

137 FERC ¶ 61,062  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Philip D. Moeller, John R. Norris,  
and Cheryl A. LaFleur.

California Independent System Operator Corporation	Docket Nos. ER10-1401-001 ER10-2191-001 ER11-2705-000 ER11-2705-001
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Green Energy Express LLC and 21 <sup>st</sup> Century Transmission Holdings, LLC	EL10-76-001
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ORDER ON MOTIONS FOR CLARIFICATION, REQUESTS FOR REHEARING,  
MOTION TO LODGE AND COMPLIANCE FILING

(Issued October 20, 2011)

1. On January 19, 2011, the California Independent System Operator Corporation (CAISO) filed tariff revisions to comply with the Commission's December 16, 2010 order<sup>1</sup> on its revised transmission planning process (RTPP) (compliance filing). As discussed below, we deny in part and accept in part the compliance filing, subject to further modification. We also deny in part and grant in part the motions for clarification and deny the requests for rehearing of the RTPP Order. Further, we deny the motion to lodge filed by Critical Path Transmission LLC (Critical Path).

**I. Background**

2. On June 4, 2010, CAISO submitted tariff revisions to implement its RTPP.<sup>2</sup> In response, on July 2, 2010, Green Energy Express LLC and 21<sup>st</sup> Century Transmission

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<sup>1</sup> *Cal. Indep. Sys. Operator Corp.*, 133 FERC ¶ 61,224 (2010) (RTPP Order).

<sup>2</sup> CAISO June 4, 2010 RTPP Proposal, Docket No. ER10-1401-000.

Holdings LLC (collectively Green Energy) filed a petition for declaratory order, requesting clarification of certain provisions of or relating to the RTPP.<sup>3</sup> On July 26, 2010, after receiving numerous comments and protests, the Commission issued an order, finding that CAISO had not shown its proposed RTPP to be just and reasonable. The Commission accepted and suspended the proposed tariff revisions to become effective on the earlier of January 3, 2011, or a date set in a further Commission order and directed Commission staff to convene a technical conference. The technical conference was held on August 24, 2010.

3. On December 16, 2010, the Commission conditionally accepted the RTPP, to become effective December 20, 2010, subject to a compliance filing.<sup>4</sup>

4. On January 18, 2011, CAISO and the California Municipal Utilities Association (CMUA) filed motions for clarification of the RTPP Order. On that same date, Sacramento Municipal Utility District (SMUD) and Southern California Edison Company (SoCal Edison) filed requests for rehearing, and Critical Path filed a motion for clarification or, in the alternative, request for rehearing. On February 2, 2011, CAISO filed an answer to Critical Path's rehearing request.

5. On January 19, 2011, CAISO submitted a compliance filing, as directed in the RTPP Order.<sup>5</sup> With the compliance filing, CAISO filed a motion to make that filing one day out-of-time. CAISO states that it was unable to submit the revised tariff language on time due to problems producing tariff sheets through the electronic tariff filing system. Pattern Transmission LP (Pattern) and Western Independent Transmission Group (WITG) filed answers to CAISO's request to file its compliance filing one day late. Neither opposes CAISO's request.

6. On March 7, 2011, Critical Path filed a motion to lodge in this and other proceedings comments that were publicly filed by certain stakeholders in CAISO's

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<sup>3</sup> Green Energy July 2, 2010 Petition for Declaratory Order, Docket No. ER10-76-000.

<sup>4</sup> RTPP Order, 133 FERC ¶ 61,224.

<sup>5</sup> CAISO January 19, 2011 Compliance Filing, Docket No. ER11-2705-000 (Compliance Filing); CAISO January 20, 2011 Errata to Compliance Filing, Docket No. ER11-2705-001.

transmission planning process. On March 22, 2011, CAISO filed an answer to Critical Path's motion to lodge.<sup>6</sup>

## **II. Notice and Responsive Pleadings**

7. Notice of the compliance filing was published in the *Federal Register*, 76 Fed. Reg. 4646 and 76 Fed. Reg. 5576, with interventions and comments due on or before February 10, 2011. Timely motions to intervene were filed by Bay Area Municipal Transmission Group; Cities of Anaheim, Azusa, Banning, Colton, Pasadena and Riverside, California; Cities of Santa Clara and Redding, California and the M-S-R Public Power Agency; City and County of San Francisco; Modesto Irrigation District; Northern California Power Agency; NRG Power Marketing LLC, Cabrillo Power I LLC, Cabrillo Power II LLC, El Segundo Power LLC, Long Beach Generation LLC and NRG Solar Blythe LLC. Transmission Agency of Northern California (TANC) filed a timely motion to intervene and comments. Critical Path, Pattern and WITG filed timely motions to intervene and protests. SoCal Edison filed a motion to intervene out-of-time. CAISO filed an answer.

## **III. Discussion**

### **A. Procedural Matters**

8. Rule 713(d)(1) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.713(d)(1) (2011), prohibits answers to requests for rehearing. Accordingly, we will deny CAISO's answer to Critical Path's request for rehearing.

9. We find persuasive CAISO's reasons for submitting an untimely compliance filing and also believe that, in this instance, the one-day late filing will not prejudice any party in this proceeding. Therefore, we will grant CAISO's request and permit CAISO to submit its compliance filing one business day late.

10. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2011), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(d) (2011), we grant SoCal Edison's late-filed motion to intervene in the compliance filing proceeding given

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<sup>6</sup> We note that, on May 18, 2011, in Docket Nos. ER10-1401-000, *et al.*, Nevada Hydro Company, Inc. filed a letter dated April 29, 2011 from California Public Utilities Commission President Michael Peevey and Commissioner Michel Florio to CAISO raising concerns with the 2010-2011 transmission planning process and the rejection of independent transmission developers' projects.

its interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.

11. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure prohibits an answer to a protest unless otherwise ordered by the decisional authority. We therefore reject CAISO's answer to the protests to its compliance filing.

12. In its motion, Critical Path seeks to lodge comments filed with CAISO by the Public Utilities Commission of California and other stakeholders in CAISO's transmission planning process. Critical Path asserts that the stakeholder comments demonstrate serious concerns with the implementation of the RTPP and illustrate the harm to Critical Path at issue in this proceeding. CAISO responds that the documents Critical Path seeks to lodge have no relevance to the issues in the Commission proceedings referenced in the motion. CAISO also notes that the comments Critical Path submitted are on the revised conceptual statewide plan, which is only one input into the development of CAISO's comprehensive transmission plan, and therefore do not contain conclusions about the studies and analyses that will be included in the comprehensive transmission plan.

13. Motions to lodge pleadings from other fora may be appropriate in some instances to supplement the Commission's record. However, we find the pleadings Critical Path seeks to lodge, which concern the implementation of the RTPP, are irrelevant to Critical Path's request for clarification of the "first-in-time" principle for considering the 2008 and 2009 request window proposals. Consequently, in this instance, we find that the pleadings Critical Path seeks to lodge do not assist us in our decision-making, and thus we deny the motion to lodge.

## **B. Defining Project Categories**

14. Under the RTPP, incumbent transmission owners maintain the responsibility to build reliability-driven projects,<sup>7</sup> projects to maintain the feasibility of long-term congestion revenue rights (CRR),<sup>8</sup> location-constrained resource interconnection

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<sup>7</sup> See CAISO Tariff section 24.4.6.2.

<sup>8</sup> See CAISO Tariff section 24.4.6.4. CRRs are financial instruments made available through allocation or auction that enable CRR holders to manage their exposure to congestion costs in a locational marginal pricing market. CAISO is obligated to ensure the continued feasibility of long-term CRRs that are allocated by CAISO over the length of their terms and identify any required transmission additions or upgrades in its RTPP, including demand-side management, remedial action schemes, constrained-on generation, interruptible load, and reactive support.

(LCRI) projects,<sup>9</sup> and large generator interconnection procedure (LGIP) network upgrades within their service territory.<sup>10</sup> Incumbent transmission owners do *not* have a responsibility to build and own economic and policy-driven elements included in the CAISO's comprehensive transmission plan. Instead, both incumbents and non-incumbents can propose to construct and own economic and policy-driven elements that are included in the comprehensive plan, and CAISO considers a set of factors outlined in the tariff to pick among competing proposals.<sup>11</sup>

15. The CAISO tariff defines reliability-driven projects as “any transmission additions or upgrades required to ensure System Reliability consistent with all Applicable Reliability Criteria and CAISO Planning Standards.”<sup>12</sup> The tariff provisions on reliability-driven projects provide that CAISO will identify the need for any transmission additions or upgrades required to ensure system reliability, taking into consideration “lower cost alternatives to the construction of transmission additions or upgrades, such as acceleration or expansion of existing projects, Demand-side management, Remedial Action Schemes, appropriate Generation, interruptible Loads or reactive support.”<sup>13</sup>

16. In the RTPP Order, the Commission noted that CAISO had clarified that, if a transmission upgrade solves a reliability or long-term CRR feasibility problem while simultaneously providing additional benefits, the upgrade would no longer fall within the narrow definition of a reliability-driven or long-term CRR feasibility project for which an incumbent transmission owner would have the exclusive responsibility to build.<sup>14</sup> The Commission found that this clarification was an “important distinction” and therefore directed CAISO to make a compliance filing to include language in the tariff “to clarify if a transmission upgrade solves a reliability problem while

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<sup>9</sup> See CAISO Tariff section 26.6.

<sup>10</sup> See CAISO Tariff section 24.4.6.5.

<sup>11</sup> RTPP includes merchant transmission projects in the comprehensive transmission plan and continues to allow such projects to be built by the developer who proposed them because the merchant transmission project sponsor bears all the costs.

<sup>12</sup> See CAISO Tariff section 2.4.6.2.

<sup>13</sup> *Id.*

<sup>14</sup> RTPP Order, 133 FERC ¶ 61,224 at P 60, 71. See also CAISO September 8, 2010 Initial Post-Technical Conference Comments, Docket No. ER10-1401-000, *et al.*, at 10-11.

simultaneously providing additional benefits, the project would no longer fall within the narrow definition of reliability project.”<sup>15</sup> The Commission gave the same directive regarding long-term CRR feasibility projects that had additional benefits.<sup>16</sup> The Commission also directed CAISO to include tariff language addressing how CAISO will identify the existence of additional benefits.<sup>17</sup>

17. In its motion for clarification, CAISO argues that the Commission mischaracterized the clarification CAISO made regarding reliability-driven projects that also provide additional benefits. CAISO states that it meant to explain that CAISO cannot deliberately expand the scope of a potential reliability-driven project, after it was initially approved, to address economic or policy needs and still deem it a reliability project.

18. To make its intention clear, CAISO asks that the Commission clarify that a reliability-driven project or project to ensure the feasibility of long-term CRRs that has incidental economic or policy benefits, but does not meet the criteria to be approved as an economic or policy-driven transmission element, does not lose its character as a reliability-driven project or project to ensure the long-term feasibility of CRRs. In other words, an incumbent transmission owner will maintain its responsibility to build any reliability-driven project if that project does not also meet the economic or policy criteria, even if the reliability project does provide incidental economic or public policy benefits. CAISO seeks a similar clarification with respect to economic or policy-driven transmission elements. Specifically, CAISO seeks clarification that an approved economic or policy-driven transmission element that also eliminates an identified reliability need or ensures the feasibility of long-term CRRs does not, because of that fact, lose its character as an economic or policy-driven transmission element. In its compliance filing, CAISO revised tariff sections 24.4.6.2 and 24.4.6.4 consistent with this request for clarification.<sup>18</sup>

19. WITG and Pattern urge the Commission to deny clarification and ensure that the incumbent’s right to build is not expanded beyond Commission direction in the RTPP Order. Specifically, they are concerned that CAISO seeks to blur the distinction between project categories and thus undermine the effort to delineate boundaries between project categories for which incumbent transmission owners have the exclusive

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<sup>15</sup> RTPP Order, 133 FERC ¶ 61,224 at P 60.

<sup>16</sup> *Id.* P 71.

<sup>17</sup> *Id.* P 60 and P 71.

<sup>18</sup> Compliance Filing at 3-5.

right to build and own and other categories for which all transmission project sponsors are eligible to compete to build. In their protests to the compliance filing, WITG and Pattern object to the proposed language in tariff sections 24.4.6.2 and 24.4.6.4.<sup>19</sup>

### **Commission Determination**

20. CAISO asks us to clarify that reliability-driven projects or projects to ensure the feasibility of long-term CRRs that have incidental economic or policy benefits, but do not meet the criteria to be approved as an economic or policy-driven transmission element, do not lose their character as reliability-driven projects or projects to ensure the long-term feasibility of CRRs. We deny CAISO's motion for clarification. The Commission relied on CAISO's statements to find that the RTPP was just and reasonable and not unduly discriminatory. Indeed, in the RTPP Order, we found the distinction between a project that provides only reliability benefits and a project that provides reliability benefits while simultaneously providing additional benefits to be an important distinction.<sup>20</sup> CAISO's clarification of its statements on rehearing would be contrary to that important distinction. For these reasons, we deny CAISO's request for rehearing.<sup>21</sup> Accordingly, we find that proposed tariff sections 24.4.6.2 and 24.4.6.4 in the compliance filing are unjust and unreasonable and reject them. We direct CAISO to revise its tariff, within 30 days of the date of this order, as directed in the RTPP Order.<sup>22</sup>

### **C. Provider of Last Resort**

21. Commission-accepted RTPP tariff section 24.6 states that, if an approved economic or policy-driven element sponsor is subsequently unable or unwilling to build its project, CAISO may, at its discretion, direct the participating transmission owner (PTO) in whose service territory the project is located to complete the project. In its RTPP comments, SoCal Edison objected to this obligation to build without a parallel right of first refusal.<sup>23</sup> In the RTPP Order, the Commission found that SoCal Edison's

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<sup>19</sup> WITG February 9, 2011 Answer, Docket Nos. ER11-2705-000 and ER11-2705-001, at 4-6; Pattern February 9, 2011 Answer, Docket Nos. ER11-2705-000 and ER11-2705-001, at 6-10.

<sup>20</sup> RTPP Order, 133 FERC ¶ 61,224 at P 60, 71.

<sup>21</sup> This finding is based on the record of this proceeding and does not dictate cost allocation issues.

<sup>22</sup> RTPP Order, 133 FERC ¶ 61,224 at P 60, 71.

<sup>23</sup> SoCal Edison June 30, 2010 RTPP Protest, Docket No. ER10-1401-000, at 3-5; *see also* RTPP Order, 133 FERC ¶ 61,224 at P 247 n.177.

concerns were premature because CAISO stated that abandoned projects may be subject to a second open solicitation process to identify a new project sponsor.<sup>24</sup> Further, the Commission noted that the existing tariff already provided such a provider of last resort obligation, and that CAISO had not proposed to change this provision in its RTPP Filing.<sup>25</sup>

22. On rehearing, SoCal Edison states that, in the case of an abandoned economic or policy-driven element, there is no tariff requirement that CAISO hold a second solicitation for project sponsors. SoCal Edison adds that there are no criteria on how and when CAISO would engage in a second solicitation versus when it would simply order the PTO to build the economic or policy-driven elements. SoCal Edison argues that it would suffer direct and immediate harm, even with a second solicitation process, because it would immediately be required to reserve funds in order to finance any potential projects that are abandoned by an approved project sponsor. SoCal Edison states that this capital would be held in reserve without earning any rate base return and being put to use for direct customer benefit (such as investing in other facilities). SoCal Edison adds that, because the failure to build these economic and policy-driven elements will not compromise the reliability of the grid, it is not appropriate for CAISO to place upon the PTOs with a service territory a one-sided backstop obligation to build without an offset that would protect against a call on the PTO's capital when no right of first refusal for the PTO exists.

### **Commission Determination**

23. We deny rehearing. Prior to RTPP, CAISO's planning process provided that the applicable PTO was obligated to build projects approved as part of the transmission planning process. While RTPP added policy-driven elements to CAISO's transmission plan, it did not change the underlying obligation that the applicable PTO must construct all approved projects/elements in the transmission plan within its service territory, where there is no other sponsor. The RTPP Order noted that the responsibility to build was not a change from the previous tariff.<sup>26</sup> Since CAISO did not propose to change this obligation, if SoCal Edison believes that the provision is no longer just and reasonable because of the introduction of economic and policy-driven elements to the planning process, SoCal Edison may file a Federal Power Act section 206 complaint.

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<sup>24</sup> RTPP Order, 133 FERC ¶ 61,224 at P 247, n.178.

<sup>25</sup> *Id.* P 247, n.179.

<sup>26</sup> *Id.* P 247.



24. In response to similar arguments by SoCal Edison and other entities, we also note that the Commission recently found in Order No. 1000 that the obligation to build is not necessarily dependent on the incumbent transmission provider having a corresponding federal right of first refusal.<sup>27</sup> The Commission concluded that “[t]here are many benefits and obligations associated with membership in [a regional transmission organization (RTO) or independent system operator (ISO)] and an obligation to build at the direction of the RTO or ISO is only one aspect of the agreement.”<sup>28</sup> To the extent further changes to the CAISO tariff are necessary to comply with the requirements of Order No. 1000, we will address such changes on compliance with that order.

#### **D. Project Sponsor Selection Factors**

25. In the RTPP Order, the Commission found that the project sponsor selection factors for choosing between competing project sponsors set forth in RTPP proposed tariff section 24.5.2.4 were just and reasonable and not unduly discriminatory or preferential.<sup>29</sup> The Commission disagreed that a project sponsor's willingness to forego rate incentives should be a stronger criterion in CAISO's selection between competing project sponsors.<sup>30</sup> The Commission explained that rate incentives are a component of the overall cost of a project. The Commission agreed with CAISO that it is inappropriate to give more weight to one component of cost containment and believed that a voluntary cost cap was a better measure of cost containment.<sup>31</sup>

26. On rehearing, SMUD argues that the Commission's conclusion that a voluntary cost cap is a better measure of cost containment than a commitment to forego rate incentives assumes that, in a given instance, CAISO would have the opportunity to compare competing projects that offer both cost caps and a commitment to forego incentive rate treatment. SMUD states that this assumption overlooks the fact that in some instances no competing project applicant may agree to accept a cost cap. SMUD argues that a commitment to forego rate incentives should be given added weight compared to other non-cost cap selection factors in order to recognize its cost containment value in the absence of an outright cost cap. SMUD argues that the added

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<sup>27</sup> *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 76 Fed. Reg. 49,842, at P 261 (2011).

<sup>28</sup> *Id.*

<sup>29</sup> RTPP Order, 133 FERC ¶ 61,224 at P 220; *see also id.* n.158.

<sup>30</sup> *Id.* P 222.

<sup>31</sup> *Id.*

weight given to commitments to forego rate incentives will motivate competing applicants to demonstrate cost containment by committing to keep project costs within original estimates.

### **Commission Determination**

27. Consistent with the Commission's findings in the RTPP Order, we find that the commitment to forego rate incentives is accounted for in the RTPP project sponsor selection factors. Specifically, project sponsor selection factor (j) takes into account demonstrated cost containment capability and other advantages the project sponsor and its team may have to build the specific project.<sup>32</sup> Although we support cost containment efforts, we find that it is inappropriate to give cost containment, regardless of the form in which it is provided, more weight than non-cost project sponsor selection factors (such as capabilities and financial resources of project sponsor and team). We find that the non-cost factors are equally important. For these reasons, we deny this request for rehearing.

### **E. Coordination between LGIP and RTPP**

28. In the RTPP Order, the Commission found that CAISO's proposal to incorporate certain LGIP network upgrades into the RTPP beginning in the 2011/2012 planning cycle was just and reasonable. Among other things, the Commission noted that CAISO had committed to holding a stakeholder process to address any outstanding issues related to the LGIP, such as timing and coordination with the RTPP. The Commission supported and expected that any refinements or proposals resulting from this stakeholder process that substantially affect rates, terms and conditions of service will be filed with the Commission.<sup>33</sup>

29. CMUA seeks clarification that the stakeholder process referred to in the RTPP was not the CAISO LGIP reform stakeholder process that focused on consolidating the small generator interconnection process and the LGIP rather than coordinating LGIP and RTPP. CMUA contends that without this clarification CAISO may perceive that it has met all of the Commission's expectations with respect to future stakeholder processes related to RTPP.

### **Commission Determination**

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<sup>32</sup> See CAISO Tariff section 24.5.2.4 (j).

<sup>33</sup> RTPP Order, 133 FERC ¶ 61,224 at P 111-112.

30. CAISO committed to a stakeholder process that would address any outstanding issues related to the LGIP, such as timing and coordination with the RTPP. We reiterate that we support such a process and expect CAISO to fulfill its commitment. Accordingly, we deny the requested clarification.

#### **F. 2008 and 2009 Request Window Proposals**

31. In the RTPP Order, the Commission directed CAISO to apply the “first-in-time” principle when considering proposals submitted in the 2008 and 2009 request windows during RTPP Phase 2.<sup>34</sup>

32. On rehearing, Critical Path requests that the Commission clarify that the “first-in-time” principle for considering the 2008 and 2009 request window proposals during RTPP Phase 2 applies equally to projects submitted in the 2008 and 2009 request windows, respectively, to ensure that 2008 request window proposals will be considered before 2009 request window proposals, and 2009 request window proposals will be considered before subsequent year proposals. Critical Path also requests that the Commission clarify that the “first-in-time” principle requires that CAISO consider those projects on a comprehensive basis with other projects, not after later-submittals including LGIP-related transmission projects, reliability projects, projects needed to maintain the feasibility of long term CRRs, LCRI facility, and qualified merchant transmission facility projects. Critical Path raises the same concerns in its protest to the compliance filing.

#### **Commission Determination**

33. In the RTPP Order, the Commission explained that CAISO should apply the “first-in-time” principle when considering the 2008 *and* 2009 request window proposals during RTPP Phase 2 of the 2010/2011 planning cycle.<sup>35</sup> As proposed in the compliance filing, tariff section 24.4.6.8 gives priority to 2008 and 2009 request window proposals in the 2010/2011 planning cycle and gives priority to 2008 request window proposals over 2009 request window proposals that were submitted for the same policy-driven or economically-driven element as identified in the plan.

34. We grant Critical Path’s request for clarification that 2008 and 2009 request window proposals should be considered on a comprehensive basis. We note that, under RTPP Phase 2, CAISO conducts a comprehensive analysis that considers all elements together to ensure the most efficient and comprehensive transmission plan was

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<sup>34</sup> *Id.* P 268.

<sup>35</sup> *Id.*

developed. The comprehensive plan includes reliability projects, LCRI facilities, merchant transmission facilities, projects to maintain the feasibility of long term CRRs, and certain LGIP network upgrades. The comprehensive plan also includes policy-driven transmission elements and economically-driven transmission elements.

35. Furthermore, as proposed in the compliance filing, tariff section 24.4.6.8 indicates that, in Phase 2, CAISO will evaluate whether any of the 2008 or 2009 request window proposals are needed as Category 1 policy-driven or economically driven elements. If CAISO finds that a 2008 or 2009 request window proposal is needed, it will be included in the 2010/2011 Transmission Plan. Consistent with the RTPP Order and as discussed above, if a transmission upgrade proposal would solve a reliability or long-term CRR need while simultaneously providing additional benefits, the project would no longer fall within the narrow definition of a reliability project.<sup>36</sup> Furthermore, consistent with the RTPP Order, tariff section 24.4.6.5, as proposed in the compliance filing, provides that, if a policy-driven element is identified in Phase 2 of the RTPP, it could supplant the need for LGIP projects that may have otherwise been identified in a subsequent LGIP process. Therefore, under RTPP, CAISO comprehensively evaluates all needs and identifies the most efficient and effective projects to meet those needs, allowing, when appropriate, for a 2008 or 2009 request window project to be built by the proposing project sponsor for a policy-driven or economically-driven transmission element while also fulfilling other needs, such as reliability needs identified earlier in Phase 2. As indicated below, we find that proposed tariff sections 24.4.6.8 and 24.4.6.5 in the compliance filing are just and reasonable and therefore accepted.

### **G. Compliance Filing**

36. On January 19, 2011, CAISO filed tariff revisions to comply with the RTPP Order. TANC submitted comments seeking to further understand the relationship between the California Transmission Planning Group (CTPG) statewide transmission plan and the transmission plan CAISO develops.

### **Commission Determination**

37. We find that CAISO's compliance filing complies with the directives in the RTPP Order, but for those components discussed below. In all other respects, we accept the proposed tariff revisions and find them just and reasonable.

38. Although the Commission directed CAISO to revise tariff section 24.5.2.3 (b) to allow 120 days rather than 60 days for seeking siting approval,<sup>37</sup> it has not done so. We

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<sup>36</sup> *Id.* P 60 and P 71.

<sup>37</sup> *Id.* P 242.

direct CAISO to make a compliance filing within 30 days of the date of this order to remedy this omission. Also, as noted above,<sup>38</sup> we do not find proposed tariff sections 24.4.6.2 and 24.4.6.4 to be just and reasonable and reject them. We direct CAISO to revise its tariff, within 30 days of the date of this order, as directed in the RTPP Order.

39. In the RTPP Order, the Commission addressed how CAISO will use the CTPG's statewide transmission plan in the development of CAISO's conceptual statewide plan without giving it undue weight and preference.<sup>39</sup> Further, we note that the conceptual plan developed by CAISO will be posted for comment. Therefore, we find it unnecessary to elaborate further on the relationship of the CTPG statewide transmission plan to the transmission plan CAISO develops, as TANC requests.

The Commission orders:

(A) The requests for rehearing are hereby denied, as discussed in the body of this order.

(B) The motions for clarification are hereby granted in part and denied in part, as discussed in the body of this order.

(C) Critical Path's motion to lodge is hereby denied, as discussed in the body of this order.

(D) CAISO's compliance filing is hereby rejected in part and accepted in part, subject to modification, as discussed in the body of this order.

(E) CAISO is directed to make a compliance filing within 30 days of the date of this order, as discussed in the body of this order.

By the Commission. Commissioner Spitzer is not participating.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>38</sup> *See supra* P 20.

<sup>39</sup> RTPP Order, 133 FERC ¶ 61,224 at P 42-49.