

108 FERC ¶ 61,147
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

August 5, 2004

In Reply Refer To:
Citizens Communications Company
Docket No. EL04-65-000

Citizens Communications Company
1615 L Street, N.W., Suite 800
Washington, DC 20036-5610

Attention: Kenneth G. Hurwitz
Counsel to Citizens Communications Company

Reference: Delay of Order No. 2003 Effective Date

Dear Mr. Hurwitz:

1. On January 20, 2004, you filed with the Commission, on behalf of Citizens Communications Company (Citizens), a request for delay of the effective date of Order No. 2003's requirement that Citizens adopt the *pro forma* Large Generator Interconnection Procedures (*pro forma* LGIP) and Large Generator Interconnection Agreement (*pro forma* LGIA) until April 19, 2004.¹ Citizens explained that as of April 19, 2004, it would no longer be in the electric utility business. Citizens' request for delay is granted.

2. Notice of the filing was published in the *Federal Register*, 69 Fed. Reg. 6960 (2004), with interventions and protests due on or before February 10, 2004. No protests or adverse comments were filed.

¹ 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*.

Background

3. Citizens states that it does not anticipate receiving a request for interconnection from a large generator before it exits the utility business. Citizens argues that given its exit from the utility business, it would make little sense for it to adopt the Order No. 2003 tariff provisions at the present time.

4. Citizens is selling its remaining transmission assets in Vermont to Vermont Electric Cooperative, Inc.'s (VEC)² and Great Bay Hydro Corporation. Under the terms and conditions of an April 15, 2003 Purchase and Sale Agreement, VEC agrees to purchase Citizens remaining electric assets in Vermont, including its lower-voltage transmission facilities.³ VEC will assume responsibility for Citizens' OATT and certain service agreements.

Discussion

5. In Order No. 2003, pursuant to its responsibility under sections 205 and 206 of the Federal Power Act (FPA)⁴ to remedy undue discrimination, the Commission required all public utilities that own, control, or operate facilities for transmitting electric energy in interstate commerce to append to their OATTs a *pro forma* LGIP and LGIA by January 20, 2004.⁵

6. The Commission grants Citizens' request to delay the effective date of Order No. 2003 and 2003-A until after April 19, 2004. Given the short period of time between the January 20, 2004 effective date of Order No. 2003 and the time Citizens left the utility business, there is no need to require Citizens to make additional interconnection-related compliance filings. As stated in the regulatory text of Order No. 2003, public utilities

² VEC is a consumer-owned electric distribution cooperative headquartered in Johnson, Vermont. VEC serves approximately 16,000 members in Vermont and Massachusetts.

³ The proposed transaction is part of a series of transactions by which Citizens is selling its jurisdictional assets in Vermont and exiting the electric utility business. On February 13, 2004, the Commission issued its "Order Authorizing Disposition and Acquisition of Jurisdictional Facilities" in 106 FERC ¶ 62,103 (2004). The closing of the Transaction took place on April 1, 2004.

⁴ 16 U.S.C. §§ 824d, 824e (2000).

⁵ See Notice Clarifying Compliance Procedures, 106 FERC ¶ 61,009 at P 2 (2004) (clarifying that Commission will deem OATTs of non-independent public utilities to be revised as of January 20, 2004).

which are not required to file an OATT are not required to comply with Order No. 2003.⁶ Since Citizens currently does not have an OATT on file with the Commission as of April 19, 2004, Orders No. 2003 and 2003-A do not apply. However, should Citizens ever operate a Commission-jurisdictional electric transmission facility, it would then be subject to Commission regulation as a public utility.

7. This letter terminates Docket No. EL04-65-000.

By direction of the Commission.

Linda Mitry,
Acting Secretary.

⁶ See 18 CFR § 35.28(f)(1) (not yet codified).