

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Tampa Electric Company

Docket No. ER19-1920-002

ORDER ON COMPLIANCE

(Issued April 16, 2020)

1. On December 12, 2019, Tampa Electric Company (Tampa Electric) submitted proposed revisions to its Open Access Transmission Tariff (Tariff) in compliance with the requirements of Order Nos. 845 and 845-A<sup>1</sup> and the Commission's order on Tampa Electric's May 21, 2019 compliance filing.<sup>2</sup> As discussed below, we find that Tampa Electric's filing partially complies with the Commission's directives in the November 2019 Order. Accordingly, we accept Tampa Electric's compliance filing, effective May 22, 2019, and direct Tampa Electric 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.

3. In the November 2019 Order, the Commission found that Tampa Electric's compliance filing partially complied with the directives of Order Nos. 845 and 845-A. The November 2019 Order directed revisions to the following sections of Tampa Electric's LGIP: Identification and Definition of Contingent Facilities, Requesting

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<sup>1</sup> *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).

<sup>2</sup> *Tampa Elec. Co.*, 169 FERC ¶ 61,142 (2019) (November 2019 Order).

Interconnection Service Below Generating Facility Capacity, and Material Modifications and Incorporation of Advanced Technologies.<sup>3</sup>

## **II. Tampa Electric's Compliance Filing**

4. Tampa Electric states that its proposal to comply with the Commission's November 2019 Order includes revisions to the definition of "Permissible Technological Advancement," as well as to sections 3.8, 3.1, and 4.4.6 of its LGIP. Tampa Electric asserts that these revisions meet the requirements of Order Nos. 845, 845-A, and the November 2019 Order.

## **III. Notice of Filing**

5. Notice of Tampa Electric's compliance filing was published in the *Federal Register*, 84 Fed. Reg. 71,181 (Dec. 13, 2019), with interventions and protests due on or before January 2, 2020. None was filed.

## **IV. Discussion**

6. As discussed below, we find that Tampa Electric's filing partially complies with the requirements of Order Nos. 845 and 845-A and the directives of the November 2019 Order. Accordingly, we accept Tampa Electric's compliance filing, effective May 22, 2019, and direct Tampa Electric to submit a further compliance filing within 120 days of the date of this order.

### **A. Identification and Definition of Contingent Facilities**

7. In the November 2019 Order, the Commission found that Tampa Electric's proposed Tariff revisions lacked the requisite transparency required by Orders No. 845 and 845-A because the proposed Tariff revisions did not detail the specific technical screens or analyses and the specific thresholds or criteria that Tampa Electric will use as part of its method to identify contingent facilities. Therefore, the Commission required that Tampa Electric file a further compliance filing that included in section 3.8 of its LGIP the method it will use to determine contingent facilities, including technical screens or analyses it proposes to use to identify these facilities. The Commission further required Tampa Electric to include in section 3.8 of its LGIP 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.<sup>4</sup>

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<sup>3</sup> *Id.* PP 25, 41, and 59-63.

<sup>4</sup> November 2019 Order, 169 FERC ¶ 61,142 at P 25.

## **1. Tampa Electric's Compliance Filing**

8. Tampa Electric states that it proposes to revise section 3.8 of its LGIP to add language describing the method Tampa Electric will use to identify contingent facilities and specific technical screens and analyses, including the specific thresholds and criteria that Tampa Electric will use as part of its method to identify contingent facilities.<sup>5</sup> Specifically, Tampa Electric proposes to add the following language to section 3.8 of its LGIP:

In order to identify Contingent Facilities, Transmission Provider shall review all prior-queued interconnection requests to determine whether there are any unbuilt Interconnection Facilities or Network Upgrades. If there are unbuilt Interconnection Facilities or Network upgrades, then Transmission Provider shall review the results of the System Impact Study to determine whether such results would be different if those unbuilt Interconnection Facilities or Network Upgrades were not yet constructed. If the System Impact Study results would be different in such a circumstance, then the unbuilt Interconnection Facilities or Network Upgrades shall be identified as Contingent Facilities.<sup>6</sup>

## **2. Commission Determination**

9. We find that the revised LGIP provision that identify and describe Tampa Electric's method for determining contingent facilities partially complies with the requirements of Order Nos. 845 and 845-A. While Tampa Electric includes, in section 3.8 of its LGIP, a method for determining contingent facilities, Tampa Electric's proposed Tariff revisions do not detail the specific technical screens or analyses and the specific thresholds or criteria that Tampa Electric will use as part of its method.

10. Tampa Electric must describe in section 3.8 of its LGIP the specific triggering thresholds or criteria, including the quantitative triggers, that are applied to identify a facility as a contingent facility.<sup>7</sup> In Order No. 845, the Commission declined to implement a standard threshold or criterion, such as a specific distribution factor

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<sup>5</sup> Tampa Electric Dec. 12, 2019 Compliance Filing at 2-3 (Filing).

<sup>6</sup> Tampa Electric, OATT, § 3.8 Identification of Contingent Facilities (1.0.0).

<sup>7</sup> For example, Tampa Electric could explicitly identify the RC, SERC, and/or NERC requirements that it will use to identify contingent facilities.

threshold, because different thresholds may be more appropriate for different queue types and geographical footprints.<sup>8</sup> 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, as Tampa Electric proposes, it must specify in its tariff which power system performance attributes (voltages, power flows, etc.) violated a specific threshold of a facility<sup>9</sup> 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.

11. Because Tampa Electric 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 Tampa Electric to submit a further compliance filing, within 120 days of the date of this order, which adds in section 3.8 of Tampa Electric's LGIP technical screens or analyses and the specific triggering thresholds or criteria, including the quantitative triggers, it will use in its technical screens or analysis to achieve the level of transparency required by Order No. 845, as discussed above.

**B. Material Modifications and Incorporation of Advanced Technologies**

12. In the November 2019 Order, the Commission found that Tampa Electric's proposed tariff revisions regarding the definition of permissible technological advancement and associated procedures partially complied with the requirements of Order No. 845 and 845-A.<sup>10</sup> With respect to the definition of permissible technological advancement, the Commission found that the use of the undefined terms "technical specifications" and "materially change" makes it unclear how Tampa Electric will determine whether a proposed technological change is a permissible technological advancement. The Commission also found that it was unclear how Tampa Electric would determine whether a proposed technological change will or will not require further study (and associated deposit) under the technological change procedure. Therefore, the Commission's November 2019 Order required that Tampa Electric revise section 4.4.6 of

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<sup>8</sup> Order No. 845, 163 FERC ¶ 61,043 at P 220.

<sup>9</sup> 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.

<sup>10</sup> November 2019 Order, 169 FERC ¶ 61,142 at PP 58-63.

its LGIP and its proposed definition of permissible technological advancement to clarify how it will assess changes to a generating facility's technical specifications.<sup>11</sup>

13. In addition, the Commission directed Tampa Electric to: (1) revise the proposed timing for accepting technological advancements to permit the interconnection customer to submit a request to incorporate technological advancement prior to the execution of the facility study agreement; (2) revise its proposed 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) specify the deposit amount the interconnection customer is required to tender in order to proceed with a technological change request; and (4) revise its LGIP to clarify that Tampa Electric will complete its assessment and determination of whether a proposed technological change is a material modification within 30 days of an interconnection customer submitting a technological change request. The Commission also reiterated that the transmission provider is required to provide an explanation to the interconnection customer regarding why the technological advancement is a material modification if it cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP.<sup>12</sup>

#### **1. Tampa Electric's Compliance Filing**

14. Tampa Electric proposes to revise the proposed definition of permissible technological advancement in its LGIP by removing the terms "technical specifications" and "materially change" and replace them with more detailed descriptions. Specifically, Tampa Electric proposed definition of permissible technological advancement in its LGIP states:

Permissible Technological Advancement shall mean any change to the technology of the Large Generating Facility that: (i) does not change the Interconnection Request Large Generating Facility data submitted in Attachment A to Appendix 1 to the LGIP, Interconnection Request for a Large Generating Facility, or other technical data submitted by the Interconnection Customer to the Transmission Provider, or (ii) does change the Interconnection Request Large Generating Facility data submitted in Attachment A to Appendix 1 to the LGIP, Interconnection Request for a Large Generating Facility, or other technical data submitted by the Interconnection Customer to the Transmission Provider, but

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<sup>11</sup> November 2019 Order, 169 FERC ¶ 61,142 at P 59.

<sup>12</sup> *Id.* PP 60-64.

when this new data is substituted into the System Impact Study's load flow study, short circuit study, or stability study models, the results of the System Impact Study do not change.

15. Tampa Electric asserts that this revised definition clarifies how it will determine whether a proposed technological change is a permissible technological advancement.<sup>13</sup>

16. Tampa Electric also proposes to revise section 4.4.6 of its LGIP to state that the interconnection customer may submit a request to incorporate a technological advancement at any time before the execution of the interconnection facilities study agreement. Tampa Electric's proposed revisions also state that if the proposed technological advancement does not change the data the interconnection customer submitted in Appendix A to its interconnection request, then the modifications shall be deemed a permissible technological advancement and no further action shall be required. Tampa Electric also proposes language stating that, if the proposed technological advancement does change the data the interconnection customer submitted in Appendix A to an interconnection request, then additional study work will be required. Tampa Electric asserts that these revisions clarify how it will assess proposed changes to a generating facility's technical specifications and correctly state the nature and permissible timing of the technological advancement request.<sup>14</sup>

17. Regarding the requirement to specify a deposit amount, Tampa Electric proposes to set the deposit at "\$10,000, or another reasonable amount as justified by the Transmission Provider."<sup>15</sup> Tampa Electric states that the circumstances of individual technological advancement requests may differ widely from one to the next and are impossible to predict in advance. Tampa Electric states that under its proposal, Tampa Electric will be better able to assess the adequacy of \$10,000 deposit and to justify a greater or lesser amount, if appropriate, when the circumstances are known. Tampa Electric also proposes language to LGIP section 4.4.6 stating that it shall provide the interconnection customer a description of the necessary additional studies, quantification of the costs incurred to conduct such studies, and refund to the interconnection customer the amount by which the deposit exceeds the costs incurred for the additional studies, or shall bill the interconnection customer for the amount by which such incurred costs exceed the deposit, as applicable. Tampa Electric asserts that the interconnection customer will therefore be protected because its deposit will be reconciled with the study costs after those costs are incurred and quantified. Tampa

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<sup>13</sup> Filing at 7.

<sup>14</sup> Filing at 8.

<sup>15</sup> Tampa Electric proposed LGIP, § 4.4.6.

Electric states that this proposal is consistent with or superior to the requirement adopted in Order No. 845 that a fixed deposit amount be stated.<sup>16</sup>

18. Regarding the requirement that Tampa Electric complete its assessment and determination of whether a proposed technological change is a material modification within 30 days of an interconnection customer submitting a technological change request, Tampa Electric proposes to add the following language to section 4.4.6 of its LGIP: “Once the deposit is received, the Transmission Provider shall update the appropriate study model, re-run the study, and provide a study report to the Interconnection Customer within 30 days.”<sup>17</sup>

19. Regarding the need to provide the interconnection customer with an explanation for why a proposed technological advancement is a material modification, Tampa Electric proposes to add a sentence to the end of LGIP section 4.4.6 stating that Tampa Electric shall provide the interconnection customer with an explanation as to why the proposed technological advancement cannot be accommodated as a permissible technological advancement and constitutes a material modification.<sup>18</sup>

## **2. Commission Determination**

20. We find that Tampa Electric’s proposed revisions to incorporate a definition of a permissible technological change and associated procedures, as proposed by Tampa Electric in its LGIP, partially comply with the requirements of Order Nos. 845 and 845-A. We find that Tampa Electric’s proposed revisions comply with the requirement to revise section 4.4.6 of its LGIP and its proposed definition of permissible technological advancement to clarify how it will assess changes to a generating facility’s technical specifications.

21. With respect to the requirement to specify a deposit amount, we reject Tampa Electric’s proposal that the deposit amount for additional studies will be \$10,000 *or another reasonable amount as justified by Tampa Electric*. Although the Commission in Order No. 845 allowed a transmission provider to propose, with justification, a reasonable alternative to the \$10,000 default deposit amount,<sup>19</sup> we find the open-ended nature of Tampa Electric’s proposal is unjust and unreasonable and may lead to unduly discriminatory or preferential treatment of interconnection customers. Accordingly, we

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<sup>16</sup> Filing at 8-9.

<sup>17</sup> *Id.* at 8.

<sup>18</sup> *Id.* at 9.

<sup>19</sup> Order No. 845, 163 FERC ¶ 61,043 at P 534.

direct Tampa Electric to file, within 120 days of the date of this order, a further compliance filing that revises section 4.4.6 of its LGIP to specify that an interconnection customer must submit a \$10,000 deposit if the transmission provider determines that additional studies are needed to evaluate whether a technological change is a material modification, or in the alternative, Tampa Electric may propose a different but specific, deposit amount and provide sufficient justification to support this required deposit.

22. We find that Tampa Electric does not comply with the requirement to specify that it will complete its determination of whether a proposed technological change is a material modification within 30 days of an interconnection customer submitting a technological change request.<sup>20</sup> Tampa Electric's proposed revisions state that Tampa Electric will provide a report on its assessment and determination of whether a proposed technological change is a material modification within 30 days after a receipt of the *deposit for additional studies*, which may lead to Tampa Electric taking longer than 30 days after the receipt of the technological advancement request to reach its determination. Accordingly, we direct Tampa Electric to file, within 120 days of the date of this order, a further compliance filing that revises its section 4.4.6 of its LGIP to specify that it will complete its determination of whether a proposed technological change is a material modification within 30 days of an interconnection customer submitting a technological change request.

23. Finally, consistent with the Commission's statement in Order No. 845 and in the November 2019 Order,<sup>21</sup> we accept Tampa Electric's proposal to add a sentence to the end of LGIP section 4.4.6 stating that Tampa Electric shall provide the interconnection customer with an explanation as to why the proposed technological advancement cannot be accommodated as a permissible technological advancement and constitutes a material.

**C. Requesting Interconnection Service Below Generating Facility Capacity**

24. In the November 2019 Order, the Commission found that Tampa Electric's proposed Tariff revisions to section 3.1 of its LGIP omitted some of the *pro forma* language required by Order No. 845.<sup>22</sup> In its compliance filing, Tampa Electric proposes revisions to section 3.1 of its LGIP to include the omitted *pro forma* language. We find

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<sup>20</sup> November 2019 Order, 169 FERC ¶ 61,142 at P 63.

<sup>21</sup> Order No. 845, 163 FERC ¶ 61,043 at P 522; November 2019 Order, 169 FERC ¶ 61,142 at P 64.

<sup>22</sup> November 2019 Order, 169 FERC ¶ 61,142 at P 41.



that Tampa Electric's revisions to section 3.1 of its LGIP comply with the directives of the November 2019 Order.

The Commission orders:

(A) Tampa Electric's compliance filing is hereby accepted, to become effective May 22, 2019, as requested, subject to a further compliance filing, as discussed in the body of this order.

(B) Tampa Electric 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 )

Kimberly D. Bose,  
Secretary.