

UNITED STATES OF AMERICA 111 FERC ¶61,061
FEDERAL ENERGY REGULATORY COMMISSION

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

American Electric Power Service Corporation

Docket No. ER05-635-000

ORDER ACCEPTING SERVICE AGREEMENT SUBJECT
TO SECTION 206 PROCEEDING

(Issued April 18, 2005)

1. In this order we conditionally accept American Electric Power Service Corporation's (AEP)¹ February 22, 2005 submittal of a service agreement between AEP and Blue Ridge Power Agency, Inc. (Blue Ridge) grant AEP's request for waiver, and make the service agreement effective February 1, 2005. In addition, as the Commission has done recently in other cases involving agreements relating to service within RTOs and ISOs, it is instituting a proceeding in Docket No. EL05-62-000, pursuant to section 206 of the Federal Power Act (FPA),² to determine whether the agreement should be filed under the PJM Interconnection, LLC (PJM) tariff. This order benefits customers because it ensures that the terms and conditions of jurisdictional service are just and reasonable.

Background

2. On February 22, 2005, AEP filed a service agreement between AEP and Blue Ridge³ for interconnection and local delivery service for existing delivery points based on the *pro forma* service agreement in Attachment T of AEP's Open Access

¹ AEP filed on behalf of the AEP east zone operating companies, which are as follows: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, and Wheeling Power Company.

² 16 U.S.C. § 824e (2000).

³ Blue Ridge is the designated agent for Craig-Botetourt Electric Cooperative, and for the municipal utilities in Bedford, Bristol, Danville, Martinsville, Richlands, and Salem, Virginia.

Transmission Tariff (OATT). AEP and Blue Ridge have added additional terms and conditions which were negotiated in section 3.1 “Measurement of Load at Each Delivery Point” regarding remote reading of delivery point meter data, and section 3.7 “Administrative Committee”. In this filing, AEP also requests waiver of notice requirements, and acceptance of this agreement effective as of February 1, 2005.

Notice of Filing

3. Notice of the filing was published in the *Federal Register*, 70 Fed. Reg. 11,003 (2005), with interventions and protests due on or before March 15, 2005. No protests, interventions or adverse comments were filed.

Discussion

4. We will accept the service agreement between AEP and Blue Ridge subject to the outcome of *American Electric Power Service Corporation (AEP)*, 110 FERC ¶ 61,187 (2005), and the same terms and conditions which the Commission established in *AEP*. In addition, the Commission reminds AEP that when it files a service agreement which deviates from the *pro forma* agreement, AEP must identify the terms and conditions that are not part of the *pro forma*, explain its justification for each non-conforming term and condition, and provide a redline document comparing the non-conforming agreement to the effective *pro forma* agreement on file with the Commission.

5. Pursuant to *Central Hudson Gas and Electric Corp.*, 60 FERC ¶ 61,106, *reh'd denied*, 61 FERC ¶ 61,089 (1992), we will grant waiver of the 60 day notice requirement, and in accordance with the agreement of the parties, we will make the effective date of this service agreement February 1, 2005.

6. In Docket No. EL05-62-000,⁴ we instituted proceedings under section 206 of the FPA with respect to AEP and PJM related to the designation of agreements, such as the one at issue here, within the OATT of the respective RTO. As we have pointed out in Docket No. EL05-62-000,⁵ in order to make the service agreement filed here readily accessible to interested parties, the Commission directs that such agreements should be designated as related to the PJM OATT, rather than the AEP OATT. However, designation of the agreement as related to the RTO OATT is not meant to

⁴ *American Electric Power Service Corporation*, 110 FERC ¶ 61,187 (2005).

⁵ *Id.* at P 33.

simply that the RTO is responsible for its negotiation, administration and enforcement, or that the RTO is liable in any manner with regard to the agreement.⁶

7. Accordingly, we will accept this agreement, subject to the outcome of the proceeding in Docket No. EL05-62-000. As a result of this proceeding, if PJM decides to designate this agreement as related to its OATT and provide that designation, then AEP is directed to refile this agreement, with the appropriate designations, within 60 days of the date of this order.

The Commission orders:

(A) The service agreement is hereby accepted for filing, to be effective on February 1, 2005, and subject to the outcome of *AEP* and Docket No. EL05-62-000, as discussed in the body of this order.

(B) The request for waiver of the prior notice requirement is hereby granted.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

⁶ See also *Duquesne Light Company*, 110 FERC 61,286 (2005).