

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Ohio Power Company  
AEP Ohio Transmission Company, Inc.  
PJM Interconnection, L.L.C.

Docket Nos. ER20-954-000  
ER20-954-001

ORDER ACCEPTING AGREEMENTS SUBJECT TO COMPLIANCE FILINGS

(Issued May 8, 2020)

1. On February 4, 2020, as amended on March 9, 2020, pursuant to section 205(c) of the Federal Power Act (FPA)<sup>1</sup> and section 35.13 of the Commission's regulations,<sup>2</sup> American Electric Power Service Corporation (AEPSC), on behalf of its affiliates, Ohio Power Company (Ohio Power) and AEP Ohio Transmission Company, Inc. (AEP Ohio), (together with AEPSC, AEP), filed two facilities agreements and an amended interconnection and local delivery service agreement (ILDSA).<sup>3</sup> We accept for filing the agreements, to be effective April 4, 2020, as requested, subject to the condition that AEP make compliance filings, as discussed below.

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<sup>1</sup> 16 U.S.C. § 824d(c) (2018).

<sup>2</sup> 18 C.F.R. § 35.13 (2019).

<sup>3</sup> PJM Interconnection, L.L.C., PJM Service Agreements Tariff, [PJM SA No. 1336 - ILDSA](#), [PJM SA No. 1336 - Revised ILDSA AEPSC and Buckeye Power \(31.0.0\)](#), [PJM SA No. 1336-Highland](#), [PJM SA No. 1336 - Highland Ridge DP Facilities Agreement \(0.1.0\)](#), and [PJM SA No. 1336-Lawrence](#), [PJM SA No. 1336 - Lawrence DP Facilities Agreement \(0.1.0\)](#). PJM Interconnection, L.L.C. (PJM) filed the agreements on behalf of AEPSC as the agreements are filed as part of the PJM Services Agreement Tariff.

## **I. Description of Filing**

2. AEPSC states that, on January 7, 2020, it entered into two facilities agreements among AEP, Washington Electric Cooperative (WEC), and Buckeye Power, Inc. (Buckeye), to perform certain engineering, design, equipment procurement and construction activities related to the new Highland Ridge delivery point (Highland Ridge Facilities Agreement) and the new Lawrence delivery point (Lawrence Facilities Agreement).<sup>4</sup> Each of the Highland Ridge and Lawrence Facilities Agreements includes charges of \$8,000 to Buckeye due after the agreements are made effective by the Commission.<sup>5</sup>

3. AEPSC states that the Highland Ridge and Lawrence Facilities Agreements supplement the ILDSA between AEPSC and Buckeye (Buckeye ILDSA). AEPSC states that the Buckeye ILDSA changes frequently to reflect delivery point changes.<sup>6</sup> AEPSC states that Buckeye protested Attachment 1 to the Buckeye ILDSA in Docket No. ER19-2828 and the parties are working towards developing an agreement that they both agree is accurate and can serve as the basis for all subsequent versions. AEPSC states that while these negotiations have been pending, revisions to the Buckeye ILDSA to reflect delivery point changes and other changes to the terms of the Buckeye ILDSA have been made in Docket Nos. ER20-289, ER20-431, and ER20-609. AEPSC states that Buckeye similarly protested the filings in these dockets.

4. AEPSC further states that once the parties develop a consensus Buckeye ILDSA Attachment 1, AEPSC will file revisions to the Buckeye ILDSA submitted in the instant proceeding, and all versions of Attachment 1 filed subsequent to Docket No. ER19-2828, as appropriate. AEPSC states that it has no objection to the acceptance of the Buckeye

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<sup>4</sup> Transmittal at 1-2.

<sup>5</sup> Amendment at 2; PJM, PJM Service Agreements Tariff, PJM SA No. 1336-Highland, PJM SA No. 1336 - Highland Ridge DP Facilities Agreement (0.1.0), section 4.c. & Exhibit 2, PJM SA No. 1336-Lawrence, PJM SA No. 1336 - Lawrence DP Facilities Agreement (0.1.0), section 4.2. & Exhibit 2.

<sup>6</sup> Transmittal at 2. AEPSC explains that, because Ohio Power and AEP Ohio are transmission-owning members of PJM, and the Buckeye ILDSA involves interconnection and local delivery service over AEP's facilities located within the PJM footprint, the Buckeye ILDSA is designated as a service agreement under the PJM Open Access Transmission Tariff and all facilities agreements are treated as children under the ILDSA. *Id.*

ILDSA being conditioned on it being reformed to reflect the outcome of Docket No. ER19-2828.<sup>7</sup>

5. AEPSC states that, in the instant proceeding, consistent with directives in Docket No. ER20-431 to remove all edits in the version of the ILDSA filed in Docket No. ER19-2828, AEP used the ILDSA in effect prior to Docket No. ER19-2828 as a baseline Buckeye ILDSA for this filing and included the changes accepted in Docket Nos. ER20-289 and ER20-431 and the pending changes proposed in Docket No. ER20-609.<sup>8</sup>

6. AEPSC requests an effective date of April 4, 2020 for each of the agreements.<sup>9</sup>

7. On March 9, 2020, AEPSC submitted an amendment to its filing proposing revisions to the Highland Ridge and Lawrence Facilities Agreements.

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

8. Notice of AEPSC's February 4, 2020 filing was published in the *Federal Register*, 85 Fed. Reg. 7547 (Feb. 10, 2020), with interventions and protests due on or before February 25, 2020. Buckeye submitted a timely intervention and a protest.

9. Notice of AEPSC's March 9, 2020 amended filing was published in the *Federal Register*, 85 Fed. Reg. 14,673 (Mar.13, 2020), with interventions and protests due on or before March 30, 2020.

10. Buckeye states that it does not object to AEPSC revising the Buckeye ILDSA to incorporate the terms of the Highland Ridge and Lawrence Facilities Agreements and to the performance of certain engineering, design, equipment procurement and construction activities related to the new Highland Ridge and Lawrence delivery points under the

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.* The Buckeye ILDSAs filed in Docket Nos. ER20-289-000, ER20-431-000, and ER20-609-000 were each accepted for filing subject to compliance filings to: (1) refile the amended agreements without the proposed changes currently pending in Docket No. ER19-2828, et al.; and (2) conform the accepted Buckeye ILDSA to reflect the outcome of Docket No. ER19-2828, et al. within 30 days of the issuance of an order in that docket. *PJM Interconnection, L.L.C.*, 169 FERC ¶ 61,258 (2019); *Ohio Power Co.*, 170 FERC ¶ 61,016 (2020); *Ohio Power Co.*, 170 FERC ¶ 61,097 (2020).

<sup>9</sup> Transmittal at 3; Amendment at 2.

facilities agreements included as part of the filing in the instant proceeding.<sup>10</sup> Buckeye states, however, that it protests Attachment 1 to the Buckeye ILDSA in the instant proceeding for the same reasons it protested Attachment 1 to the Buckeye ILDSA that AEPSC filed in Docket Nos. ER19-2828, ER20-289-000, ER20-431-000, and ER20-609-000 (collectively, ILDSA Protests), including with respect to all charges shown in Attachment 1 under the Buckeye ILDSA.<sup>11</sup> Buckeye states that it incorporates by reference the ILDSA Protests in the instant proceeding.<sup>12</sup> Buckeye states that the revised Attachment 1 to the Buckeye ILDSA in the instant proceeding should be approved consistent with the requirements of the Commission orders in Docket Nos. ER20-289-000, ER20-431-000, and ER20-609-000<sup>13</sup> and subject to the outcome of resolution of all Attachment 1 issues in Docket No. ER19-2828, et al., at which time AEP should be required to file reformed Attachment 1s to the Buckeye ILDSA in the instant proceeding, and in Docket Nos. ER19-2828, et al., ER20-289, ER20-431, and ER20-609-000 to reflect the outcome in Docket No. ER19-2828, et al.

### **III. Discussion**

#### **A. Procedural Matters**

11. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2019), the timely, unopposed motion to intervene serves to make Buckeye a party to this proceeding.

#### **B. Substantive Matters**

12. We accept for filing the Highland Ridge Facilities Agreement, Lawrence Facilities Agreement, and the Buckeye ILDSA, to be effective April 4, 2020, as requested, subject to the condition that AEP submit compliance filings, as discussed below.<sup>14</sup>

13. In the Buckeye ILDSA, one of the changes that was approved in Docket No. ER20-431-000 was not included in Attachment 1. Specifically, in Docket No. ER20-431, in the row for Pipe Creek in the column "Total Mtg," the number "130" was changed to "125", but that revision was not included in Attachment 1 of the instant filing. In addition, while

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<sup>10</sup> Buckeye Protest at 3.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* (citing *Ohio Power Co.*, 170 FERC ¶ 61,097).

<sup>14</sup> We remind AEP that it must submit required filings on a timely basis.

the “Total Monthly Charges for Buckeye Power” row includes changes to reflect the two new delivery points, it appears that corresponding revisions in the “Total OPCo. Charges” row for columns “Mfr Rdg” and “Data Proc (MV-90)” are not included. We direct AEPSC to submit a compliance filing to include those revisions or explain why such changes are not necessary, within 45 days of the date of this order.

14. Consistent with AEPSC’s request, with which Buckeye agrees, we direct AEP to submit a compliance filing to conform the Buckeye ILDSA accepted in this order to reflect the outcome of Docket No. ER19-2828, et al. within 45 days of the issuance of an order in that docket.

The Commission orders:

(A) AEP’s Highland Ridge Facilities Agreement, Lawrence Facilities Agreement, and amended Buckeye ILDSA are hereby accepted for filing to become effective April 4, 2020, as requested, subject to the condition that AEP submit compliance filings, as discussed in the body of the order.

(B) AEP is hereby directed to submit a compliance filing to reflect the changes to the Buckeye ILDSA accepted in Docket No. ER20-431-000 and additional changes to the “Total OPCo. Charges” row or explain why such changes are not necessary within 45 days of the date of this order, as discussed in the body of this order.

(C) AEP is hereby directed to submit a compliance filing conforming the amended Buckeye ILDSA to reflect the outcome of Docket No. ER19-2828, et al. within 45 days of an order issued in that proceeding, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.