

170 FERC ¶ 61,236
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick and Bernard L. McNamee.

Sierra Pacific Power Company
Nevada Power Company

Docket No. ER20-1215-000

ORDER GRANTING WAIVERS

(Issued March 19, 2020)

1. On March 9, 2020, pursuant to Rules 207 and 212 of the Commission's Rules of Practice and Procedure,¹ Sierra Pacific Power Company and Nevada Power Company (together, NV Energy) submitted a request for limited waiver of the in-person meeting requirements set forth in Attachment N and Attachment O of the NV Energy Open Access Transmission Tariff (OATT)² for the remainder of 2020. In addition, NV Energy requests waiver of the Commission's 60-day prior notice requirement.³ As discussed below, we grant NV Energy's waiver requests.

I. Background

2. Section 1 of Attachment N (Standard Large Generator Interconnection Procedures) of NV Energy's OATT defines Application Meeting as:

the in person meeting held between the Transmission Provider and the Interconnection Customer during the Application Process in order to process the Application Request, to discuss any potential siting impediments or timelines associated with an Interconnection Customer's Application Request, and to create a Preliminary Plan of

¹ 18 C.F.R. §§ 385.207, 385.212 (2019).

² The NV Energy OATT is a joint OATT for Sierra Pacific Power Company and Nevada Power Company, with the latter as the designated lead company under the Commission's eTariff system.

³ Transmittal at 6.

Development (if necessary) for the Interconnection Customer's Application Request.⁴

3. In addition, section 3.3.3 of Attachment N requires that:

[a]t the in person Application Meeting the Interconnection Customer and Transmission Provider shall exchange information including any transmission data that would reasonably be expected to impact such interconnection options, to analyze such information and to determine the potential feasible Points of Interconnection. The Application Meeting shall cover all environmental, permitting, Site Control and matters related to the interconnection of Interconnection Customer's Generating Facility to Transmission Provider's system, in order to identify the scope of Interconnection Customer's request, and identify any potential issues with the Interconnection Customer's Application Request. Alternative Interconnection options will also be discussed if applicable.⁵

4. Moreover, section 1.3.2.5 of Attachment O (Standard Small Generator Interconnection Procedures) provides that "the Transmission Provider shall schedule an in person Application Meeting with the Interconnection Customer to be held within 20 Business Days from receipt of a completed Application Request, unless otherwise mutually agreed to by the Parties."⁶

II. Filing

5. NV Energy requests that the Commission grant its waiver of the in-person meeting requirements set forth in sections 1 and 3.3.3 of Attachment N and section 1.3.2.5 of Attachment O of the OATT so that it can convene meetings via teleconferences during the COVID-19 outbreak, instead of in person, as required by the OATT.

6. NV Energy argues that its waiver request satisfies the Commission's criteria for granting waiver. First, NV Energy argues that it is acting in good faith by responding to feedback from its customers who are either limited by corporate policies or simply are

⁴ *Id.* at 3 (citing NV Energy OATT, attach. N, § 1 Definition of Application Meeting (0.8.0)).

⁵ *Id.* at 4 (citing NV Energy OATT, attach. N, § 3.3.3 Data Required at the Application Meeting (0.8.0)).

⁶ *Id.* (citing NV Energy OATT, attach. O, § 1.3.2.5 Application Meeting (0.9.0)).

uncomfortable traveling due to the COVID-19 virus.⁷ Second, NV Energy asserts that its waiver request is limited in scope, as NV Energy is only seeking the option to substitute in person meetings with teleconferences during the COVID-19 outbreak. In particular, NV Energy states that it is seeking the waiver through the remainder of 2020 to ensure that NV Energy and its customers have the flexibility to hold teleconference meetings until the COVID-19 situation is under control. Third, NV Energy contends that granting the waiver will solve a concrete problem. Specifically, NV Energy states, several companies are restricting travel to limit the spread of COVID-19, and the limited waiver would permit the interconnection process to continue via teleconference. Fourth, NV Energy argues that no third party will be harmed by granting this waiver. NV Energy observes that the limited waiver will not change the meetings but instead will just change how the meetings are conducted (from in person to teleconference), allows for NV Energy to continue to follow its procedures in Attachments N and O, and will apply to all impacted generation interconnection customers in NV Energy's queue.

7. NV Energy also requests waiver of the Commission's 60-day prior notice requirement.⁸ NV Energy asserts that good cause exists to grant waiver as the COVID-19 situation is expanding and changing each day. Moreover, NV Energy argues that its request is reasonable under the circumstances, does not impact the continued processing of interconnection requests, and provides its customers with a satisfactory alternative to complete the requirements of the interconnection process.

8. NV Energy requests that the Commission act on NV Energy's filing no later than March 20, 2020, with a requested effective date of March 20, 2020, as NV Energy is required to have an in-person meeting pursuant to the OATT by April 1, 2020.⁹

III. Notice and Responsive Pleadings

9. Notice of NV Energy's filing was published in the *Federal Register*, 85 Fed. Reg. 14,936-37 (Mar. 16, 2020), with interventions and protests due on or before March 13, 2020. None was filed.

IV. Discussion

10. We grant NV Energy's request for waiver of the in-person meeting requirements set forth in sections 1 and 3.3.3 of Attachment N and section 1.3.2.5 of Attachment O of the OATT. The Commission has previously granted waiver of tariff provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver

⁷ *Id.* at 5.

⁸ *Id.* at 6 (citing 18 C.F.R. § 35.3 (2019)).

⁹ *Id.*

addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.¹⁰

11. We find that the circumstances of NV Energy's waiver request satisfy these criteria. First, we find that NV Energy is acting in good faith by addressing customers' travel limitations due to corporate policies and concerns about traveling due to the COVID-19 outbreak. Second, we find that NV Energy's waiver request is limited in scope, as NV Energy is seeking a one-time waiver of discrete tariff provisions to substitute in person meetings with teleconferences during the COVID-19 outbreak for the remainder of 2020. Third, we find that NV Energy's waiver request addresses a concrete problem by allowing NV Energy to continue to conduct its interconnection process via teleconference during a period in which companies are restricting travel to limit the spread of COVID-19. Fourth, we find that the waiver will not result in undesirable consequences, such as harming third parties. We find that the limited waiver will allow NV Energy to continue to implement its procedures in Attachments N and O, while providing flexibility for how the meetings are conducted during the period in which travel might be affected by the COVID-19 outbreak.

12. Furthermore, we find good cause to grant NV Energy's request for waiver of the Commission's 60-day prior notice requirement to allow NV Energy the option to substitute in person meetings with teleconferences for the remainder of 2020, effective March 20, 2020.¹¹

The Commission orders:

NV Energy's waiver requests are hereby granted, effective March 20, 2020, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

¹⁰ See, e.g., *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 13 (2016).

¹¹ *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *reh'g denied*, 65 FERC ¶ 61,081 (1993).