

171 FERC ¶ 61,223
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Electric Energy, Inc.

Docket No. ER19-1931-001

ORDER DISMISSING COMPLIANCE FILING

(Issued June 18, 2020)

1. On May 22, 2019, as amended on July 25, 2019, Electric Energy, Inc. (EEInc) proposed revisions to its Open Access Transmission Tariff (Tariff) in compliance with the requirements of Order Nos. 845 and 845-A,¹ which amended the Commission's *pro forma* Large Generator Interconnection Agreement (LGIA) and *pro forma* Large Generator Interconnection Procedures (LGIP).² In this order, we dismiss EEInc's compliance filing as moot.

I. Background

A. Order No. 845

2. On April 19, 2018, the Commission issued Order No. 845, which revised the Commission's *pro forma* LGIA and the *pro forma* LGIP to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process. The Commission stated that it expects that these reforms will provide interconnection customers better information and more options for obtaining interconnection service, and as a result, there will be fewer overall interconnection requests and fewer interconnection requests failing to reach commercial

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, *errata notice*, 167 FERC ¶ 61,124, *order on reh'g*, Order No. 845-B, 168 FERC ¶ 61,092 (2019).

² The *pro forma* LGIP and *pro forma* LGIA establish the terms and conditions under which public utilities that own, control, or operate facilities for transmitting energy in interstate commerce must provide interconnection service to large generating facilities. Order No. 845, 163 FERC ¶ 61,043 at P 6.

operation. The Commission also stated that it expects that, as a result of these reforms, transmission providers will be able to focus resources on those interconnection requests most likely to reach commercial operation.³ In Order No. 845-A, the Commission generally upheld the reforms it required in Order No. 845 but granted certain requests for rehearing and clarification.

B. GridLiance Heartland LLC's Acquisition of EEInc Transmission Assets

3. On November 1, 2019, EEInc and GridLiance Heartland LLC (GridLiance Heartland) filed an application pursuant to sections 203(a)(1)(A) and (B) of the Federal Power Act⁴ requesting authorization for EEInc to sell, and GridLiance Heartland to acquire, certain transmission lines and related assets.⁵ On January 31, 2020, the Commission conditionally authorized the proposed transaction.⁶

4. On June 20, 2019, GridLiance Heartland filed an Open Access Transmission Tariff (GridLiance Heartland Tariff), and on January 31, 2020, the Commission accepted the GridLiance Heartland Tariff, to become effective the first day of the month after the date on which GridLiance Heartland acquired from EEInc certain transmission facilities.⁷

³ *Id.* P 2; Order No. 845-A, 166 FERC ¶ 61,137 at P 1.

⁴ 16 U.S.C. § 824b(a)(1)(A)-(B) (2018).

⁵ Joint Application for Authorization to Sell and Acquire Transmission Facilities Pursuant to Section 203 of the Federal Power Act and Request for Certain Waivers, Expedited Consideration, and Confidential Treatment, Docket No. EC20-13-000 (filed Nov. 1, 2019). EEInc and GridLiance Heartland previously requested authorization for EEInc to sell, and for GridLiance Heartland to purchase, these transmission assets. Joint Application for Authorization to Sell and Acquire Transmission Facilities Pursuant to Section 203 of the Federal Power Act and Request for Certain Waivers, Expedited Consideration, and Confidential Treatment, Docket No. EC19-42-000 (filed Dec. 26, 2018) (December 2018 Application). The Commission denied the December 2018 Application without prejudice to EEInc and GridLiance Heartland making a new filing. *Elec. Energy, Inc.*, 168 FERC ¶ 61,130, at P 72 (2019).

⁶ *Elec. Energy, Inc.*, 170 FERC ¶ 61,072 (2020).

⁷ *GridLiance Heartland LLC*, 170 FERC ¶ 61,074 (2020). The Commission accepted the filing to be effective subject to refund, subject to condition, and subject to the outcome of the proceeding in Docket No. ER19-1961-000, and set the filing for hearing and settlement judge procedures.

On March 2, 2020, in Docket No. ER19-2092-000, GridLiance Heartland notified the Commission in an informational filing that the transaction closed on February 29, 2020.

5. On March 5, 2020, in Docket No. ER20-1170-000, EEInc submitted a notice of cancellation of its Tariff because its transmission assets were sold to GridLiance Heartland. On April 29, 2020, EEInc's notice of cancellation was accepted, effective February 29, 2020.⁸

II. EEInc's Order No. 845 Compliance Filing

6. In the instant filing, EEInc proposes revisions to its LGIP and *pro forma* LGIA, contained in Attachment M of its Tariff, to incorporate the Commission's *pro forma* LGIP and *pro forma* LGIA reforms, as required by Order Nos. 845 and 845-A, to become effective May 22, 2019.⁹

III. Notice and Responsive Pleadings

7. Notice of EEInc's compliance filing in Docket No. ER19-1931-000 was published in the *Federal Register*, 84 Fed. Reg. 24,770 (May 29, 2019), with interventions and protests due on or before June 12, 2019. None was filed.

8. On June 13, 2019, Commission staff issued a deficiency letter requesting additional clarification regarding EEInc's proposed procedures for surplus interconnection service (Deficiency Letter). On July 25, 2019, EEInc filed its response to the Deficiency Letter (Deficiency Response). Notice of EEInc's Deficiency Response was published in the *Federal Register*, 84 Fed. Reg 37,861 (Aug. 2, 2019), with interventions and protests due on or before August 15, 2019. None was filed.

IV. Commission Determination

9. In light of GridLiance Heartland's acquisition of EEInc's transmission assets and the cancellation of EEInc's Tariff, EEInc is no longer a public utility transmission provider, and thus, it no longer has an obligation to submit a compliance filing to comply

⁸ *Elec. Energy, Inc.*, Docket No. ER20-1170-000 (Apr. 29, 2020) (delegated order).

⁹ EEInc May 22, 2019 Compliance Filing at 1.

with the requirements of Order Nos. 845 and 845-A.¹⁰ Accordingly, we dismiss EEInc's compliance filing as moot and terminate the proceeding in Docket No. ER19-1931-001.

The Commission orders:

EEInc's compliance filing is hereby dismissed as moot, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

¹⁰ See Order No. 845, 163 FERC ¶ 61,043 at P 555 (“the Commission is requiring all public utility transmission providers to submit compliance filings to adopt the requirements of this Final Rule as revisions to the LGIP and LGIA in their [Open Access Transmission Tariffs] ...”).