 453 U.S. 571, 577, 101 S.Ct. 2925, 69 L.Ed.2d 856 (1981). *City of Osceola, Ark. v. Entergy Arkansas, Inc.*, *ibid.* FERC may permissibly rely on economic theory alone to support its conclusions so long as it has applied the relevant economic principles in a reasonable manner and adequately explained its reasoning. See, e.g., *Sacramento Mun. Util. Dist. v. FERC*, 616 F.3d 520, 531 (D.C.Cir.2010) (holding that FERC appropriately made findings based on "'generic factual predictions' derived from economic research and theory ... given that it explained and applied the relevant economic principles in a reasonable manner" (quoting *Transmission Access Policy Study Grp. v. FERC*, 225 F.3d 667, 688 (D.C.Cir.2000))); *Wis. Pub. Power Inc. v. FERC*, 493 F.3d 239, 260-61 (D.C.Cir.2007) (holding that FERC's prediction that a given formula for allowing electricity suppliers to recover fixed costs in setting prices would "provide an efficient incentive to invest" was a "reasonable predictive judgment that warrants judicial deference"); *Associated Gas Distribs. v. FERC*, 824 F.2d 981, 1008 (D.C.Cir.1987) (stating that courts should not set aside an agency's "reliance on generic factual predictions merely because they are typically studied in the field called economics"). [Courts] consider whether FERC reasonably applied sound economic principles and articulated an adequate explanation for how those principles justified its conclusion. *Central Hudson Gas & Elec. Corp. v. FERC*, 783 F. 3d 92 (2nd Cir. 2015). [The DC Circuit] give[s] "special deference" to FERC's expertise in ratemaking cases, reviewing the Commission's decision only to determine whether it "has examined the relevant data and articulated a rational connection between the facts found and the choice made." *BP W. Coast Prods., LLC v. FERC*, 374 F.3d 1263, 1282 (D.C.Cir. 2004). The Commission,

however, must still "cogently explain why it has exercised its discretion in [the] given manner." Id. (quoting Exxon Corp. v. FERC, 206 F.3d 47, 54 (D.C.Cir.2000)).. . .

## Book Information

File Size: 6505 KB

Simultaneous Device Usage: Unlimited

Publisher: LandMark Publications (December 20, 2015)

Publication Date: December 20, 2015

Sold by: Digital Services LLC

Language: English

ASIN: B019ME2Q5G

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Enhanced Typesetting: Enabled

Best Sellers Rank: #2,187,529 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #22

in Kindle Store > Kindle eBooks > Law > Administrative Law > Public Utilities #73 in Books >

Law > Administrative Law > Public Utilities #949163 in Kindle Store > Kindle eBooks > Nonfiction

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

FERC Rates and Tariffs (Public Utility Series) FERC Tariffs: Contemporary Decisions (Public Utility Series) Principles of Public Utility Rates MDS MONEY - ADLs: Increase Your RUG Rates Now 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 The Manual to Online Public Records: The Researcher's Tool to Online Resources of Public Records and Public Information International Harvester Shop Manual Series 300 300 Utility - lh - 10 (I & T Shop Service) 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) Trenchless Technology : Pipeline and Utility Design, Construction, and Renewal Utility Benchmarking and Regulation in Developing Countries: Practical Application of Performance Monitoring and Incentives What is DirectX in Windows: This eBook explains what DirectX is and the utility that manages DirectX in the Windows environment. (PC Technology 9) Horizontal Directional Drilling (HDD): Utility and Pipeline Applications (Civil

Engineering) U.S. Utility Mergers and the Restructuring of the New Global Power Industry Energy, Utility, Transportation and Environmental Law for the 21st Century: A Collection Utility and Democracy: The Political Thought of Jeremy Bentham Mathematics: Its Power and Utility Water Utility Management (M5): AWWA Manual of Practice (AWWA Manuals) DIY Instruments for Amateur Space: Inventing Utility for Your Spacecraft Once It Achieves Orbit

[Dmca](#)