

171 FERC ¶ 61,027
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Golden Spread Electric Cooperative, Inc.

Docket No. ER19-1900-002

ORDER ON COMPLIANCE

(Issued April 16, 2020)

1. In a filing submitted on January 21, 2020 (January Compliance Filing), Golden Spread Electric Cooperative, Inc. (Golden Spread) proposed revisions to its Open Access Transmission Tariff (Tariff) in compliance with the requirements of Order Nos. 845 and 845-A¹ and the Commission's November 22, 2019 order on Golden Spread's May 20, 2019 compliance filing, as amended on July 11, 2019 and clarified on July 25, 2019.² As discussed below, we find that the January Compliance Filing partially complies with the Commission's directives in the November 2019 Order. Accordingly, we accept the filing, effective May 20, 2019, and direct Golden Spread to submit a further compliance filing within 120 days of the date of this order.

I. Background

2. Order Nos. 845 and 845-A amended the Commission's *pro forma* Large Generator Interconnection Agreement (LGIA) and *pro forma* Large Generator Interconnection Procedures (LGIP) to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process. In Order Nos. 845 and 845-A, the Commission adopted 10 different reforms to improve the interconnection process, and required transmission providers to submit compliance filings to incorporate those reforms into their tariffs.

¹ *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 163 FERC ¶ 61,043 (2018), *errata notice*, 167 FERC ¶ 61,123, *order on reh'g*, Order No. 845-A, 166 FERC ¶ 61,137 (2019), *errata notice*, 167 FERC ¶ 61,124, *order on reh'g*, Order No. 845-B, 168 FERC ¶ 61,092 (2019).

² *Golden Spread Elec. Coop., Inc.*, 169 FERC ¶ 61,141 (2019) (November 2019 Order).

3. In the November 2019 Order, the Commission found that Golden Spread's May 20, 2019 compliance filing partially complied with the directives of Order Nos. 845 and 845-A. The Commission directed further revisions to the following sections of Golden Spread's LGIP: section 3.1 (Requesting Interconnection Service below Generating Facility Capacity); section 3.3.2 (Surplus Interconnection Service); section 3.8 (Identification and Definition of Contingent Facilities); and section 4.4.6 (Material Modifications and Incorporation of Advanced Technologies).³ The Commission also directed revisions to article 5.9.2 (Provisional Interconnection Service) of Golden Spread's LGIA.⁴

II. Golden Spread's Compliance Filing

4. Golden Spread states that it filed revisions to sections 3.1, 3.3.2, 3.8, and 4.4.6 of its LGIP and article 5.9.2 of its *pro forma* LGIA to comply with the directives in the November 2019 Order. Golden Spread asserts that these revisions meet the requirements of Order No. 845, Order No. 845-A, and the November 2019 Order.

III. Notice and Responsive Pleadings

5. Notice of Golden Spread's compliance filing was published in the *Federal Register*, 85 Fed Reg. 4963 (Jan. 28, 2020), with interventions and protests due on or before February 11, 2020. None was filed.

IV. Discussion

A. Substantive Matters

6. As discussed below, we find that Golden Spread's filing partially complies with the requirements of Order Nos. 845 and 845-A and the directives in the November 2019 Order. Accordingly, we accept Golden Spread's compliance filing, effective May 20, 2019, and direct Golden Spread to submit a further compliance filing within 120 days of the date of this order.

1. Identification and Definition of Contingent Facilities

7. In the November 2019 Order, the Commission found that Golden Spread's proposed Tariff revisions lacked the requisite transparency required by Order Nos. 845 and 845-A because the proposed Tariff revisions do not detail the specific technical screens or analyses and the specific thresholds or criteria that Golden Spread will use as part of its method to identify contingent facilities. Therefore, the Commission required

³ *Id.* PP 21, 28, 38, 47, 56, 60.

⁴ *Id.* P 43.

Golden Spread to submit a further compliance filing that included in section 3.8 of its LGIP the method it will use to determine contingent facilities, including the technical screens or analyses it proposes to use to identify these facilities. The Commission further required Golden Spread to include in section 3.8 of its LGIP the specific thresholds or criteria it will use in its technical screens or analyses to achieve the level of transparency required by Order No. 845.⁵

8. The Commission also directed Golden Spread to include language it omitted from section 3.8 of its LGIP that explicitly requires the transmission provider to provide, to the interconnection customer, the estimated costs and timelines to construct interconnection facilities and/or network upgrades for each contingent facility.⁶

a. Golden Spread's Compliance Filing

9. Golden Spread proposes revisions to section 3.8 of its LGIP to state that Golden Spread has limited transmission facilities and has had few interconnection requests since the inception of its Tariff. Because of this situation, Golden Spread proposes revisions to section 3.8 that provide for contingent facilities to include all new interconnection facilities and network upgrades required to accommodate an interconnection request that have not been identified for any other purpose. The proposed revisions also provide that contingent facilities will include all (or a portion of) new interconnection facilities and/or network upgrades required to be constructed and/or modified to accommodate incremental power flow impacts on other facilities that cause those facilities' per unit voltage to go outside the range of 0.95 – 1.05 per unit during steady state conditions or 0.9 – 1.05 per unit during single contingency events. Similarly, Golden Spread proposes that contingent facilities include new interconnection facilities and network upgrades required to ensure that no facility's per unit voltage goes outside the ranges defined above during stability or short circuit analyses. Golden Spread proposes to review and account for network upgrades associated with interconnection customers with higher queue priority, contingent facilities identified through affected system studies, or other planned transmission projects unrelated to any interconnection requests.

10. Golden Spread also proposes to revise section 3.8 of its LGIP to add language requiring the transmission provider to provide, to the interconnection customer, the estimated costs and timelines to construct interconnection facilities and/or network upgrades for each contingent facility.

⁵ *Id.* P 21.

⁶ *Id.* P 22.

b. Commission Determination

11. We find that Golden Spread's proposed Tariff revisions partially comply with the requirements of Order Nos. 845 and 845-A. Golden Spread has complied with the requirement to include the language in section 3.8 of its LGIP that states that Golden Spread will provide estimated costs and timelines to the interconnection customer.

12. We find that Golden Spread's proposed revisions do not fulfill the requirement to include in section 3.8 of its LGIP a method for determining contingent facilities that provide sufficient transparency to determine why a specific contingent facility was identified and how it relates to the interconnection request. Golden Spread appears to conflate contingent facilities with network upgrades and interconnection facilities assigned to the interconnection customer. As specified in Order No. 845, contingent facilities consist of those unbuilt interconnection facilities or network upgrades upon which the interconnection request's costs, timing, and study findings are dependent, and if delayed or not built, could cause a need for restudies of the interconnection request or a reassessment of the interconnection facilities and/or network upgrades and/or costs and timing.⁷ We find that Golden Spread has not clearly distinguished how it will identify contingent facilities as opposed to the network upgrades and/or interconnection facilities assigned to the interconnection customer. Additionally, although Golden Spread proposes to review and account for network upgrades associated with interconnection customers with higher queue priority, contingent facilities identified through affected system studies, or other planned transmission projects unrelated to any interconnection requests, Golden Spread does not indicate how it will determine which of these facilities are contingent facilities applicable to a particular interconnection request.

13. We therefore direct Golden Spread to describe in section 3.8 of its LGIP the specific technical screens and/or analyses that it will employ to determine which facilities are contingent facilities. Further, we also direct Golden Spread to describe the specific triggering thresholds or criteria, including the quantitative triggers, that are applied to identify a facility as a contingent facility. In Order No. 845, the Commission declined to implement a standard threshold or criteria, such as a specific distribution factor threshold, because different thresholds may be more appropriate for different queue types and geographical footprints.⁸ However, if, for instance, a transmission provider chooses to use a distribution factor analysis as a technical screen for determining how a new generating facility impacts the surrounding electrically-relevant facilities, its tariff must specify the triggering percentage impact that causes a facility to be considered contingent. Similarly, if a transmission provider relies on the system impact study to identify which facilities the new generating facility will impact, it must specify in its

⁷ Order No. 845, 163 FERC ¶ 61,043 at P 218.

⁸ Order No. 845, 163 FERC ¶ 61,043 at P 220.

tariff which power system performance attributes (voltages, power flows, etc.) violated a specific threshold of a facility⁹ such that the transmission provider would conclude that the facility is contingent for the new generating facility. A transmission provider may use multiple screens or analyses as part of its method, but it must include a corresponding, specific triggering threshold or criterion to indicate how it will apply each screen or analysis.

14. Because Golden Spread has not provided the specificity outlined above and thus does not fully comply with the contingent facility requirements of Order Nos. 845 and 845-A, we direct Golden Spread to submit a further compliance filing, within 120 days of the date of this order, which adds in section 3.8 of Golden Spread's LGIP (1) the method Golden Spread will use to determine contingent facilities, including technical screens or analyses it proposes to use to identify these facilities, and (2) the specific thresholds or criteria it will use in its technical screens or analysis to achieve the level of transparency required by Order No. 845, as discussed above.

2. Provisional Interconnection Service

15. In the November 2019 Order, the Commission found that Golden Spread failed to comply with the requirement to replace the bracketed placeholder in article 5.9.2 of the *pro forma* LGIA with language in its *pro forma* LGIA specifying the frequency with which it will study and update the maximum output of a generating facility in a provisional LGIA. Accordingly, the Commission directed Golden Spread to revise article 5.9.2 of its *pro forma* LGIA to include a frequency or other specific trigger for updating provisional interconnection studies.¹⁰

a. Golden Spread's Compliance Filing

16. Golden Spread proposes to revise article 5.9.2 of its *pro forma* LGIA to provide a quarterly update requirement for provisional interconnection studies.¹¹

⁹ For example, a range for facility per unit voltage may constitute a specific triggering threshold, beyond which the transmission provider will identify the facility as contingent.

¹⁰ November 2019 Order, 169 FERC ¶ 61,141 at P 43.

¹¹ Proposed Golden Spread Tariff, attach. N, art. 5.9.2.

b. Commission Determination

17. We find that Golden Spread's proposed Tariff revisions comply with the requirements of Order Nos. 845 and 845-A and the compliance directive in the November 2019 Order.

3. Surplus Interconnection Service

18. In the November 2019 Order, the Commission found that Golden Spread's proposed Tariff revisions failed to comply with the requirement that the original interconnection customer, the surplus interconnection service customer, and the transmission provider will enter into an agreement for surplus interconnection service prior to the commencement of service. Accordingly, the Commission directed Golden Spread to revise section 3.3.2 of its LGIP to provide that the original interconnection customer, the surplus interconnection service customer, and the transmission provider will enter into an agreement for surplus interconnection service prior to the commencement of service.¹²

a. Golden Spread's Compliance Filing

19. Golden Spread proposes revisions to section 3.3.2 of its LGIP to provide that the original interconnection customer, the surplus interconnection service customer, and the transmission provider will enter into an agreement for surplus interconnection service prior to the commencement of service.

b. Commission Determination

20. We find that Golden Spread's proposed Tariff revisions comply with the requirements of Order Nos. 845 and 845-A and the compliance directive in the November 2019 Order.

21. Additionally, we note that section 3.3.2 of Golden Spread's LGIP provides that an original interconnection customer's failure to exercise priority rights results in the release of all surplus interconnection service excess capacity to other potential interconnection customers for a period of up to 180 days. However, Order No. 845 stated that the original interconnection customer is not required to make surplus interconnection service available to potential customers.¹³ We clarify that, consistent with Order No. 845, the original interconnection customer has no obligation to make surplus interconnection service available to potential customers if it does not wish to and that failure to exercise

¹² November 2019 Order, 169 FERC ¶ 61,141 at P 47.

¹³ Order No. 845, 163 FERC ¶ 61,043 at P 488.

its priority rights does not constitute the original interconnection customer's agreement to make surplus interconnection service available.¹⁴

4. Material Modifications and Incorporation of Advanced Technologies

22. In the November 2019 Order, the Commission found that Golden Spread's proposed Tariff revisions partially complied with the requirements of Order Nos. 845 and 845-A. Specifically, the Commission in the November 2019 Order required Golden Spread to: (1) justify its proposal to accept technological change requests up until the conclusion of the system impact study rather than prior to the execution of the facilities study agreement; (2) revise its technological change procedure to state that an interconnection customer should submit a technological advancement request if it seeks to incorporate the technological advancements into its proposed generating facility; (3) revise section 4.4.6 of its LGIP to clarify how it will assess changes to a generating facility's technical specifications; and (4) revise its proposed technological change procedure to provide that it will reach its determination and inform the interconnection customer within 30 days of receiving a technological change request.¹⁵

a. Golden Spread's Compliance Filing

23. Golden Spread proposes revisions to section 4.4.6 of its LGIP to: (1) state that technological changes will be accepted at any time prior to the execution of the interconnection facilities study agreement; (2) state that an interconnection customer may submit proposed modifications if it seeks to incorporate technological advancements into its proposed large generating facility; (3) provide that the transmission provider will make a determination regarding the proposed technological change within 30 days of receiving the technological change request; and (4) explain how changes to a generating facility's technical specifications will be assessed. Specifically, Golden Spread proposes to require that proposed modifications to an interconnection customer's technological change request include "a demonstration that (i) the change will result in equal to or better than the electrical performance expected prior to the technology change, and (ii) would not cause any reliability standard criteria (including any applicable [Transmission Planning Limit] or [Protection and Control Limit] standards), short circuit

¹⁴ *Deseret Generation & Transmission Coop., Inc.*, 170 FERC ¶ 61,114, at n.86 (2020).

¹⁵ November 2019 Order, 169 FERC ¶ 61,141 at PP 56-59.

capability limits, steady-state thermal and voltage limits, or dynamic system stability and response impacts.”¹⁶

b. Commission Determination

24. We find that Golden Spread’s proposed revisions to section 4.4.6 of its LGIP partially comply with the requirements of Order Nos. 845 and 845-A. Specifically, we find that Golden Spread’s proposed revisions to accept technological changes prior to the execution of the interconnection facilities study and to explain how changes to a generating facility’s technical specifications will be assessed comply with the requirements of Order No. 845 and the compliance directives in the November 2019 Order.

25. However, we find that Golden Spread’s proposed revisions providing that the interconnection customer may submit “proposed modifications” if it seeks to incorporate technological advancements into its proposed large generating facility do not comply with the directives in the November 2019 Order. The Commission in the November 2019 Order directed Golden Spread to revise its technological change procedure to state that an interconnection customer should submit a “technological advancement request” if it seeks to incorporate technological advancements into its proposed large generating facility, rather than a “proposed modification,” as Golden Spread proposes. The Commission explained that requiring an interconnection customer to submit a technological advancement request provides clarity that the transmission provider will evaluate the request under the new technological change procedure rather than the existing material modification assessment procedures.¹⁷ Therefore, we direct Golden Spread to submit a further compliance filing, within 120 days of the date of this order, that revises its technological change procedure to state that an interconnection customer should submit a “technological advancement request” if it seeks to incorporate technological advancements into its proposed large generating facility.

26. Further, as required by Order No. 845-A, the Commission in the November 2019 Order directed Golden Spread to revise its proposed technological change procedure to provide that it will reach its determination of whether the proposed technological change is a material modification and inform the interconnection customer within 30 days of receiving a technological change request.¹⁸ However, Golden Spread’s proposed revisions to section 4.4.6 of its LGIP appear to provide that, although it will make a

¹⁶ Proposed Golden Spread Tariff, attach. M, § 4.4.6.

¹⁷ November 2019 Order, 169 FERC ¶ 61,141 at P 57.

¹⁸ Order No. 845-A, 166 FERC ¶ 61,137 at P 155; November 2019 Order, 169 FERC ¶ 61,141 at P 59.

determination regarding the proposed technological change within 30 days of receiving the request, a request that changes the submitted specifications would require a supplemental study deposit and further study after the 30-day period. Specifically, Golden Spread proposes that:

The Transmission Provider will make a determination regarding the proposed technological change within thirty (30) days of receiving the request. If it is determined that the proposed modifications do not change the specifications for the Large Generating Facility submitted by the Interconnection Customer to the Transmission Provider, the modifications shall be deemed a Permissible Technological Advancement and no further action shall be required. If the modifications do change the submitted specifications, the Transmission Provider may request a supplemental study deposit of \$10,000.¹⁹

27. Therefore, we direct Golden Spread to submit a further compliance filing, within 120 days of the date of this order, that revises its proposed technological change procedure to make clear that it will reach its final determination on whether a proposed technological change is a material modification within 30 days of receiving a technological change request.

5. Other Compliance Directives

28. In the November 2019 Order, the Commission found that Golden Spread's proposed revisions to its *pro forma* LGIP omitted some of the *pro forma* language required by Order No. 845. The Commission directed Golden Spread to fully incorporate, into its LGIP, the revisions to the *pro forma* language in sections 3.8 (Identification and Definition of Contingent Facilities) and 3.1 (Requesting Interconnection Service below Generating Facility Capacity).²⁰ In response, Golden Spread proposes to include "and associated costs" in the second sentence of the final paragraph of section 3.1 of its LGIP.²¹ Golden Spread also proposes to include "the

¹⁹ Proposed Golden Spread Tariff, attach. M, § 4.4.6

²⁰ November 2019 Order, 169 FERC ¶ 61,141 at PP 22, 38.

²¹ Proposed Golden Spread Tariff, attach. M, § 3.1.

Transmission Provider shall provide” in the first sentence of the final paragraph of section 3.8 of its LGIP.²²

29. The Commission also directed Golden Spread to revise section 3.3.2 (Process for Surplus Interconnection Service) of its LGIP to correct a typographical error.²³ Additionally, the Commission directed Golden Spread to revise the first sentence in section 8.3 of Appendix B (Milestones) of its LGIP to read, “Transmission Provider shall coordinate the Interconnection Facilities Study with any Affected System pursuant to Section 3.6 above.”²⁴ In response, Golden Spread proposes revisions to address these directives.²⁵

30. We find that Golden Spread’s proposed revisions comply with the directives in the November 2019 Order.

The Commission orders:

(A) Golden Spread’s compliance filing is hereby accepted, effective May 20, 2019, as requested, subject to a further compliance filing, as discussed in the body of this order.

(B) Golden Spread is hereby directed to submit a further compliance filing within 120 days of the date of this order, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

²² *Id.* § 3.8.

²³ November 2019 Order, 169 FERC ¶ 61,141 at P 61.

²⁴ *Id.* P 62.

²⁵ Proposed Golden Spread Tariff, attach. M, § 3.3.2 and app. B, § 8.3.