

154 FERC ¶ 61,193
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

March 17, 2016

In Reply Refer To:
Southwest Power Pool, Inc.
Docket Nos. ER16-139-000
ER16-139-001

Southwest Power Pool, Inc.
201 Worthen Drive
Little Rock, AR 72223

Attention: Matthew Harward

Dear Mr. Harward:

1. On October 23, 2015, as amended on January 19, 2016, pursuant to section 205 of the Federal Power Act (FPA)¹ and section 35.13 of the Commission's regulations,² Southwest Power Pool, Inc. (SPP) filed proposed revisions to its Open Access Transmission Tariff (Tariff) to update the Index of Grandfathered Agreements in Attachment W.³ As discussed below, we accept the SPP Filing, subject to condition, effective January 1, 2016, as requested.
2. Attachment W of the SPP Tariff lists the Grandfathered Agreements for all SPP Transmission Owners that are recognized by SPP and are subject to the non-rate terms and conditions of the Tariff.⁴ In a series of orders, the Commission accepted

¹ 16 U.S.C. § 824d (2012).

² 18 C.F.R. § 35.13 (2015).

³ SPP October 23, 2015 Filing (SPP Filing).

⁴ Southwest Power Pool, Inc., FERC FPA Electric Tariff, [Open Access Transmission Tariff, Sixth Revised Volume No. 1](#), Part I, I Common Service Provisions, Section 1, 1 Definitions, Definitions G, 1 Definitions G, 2.0.0.

Attachment W of the Tariff⁵ and required, with respect to Grandfathered Agreements, that Transmission Owners, on behalf of their entire load including grandfathered wholesale and bundled retail loads, take service under the non-rate terms and conditions in the Tariff.⁶

3. SPP seeks to modify Attachment W to remove Grandfathered Agreements that have expired or have been terminated and update information regarding effective Grandfathered Agreements. SPP states that its revisions will update and correct information regarding existing Grandfathered Agreements that are subject to the non-rate terms and conditions of the Tariff.⁷

4. Notice of the SPP Filing was published in the *Federal Register*, 80 Fed. Reg. 66,896 (2015), with interventions and protests due on or before November 13, 2015. Timely motions to intervene and comments were filed by Southwestern Power Administration (SWPA) and MidAmerican Energy Company (MidAmerican).

5. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2015), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

6. In their comments, SWPA and MidAmerican raise several issues concerning SPP's proposed revisions as well as existing entries in the Index of Grandfathered Agreements. Specifically, SWPA and MidAmerican point out that certain entries are duplicative, inconsistent, or misspelled.⁸

7. On December 3, 2015, Commission staff issued a letter informing SPP that its filing was deficient and that additional information was required to process its filing.⁹

⁵ *Sw. Power Pool, Inc.*, 106 FERC ¶ 61,110, at PP 106-110 (2004) (February 2004 Order), *order on compliance*, 108 FERC ¶ 61,003, at PP 75-77, *order on compliance*, 109 FERC ¶ 61,009, at PP 48-51, *order on compliance*, 110 FERC ¶ 61,046, at P 14 (2005).

⁶ February 2004 Order, 106 FERC ¶ 61,110 at P 108.

⁷ SPP Filing at 2.

⁸ SWPA Comments at 4; MidAmerican Comments at 3.

⁹ SPP December 3, 2015 Deficiency Letter (Deficiency Letter).

The Deficiency Letter raised questions as to whether certain entries are duplicative, inconsistent, or misspelled.¹⁰

8. On January 19, 2016, SPP filed a response to the Deficiency Letter, which provided answers as to whether certain entries are duplicative, inconsistent, or misspelled.¹¹ In the Deficiency Response, SPP confirmed that these types of non-substantive errors exist throughout its proposed revisions and within existing entries in the Index of Grandfathered Agreements.¹²

9. Notice of the Deficiency Response was published in the *Federal Register*, 81 Fed. Reg. 4,284 (2016), with interventions and protests due on or before February 9, 2016. None was filed.

10. We accept the SPP Filing, subject to condition, effective January 1, 2016, as discussed below.¹³ We find that the Deficiency Response adequately answers whether certain entries are duplicative, inconsistent, or misspelled. However, SPP re-submitted its proposed Tariff revisions to the Index of Grandfathered Agreements without proposing additional revisions to correct the duplicates, inconsistencies, and misspellings acknowledged by SPP. Therefore, we direct SPP to submit a compliance filing within 30 days of the date of this order revising its Index of Grandfathered Agreements to be consistent with the answers provided in its Deficiency Response.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

¹⁰ For example, the Deficiency Letter asked whether Line Nos. 764, 782, and 805, Contract Title, should be “George Neal Generating Unit” instead of “Georgia Neal Generating Unit.”

¹¹ SPP January 19, 2016 Response (Deficiency Response).

¹² *Id.* at 2-5. For example, SPP states that the correct name for Line Nos. 764, 782, and 805 should reflect “George Neal Generating Unit.”

¹³ The Commission can revise a proposal filed under section 205 of the FPA as long as the filing utility accepts the change. *See City of Winnfield v. FERC*, 744 F.2d 871, 875-77 (D.C. Cir. 1984). The filing utility is free to indicate that it is unwilling to accede to the Commission’s conditions by withdrawing its filing.