

107 FERC ¶ 61,270
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeen G. Kelly.

Bridger Valley Electric Association, Inc.

Docket No. EL04-68-001

ORDER GRANTING CLARIFICATION AND REQUEST FOR ADDITIONAL TIME

(Issued June 15, 2004)

1. In this order the Commission modifies its order of April 19, 2004¹ to make clear that Bridger Valley Electric Association, Inc. (Bridger Valley) is free to retain the interconnection portion of its open access transmission tariff (OATT) in order to process interconnection requests from small generators.² Bridger Valley is correct that, at the current time, the Commission does not have pro forma interconnection guidelines for small generators and that Bridger Valley's current Commission-approved OATT should be used to process small generator interconnections.

2. In its May 18, 2004 filing, Bridger Valley also asks that it be permitted to modify the interconnection portion of its OATT to clarify that it applies only to small generators. In addition, Bridger Valley requests additional time in which to comply with the Commission's April 19 Order, based on the outcome of its May 18, 2004 request for clarification. The Commission grants each of these requests because they will benefit customers by creating regulatory certainty for all participants in the interconnection process.

¹ Inland Power and Light Company, et al., 107 FERC ¶ 61,054 (2004) (April 19 Order).

² The Commission has defined the term "small generator" to be any generator of 20 MW or less. See Standardization of Generator Interconnection Agreements and Procedures, Order No. 2003, 68 Fed. Reg. 49,845 (Aug. 19, 2003), FERC Stats. & Regs., Regulations Preambles ¶ 31,146 (2003) (Order No. 2003), order on reh'g, Order No. 2003-A, 106 FERC ¶ 61,220 (2004) (Order No. 2003-A), reh'g pending; see also Notice Clarifying Compliance Procedures, 106 FERC ¶ 61,009 (2004); see also Standardization of Small Generator Interconnection Agreements and Procedures, 68 Fed. Reg. 49,974 (Aug. 19, 2003), FERC Stats. & Regs., Regulations Preambles P 32,572 (2003).

I. Background

3. On May 18, 2004, Bridger Valley requested clarification, or in the alternative, rehearing, of the Commission's April 19, 2004 Order. In that order, the Commission granted Bridger Valley's request for a waiver of Order No. 2003's requirement that all public utilities with an OATT currently on file modify that OATT to include the pro forma Large Generator Interconnection Procedures (LGIP) and Large Generator Interconnection Agreement (LGIA).³ This waiver remains in effect until Bridger Valley receives a large generator Interconnection Request.⁴

4. In the April 19 Order the Commission also required that Bridger Valley remove the now outdated interconnection procedures and agreement documents from its OATT.

II. Bridger Valley's Request for Clarification, and/or Rehearing

5. As Bridger Valley points out, there are no currently effective pro forma interconnection documents applicable to small generators. Instead, requests for small generator interconnections are required to be processed under a public utility's pre-Order No. 2003 interconnection rules.

6. It has come to Bridger Valley's attention that it may soon receive a request for such small generator interconnection service. If it were to comply with the Commission's directive to remove all interconnection documents from its OATT, Bridger Valley – as well as customers seeking small generator interconnection service – would be left without guidance as to how to process a small generator Interconnection Request.

7. Therefore, Bridger Valley requests that the Commission clarify that Bridger Valley may retain the interconnection provisions of its OATT in order to process small generator interconnection requests. In order to clarify that the interconnection provisions of its OATT apply only to small generators, Bridger Valley also requests that the following language be added to its OATT:

³ April 19 Order at P 23.

⁴ Id. at P 24.

This Part IV of the Tariff shall apply to requests by small generators to interconnect to the Transmission Provider's Transmission System that are less than 20 MW in size or are otherwise not subject to the applicable provisions of Order No. 2003.

8. Additionally, because of the confusion surrounding this issue, Bridger Valley requests additional time to comply with the Commission's April 19 Order.

III. Discussion

9. The Commission agrees with Bridger Valley that the interconnection provisions currently found in its OATT should be used to process small generator interconnection until the Commission issues pro forma interconnection rules for such generators.⁵

10. The Commission has allowed other Transmission Providers to re-designate their current interconnection rules as applying only to small generators and should have required that Bridger Valley do so as well.⁶

11. However, the Commission notes that Bridger Valley slightly misstates the size of generators covered by Order No. 2003; instead of applying to generators of 20 MW or more, Order No. 2003 applies to generators of greater than 20 MW (i.e., a generator of exactly 20 MW would not be covered by Order No. 2003). The Commission will require that Bridger Valley modify the language it proposes to add at the beginning of the interconnection section of its OATT to reflect this.

12. Finally, Bridger Valley requests additional time to make the changes required by the April 19 Order. The Commission will allow Bridger Valley 30 days from the date of this order to make the required modifications to its OATT.

⁵ While the Commission has issued a notice of proposed rulemaking in order to create standard small generator interconnection procedures and agreement, it has yet to issue a final rule. See supra n.1.

⁶ See, e.g. Ameren Services Company, 106 FERC ¶ 61,261 at n.6 (2004).

The Commission orders:

Bridger Valley is required to make the changes to its OATT as specified in the body of this order within 30 days of the issuance of this order.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.