

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Southwest Power Pool, Inc.

Docket No. ER19-460-005

ORDER ON COMPLIANCE FILING

(Issued July 16, 2020)

1. On October 17, 2019, the Commission issued an order accepting in part and rejecting in part, subject to further compliance,<sup>1</sup> a filing that Southwest Power Pool, Inc. (SPP) submitted to comply with the requirements of Order No. 841, which removes barriers to the participation of electric storage resources in the capacity, energy, and ancillary service markets operated by Regional Transmission Organizations and Independent System Operators (RTO/ISO).<sup>2</sup>
2. On December 16, 2019, SPP submitted further proposed revisions to its Open Access Transmission Tariff (Tariff)<sup>3</sup> to comply with the First Compliance Order (Second Compliance Filing). In this order, we accept the Second Compliance Filing, to become effective August 5, 2021, subject to a further compliance filing, as discussed below.

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<sup>1</sup> *Sw. Power Pool, Inc.*, 169 FERC ¶ 61,048 (2019) (First Compliance Order).

<sup>2</sup> *Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 841, 162 FERC ¶ 61,127 (2018), *order on reh'g*, Order No. 841-A, 167 FERC ¶ 61,154 (2019), *aff'd sub nom. Nat'l Ass'n of Regulatory Util. Comm'rs v. FERC*, No. 19-1142 (D.C. Cir. July 10, 2020).

<sup>3</sup> Capitalized terms that are not defined in this order have the meaning specified in the Tariff.

## I. Background

3. In Order No. 841, the Commission modified § 35.28 of its regulations<sup>4</sup> to remove barriers to the participation of electric storage resources in RTO/ISO markets.<sup>5</sup> The Commission found that Order No. 841 will enhance competition and, in turn, help to ensure that the RTO/ISO markets produce just and reasonable rates, pursuant to the Commission's legal authority under Federal Power Act (FPA) section 206.<sup>6</sup>

4. Order No. 841 requires each RTO/ISO to revise its tariff to establish a participation model for electric storage resources consisting of market rules that, recognizing the physical and operational characteristics of electric storage resources, will help facilitate their participation in the RTO/ISO markets.<sup>7</sup> Specifically, for each RTO/ISO, the tariff provisions for the participation model for electric storage resources must: (1) ensure that a resource using the participation model is eligible to provide all capacity, energy, and ancillary services that it is technically capable of providing in the RTO/ISO markets; (2) ensure that a resource using the participation model can be dispatched and can set the wholesale market clearing price as both a wholesale seller and wholesale buyer consistent with existing market rules that govern when a resource can set the wholesale price; (3) account for the physical and operational characteristics of electric storage resources through bidding parameters or other means; and (4) establish a minimum size requirement for participation in the RTO/ISO markets that does not exceed 100 kW. Additionally, each RTO/ISO must specify that the sale of electric energy from the RTO/ISO markets to an electric storage resource that the resource then resells back to those markets must be at the wholesale locational marginal price (LMP).<sup>8</sup>

5. On December 3, 2018, as amended on February 6, 2019, SPP filed initial revisions to its Tariff to comply with the requirements of Order No. 841 (First Compliance Filing). On October 17, 2019, in the First Compliance Order, the Commission accepted in part

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<sup>4</sup> 18 C.F.R. § 35.28 (2019).

<sup>5</sup> Order No. 841, 162 FERC ¶ 61,127 at P 1.

<sup>6</sup> 16 U.S.C. § 824e (2018).

<sup>7</sup> Order No. 841, 162 FERC ¶ 61,127 at P 3. In Order No. 841, the Commission referred to a set of tariff provisions that are created for a particular type of resource as a participation model. *Id.*

<sup>8</sup> *Id.* P 4.

and rejected in part the First Compliance Filing, subject to a further compliance filing to be filed within 60 days of the date of issuance of the order.<sup>9</sup>

6. In the First Compliance Order, the Commission directed SPP to submit a further compliance filing to revise its Tariff to: (1) clarify mechanisms to prevent conflicting supply offers and demand bids; (2) define Ramp-Rate-Up and Ramp-Rate-Down in its Tariff and include in those definitions certain rate parameters; (3) specify the wholesale services that will be subject to exemption from transmission charges when a Market Storage Resource<sup>10</sup> is issued a dispatch instruction to provide a wholesale service that incidentally results in charging; (4) include a basic description of SPP's metering methodology and accounting practices for Electric Storage Resources, as well as references to the specific documents in SPP's business practice manuals or other documents that contain the implementation details; and (5) explain how its Tariff allows for Electric Storage Resources to participate in both wholesale and retail markets, or alternatively, revise its Tariff to allow Electric Storage Resources that provide retail services to also participate in SPP's markets, as required by Order No. 841.<sup>11</sup>

7. In addition, the Commission found SPP's proposed revisions to sections 2.8, 2.8.1, 2.8.2, and 2.8.3 of Attachment AE of its Tariff related to the aggregation of resources to be outside the scope of this proceeding and therefore rejected the proposed Tariff revisions.<sup>12</sup> The Commission further directed SPP to remove proposed section 2.2(19)(b) of its Tariff or provide support for section 2.2(19)(b) if it does not relate to aggregations.<sup>13</sup>

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<sup>9</sup> First Compliance Order, 169 FERC ¶ 61,048 at P 2.

<sup>10</sup> A Market Storage Resource is defined as an Electric Storage Resource that registers consistent with the requirements under section 2.17 of Attachment AE of SPP's Tariff. SPP Tariff, Attach. AE, § 1.1 (Definitions M). SPP states that, in order to clearly identify Electric Storage Resources choosing to participate in the market under the participation model, SPP created a resource registration type called Market Storage Resources so that a distinction can be made between Electric Storage Resources that choose to participate under the specific participation model (i.e., Market Storage Resource) under which only Electric Storage Resources can participate, and Electric Storage Resources that choose to participate under an existing model. First Compliance Filing, Transmittal at 5.

<sup>11</sup> First Compliance Order, 169 FERC ¶ 61,048 at PP 94, 130-31, 161, 178, 181.

<sup>12</sup> *Id.* P 46.

<sup>13</sup> *Id.*

8. Finally, the Commission instituted a proceeding pursuant to section 206 of the FPA to direct SPP to include its resource adequacy minimum runtime requirement in its Tariff in Docket No. EL19-101-000.<sup>14</sup>

9. On December 12, 2019, SPP submitted a request to delay the effective date for the Tariff provisions filed in its Order No. 841 compliance proceeding due to issues related to software implementation and SPP's settlement management system.<sup>15</sup> Specifically, SPP requested an effective date of "12/31/9998" for the Tariff records submitted in this proceeding. On February 27, 2020, the Commission granted in part SPP's request, and directed an effective date of August 5, 2021.<sup>16</sup>

## II. Second Compliance Filing

10. In the Second Compliance Filing, SPP proposes Tariff revisions to: (1) add criteria defining Market Storage Resources that are not continuously dispatchable across zero megawatts (MW) and the requirement that such Market Storage Resources participate as either supply or demand in a given market interval;<sup>17</sup> (2) define Ramp-Rate-Up and Ramp-Rate-Down;<sup>18</sup> (3) specify that the wholesale services of Energy, Regulation-Up, Regulation-Down, Spinning Reserve, and Supplemental Reserves will be exempt from transmission service charges;<sup>19</sup> and (4) describe SPP's metering

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<sup>14</sup> *Id.* PP 2, 63-65. On December 12, 2019, SPP submitted revisions to Attachment AA (Resource Adequacy) of its Tariff, in Docket No. ER20-572-000, to comply with the Commission's directives regarding its resource adequacy minimum runtime requirement. On April 22, 2020, the Commission accepted SPP's compliance filing, effective October 28, 2019, subject to a further compliance filing. *Sw. Power Pool, Inc.*, 171 FERC ¶ 61,065 (2020).

<sup>15</sup> Southwest Power Pool, Inc., Request for Deferral of Effective Date for Order No. 841 Compliance Filing, Docket No. ER19-460-004 (Dec. 12, 2019) (December Request for Deferral).

<sup>16</sup> *Sw. Power Pool, Inc.*, 170 FERC ¶ 61,164, at P 1 (2020) (Order on Deferral Request).

<sup>17</sup> Second Compliance Filing, Transmittal at 5; SPP Proposed Tariff, Attach. AE, § 2.17(2)(h).

<sup>18</sup> Second Compliance Filing, Transmittal at 6-7; SPP Proposed Tariff, Attach. AE, § 1.1 (Definitions R).

<sup>19</sup> Second Compliance Filing, Transmittal at 7-8; SPP Proposed Tariff, Attach. AE, § 2.17(2)(f)(ii).

methodology and accounting practice for Electric Storage Resources and add references to specific documents containing further details.<sup>20</sup> SPP also provides further explanation and proposes additional Tariff revisions related to Electric Storage Resource participation in both wholesale and retail markets. In addition, SPP provides justification for certain proposed revisions to section 2.2(19)(b) of its Tariff submitted in the First Compliance Filing.<sup>21</sup> Finally, SPP proposes revisions to the table of contents in Attachment AE of its Tariff to restore titles of sections 2.8, 2.8.1, and 2.8.2, and to remove reference to section 2.8.3.<sup>22</sup>

### **III. Notice of Filing and Responsive Pleadings**

11. Notice of SPP's filing was published in the *Federal Register*, 84 Fed. Reg. 70,178 (Dec. 20, 2019), with interventions and protests due on or before January 6, 2020. None was filed.

### **IV. Discussion**

12. As discussed below, we accept the Second Compliance Filing, to become effective August 5, 2021, subject to a further compliance filing to be submitted within 90 days of the date of issuance of this order.

13. As a preliminary matter, we find that SPP has complied with the following directives in the First Compliance Order: (1) to add criteria to its Tariff defining Market Storage Resources that are not continuously dispatchable across zero MW and the requirement that such resources participate as either supply or demand in a given market interval; (2) to define Ramp-Rate-Up and Ramp-Rate-Down in its Tariff and include in those definitions certain rate parameters; and (3) to specify the wholesale services that will be subject to exemption from transmission charges when a Market Storage Resources is issued a dispatch instruction to provide a wholesale service that incidentally results in charging. We also find that SPP's proposed revisions to the table of contents in Attachment AE of its Tariff are consistent with the Commission's rejection of proposed revisions to sections 2.8, 2.8.1, 2.8.2 and 2.8.3 of Attachment AE in the First Compliance Order. We address all remaining compliance requirements below.

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<sup>20</sup> Second Compliance Filing, Transmittal at 8; SPP Proposed Tariff, Attach. AE, § 2.2(19)(b).

<sup>21</sup> Second Compliance Filing, Transmittal at 9-10.

<sup>22</sup> *Id.* at 58; SPP Proposed Tariff, Attach. AE.

**A. Metering and Accounting Practices for Charging Energy**

14. To help implement the new requirement in § 35.28(g)(9)(ii) of the Commission's regulations, Order No. 841 requires each RTO/ISO to implement metering and accounting practices as needed to address the complexities of implementing the requirement that the sale of electric energy from RTO/ISO markets to an electric storage resource that the resource then resells back to those markets be at the wholesale LMP.<sup>23</sup> Order No. 841 requires each RTO/ISO to directly meter electric storage resources,<sup>24</sup> but offers flexibility for each RTO/ISO to propose alternative approaches that may not entail direct metering but nonetheless address the complexities of implementing the requirement that the sale of electric energy from RTO/ISO markets to an electric storage resource that the resource then resells back to those markets be at the wholesale LMP.<sup>25</sup> Order No. 841 acknowledges that metering and accounting rules may need to differ based on whether the resource is located on the transmission system, the distribution system, or behind-the-meter.<sup>26</sup>

15. The Commission rejected the suggestion that electric storage resources must choose to participate in either wholesale or retail markets due to the complexity of the metering and accounting practices.<sup>27</sup> The Commission found that it is possible for electric storage resources that are selling retail services also to be technically capable of providing wholesale services, and it would adversely affect competition in the RTO/ISO markets if these technically capable resources were excluded from participation. In response to concerns that not requiring electric storage resources to choose to participate exclusively in either wholesale or retail markets will allow resources using the participation model for electric storage resources to evade the distribution utility's retail service or to simultaneously buy electricity at the retail rate and sell it at the wholesale LMP, Order No. 841-A states that each RTO/ISO can address these issues by developing its metering and accounting requirements in cooperation with the distribution utilities and relevant electric retail regulatory authorities in its footprint, as the Commission

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<sup>23</sup> Order No. 841, 162 FERC ¶ 61,127 at P 322.

<sup>24</sup> In Order No. 841-A, the Commission clarified that the RTO/ISO itself does not need to be the entity that directly meters electric storage resources. Order No. 841-A, 167 FERC ¶ 61,154 at P 138.

<sup>25</sup> Order No. 841, 162 FERC ¶ 61,127 at P 322.

<sup>26</sup> *Id.* P 324.

<sup>27</sup> *Id.* P 325.

recognized in Order No. 841.<sup>28</sup> Order No. 841-A also notes that, when Order No. 841 found that the sale of electric energy from the RTO/ISO markets to an electric storage resource that the resource then resells back to those markets must be at the wholesale LMP, it was referring to the sale of energy from the grid that is used to charge electric storage resources for later resale into the energy or ancillary service markets.<sup>29</sup>

16. Order No. 841 also requires RTOs/ISOs to prevent electric storage resources from paying twice for the same charging energy (i.e., they should not have to pay both the wholesale and retail price for the same charging energy).<sup>30</sup> To the extent that the host distribution utility is unable—due to a lack of the necessary metering infrastructure and accounting practices—or unwilling to net out any energy purchases associated with an electric storage resource’s wholesale charging activities from the host customer’s retail bill, the Commission found that RTOs/ISOs would be prevented from charging that resource wholesale rates for the charging energy for which it is already paying retail rates.<sup>31</sup>

17. Order No. 841-A clarifies that an RTO/ISO could require verification from the host distribution utility that it is unable or unwilling to net wholesale demand from retail settlement before the RTO/ISO ceases to settle an electric storage resource’s wholesale demand at the wholesale LMP.<sup>32</sup> Order No. 841-A clarifies further that the Commission would consider on compliance each RTO’s/ISO’s proposal to identify whether a distribution utility is unable or unwilling to net out from a host customer’s retail bill the wholesale energy purchases associated with charging an electric storage resource that is

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<sup>28</sup> Order No. 841-A, 167 FERC ¶ 61,154 at P 142 (citing Order No. 841, 162 FERC ¶ 61,127 at P 324).

<sup>29</sup> *Id.* (citing Order No. 841, 162 FERC ¶ 61,127 at P 294).

<sup>30</sup> Order No. 841, 162 FERC ¶ 61,127 at P 326.

<sup>31</sup> Paragraph 326 of the preamble of Order No. 841 used the term “resources using the participation model for electric storage resources” with respect to the requirements set forth therein (e.g., “we require each RTO/ISO to prevent resources using the participation model for electric storage resources from paying twice for the same charging energy”). However, § 35.28(g)(9)(ii) of the Commission’s regulations (as modified by Order No. 841), which these requirements are intended to implement, specifies that it applies to electric storage resources. Thus, the Commission used the incorrect term in paragraph 326 of Order No. 841. In this order, we use the correct term throughout.

<sup>32</sup> Order No. 841-A, 167 FERC ¶ 61,154 at P 138.

participating in the RTO/ISO market.<sup>33</sup> However, Order No. 841-A denies the California Independent System Operator's request for clarification that when an RTO/ISO cannot verify the host distribution utility's inability or unwillingness to net out wholesale charging energy, the RTO/ISO can require the electric storage resource to use a participation model designed for retail customer participation. Order No. 841-A states that, while Order No. 841 provides flexibility with respect to how each RTO/ISO implements the requirement to prevent electric storage resources from paying twice for the same charging energy, it would be inappropriate for an RTO/ISO to meet that requirement by requiring an electric storage resource to use a participation model designed for retail customer participation.<sup>34</sup>

### 1. First Compliance Order

18. In the First Compliance Order, the Commission found that the SPP Tariff should include a basic description of SPP's proposed metering methodology and accounting practices for Electric Storage Resources as well as references to specific documents that contain the implementation details so that market participants may plan and manage their participation accordingly.<sup>35</sup> The Commission therefore directed SPP to file revisions to its Tariff to include a basic description of SPP's metering methodology and accounting practices for Electric Storage Resources, as well as references to the specific documents in SPP's business practice manuals or other documents that contain the implementation details.

19. In addition, the Commission found that it is unclear how and to what extent SPP's proposed Tariff provisions allow Electric Storage Resources to use the participation model for Electric Storage Resources if they also participate in retail markets.<sup>36</sup> In addition, the Commission found that the SPP Tariff does not explicitly state that Electric Storage Resources are allowed to participate in both retail and wholesale markets and, accordingly, the Commission directed SPP to file a further compliance filing to explain how its Tariff allows for Electric Storage Resources to participate in both wholesale and retail markets or, alternatively, revise its Tariff to allow Electric Storage Resources that

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.* P 139 (citing Order No. 841, 162 FERC ¶ 61,127 at P 326).

<sup>35</sup> First Compliance Order, 169 FERC ¶ 61,048 at P 178.

<sup>36</sup> *Id.* P 180.



provide retail services to also participate in SPP's markets as required by Order No. 841.<sup>37</sup>

## 2. Second Compliance Filing

20. On compliance, SPP proposes revisions to its Tariff to describe SPP's metering methodology and accounting practices for Electric Storage Resources and to reference specific documents containing further details.<sup>38</sup> The further documentation includes the SPP Meter Technical Protocols, Meter Agent Services Agreement, and Billing Determinant Anomalies. SPP notes that, in general, Electric Storage Resources directly connected to the transmission system have both interval and settlement metering and that meter agents submit meter data to SPP. SPP states that Electric Storage Resources that are not directly connected to the transmission system will coordinate with the relevant load serving entity as to whether the Electric Storage Resources will be providing a retail service and, if so, the metering requirements for such participation. SPP further explains that, for an Electric Storage Resource that is providing both retail and wholesale services, the meter agent will coordinate with the load serving entity to appropriately submit the wholesale portion and the load serving entity's meter agent will submit the retail portion as a reduction in load. SPP states that its process for reconciling the injections and withdrawals from the SPP market region also includes coordinating with the meter agent to resolve billing determinant anomalies, which include double counting or missing values.

21. SPP also provides further details as to how its Tariff allows Electric Storage Resources to participate in both wholesale and retail markets, justification for certain proposed revisions to section 2.2(19)(b) of Attachment AE of its Tariff initially submitted in the First Compliance Filing, and additional revisions related to Electric Storage Resource participation in wholesale and retail markets.<sup>39</sup>

22. In particular, SPP states that it interprets, and intended, for proposed section 2.2(19)(b) of Attachment AE to address the fact that Electric Storage Resources can participate at both wholesale and retail by providing, during registration, "certification that the Resource's participation in the Energy and Operating Reserve Markets is not precluded under the laws or regulations of the relevant electric retail

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<sup>37</sup> *Id.* P 181.

<sup>38</sup> Second Compliance Filing, Transmittal at 8; SPP Proposed Tariff, Attach. AE, § 2.2(19)(b).

<sup>39</sup> Second Compliance Filing, Transmittal at 9-10; SPP Proposed Tariff, Attach. AE, § 2.2(19)(b).

regulatory authority . . . .”<sup>40</sup> SPP also proposes to add a clause to this section to explicitly address retail participation which reads, in relevant part:

[a] Market Participant registering an [Electric Storage Resource] that is not required to register under this Tariff, or a Market Participant registering an [Electric Storage Resource] that intends to participate in both wholesale and retail markets, must include in its application and registration a certification that the Resource’s participation in the Energy and Operating Reserve Markets is not precluded under the laws or regulations of the relevant electric retail regulatory authority . . . .<sup>41</sup>

23. SPP notes that because an Electric Storage Resource participating in retail services would be co-located with load on distribution facilities, and the Commission previously ruled that certain proposed aggregation language was outside the scope of the proceeding, only Electric Storage Resources of 0.1 MW or greater can participate in the SPP market.<sup>42</sup> SPP states that Electric Storage Resources greater than 0.1 MW on distribution lines are not precluded from participation under the existing Tariff language for wholesale activities; however, the parties must represent that participation is not precluded under the laws and regulations of the relevant electrical retail regulatory authority. SPP reiterates that Electric Storage Resources that are not directly connected to the transmission system will report any wholesale withdrawals and injections through the meter data of the registered Electric Storage Resource and that any withdrawals and injections that are not wholesale will be subject to the retail market of the relevant load serving entity and will be reported to SPP through the meter data of that load serving entity.<sup>43</sup>

### **3. Commission Determination**

24. We find that SPP’s proposed Tariff revisions partially comply with the requirements of Order No. 841. We find that SPP’s proposed revisions to its Tariff describing the metering methodology and accounting practices for Electric Storage

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<sup>40</sup> Second Compliance Filing, Transmittal at 10; SPP Proposed Tariff, Attach. AE, § 2.2(19)(b).

<sup>41</sup> Second Compliance Filing, Transmittal at 10; SPP Proposed Tariff, Attach. AE, § 2.2(19)(b).

<sup>42</sup> Second Compliance Filing, Transmittal at 10.

<sup>43</sup> *Id.*

Resources provide additional guidance to market participants and appropriately reference additional documents that provide implementation details.

25. However, we find that SPP's proposed registration provisions in section 2.2(19)(b) of Attachment AE of its Tariff requiring that an Electric Storage Resource that is not required to register or that intends to participate in the wholesale and retail markets certify that its participation in SPP's wholesale market is not precluded by its relevant electric retail regulatory authority may be inconsistent with the Commission's findings in Order Nos. 841 and 841-A. In Order Nos. 841 and 841-A, the Commission declined to grant requests to allow states to decide whether electric storage resources in their state that are located behind a retail meter or on the distribution system are permitted to participate in the RTO/ISO markets through the electric storage resource participation model.<sup>44</sup> Although SPP states that Electric Storage Resources are not otherwise precluded from participation in wholesale and retail markets under its Tariff, we are concerned that SPP's proposed requirement that an Electric Storage Resource must certify that its wholesale market participation "is not precluded under the laws or regulations of the relevant electric retail regulatory authority" could be interpreted to include an opt-out<sup>45</sup> that the Commission declined to provide, which would be inconsistent with Order Nos. 841 and 841-A.

26. Therefore, we direct SPP to submit a further compliance filing within 90 days of the date of issuance of this order to either: (1) remove the registration provisions in section 2.2(19)(b) of Attachment AE of its Tariff that require an Electric Storage

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<sup>44</sup> Order No. 841, 162 FERC ¶ 61,127 at P 35; Order No. 841-A, 167 FERC ¶ 61,154 at P 30.

<sup>45</sup> We note that SPP's proposed language in section 2.2(19)(b) mirrors language contained in section 2.2(8) of Attachment AE of its Tariff related to registration requirements for demand response resources, which implements an opt-out pursuant to the Commission's regulations. See 18 C.F.R. §§ 35.28(g)(1)(i), (iii); *Sw. Power Pool, Inc.*, 137 FERC ¶ 61,011, at P 77 (2011); *Sw. Power Pool, Inc.*, 141 FERC ¶ 61,048, at PP 64, 66 (2012).

Section 2.2(8) of Attachment AE of SPP's Tariff requires that:

[a] Market Participant wishing to offer Demand Response Load as a Demand Response Resource in the Energy and Operating Reserve Markets must include in its application and registration a certification that participation in the Energy and Operating Reserve Markets by its Demand Response Resource is not precluded under the laws or regulations of the relevant electric retail regulatory authority.

Resource that is not required to register or that intends to participate in the wholesale and retail markets to provide certification that its participation in SPP's market is not precluded by the relevant electric retail regulatory authority; or (2) clarify the proposed language if it was not intended to refer to relevant electric retail regulatory authorities broadly precluding electric storage resources from participating in wholesale markets. For instance, if SPP instead intended that such a preclusion must stem from a requirement in a voluntary retail electric storage resource program, SPP may propose such a clarification on further compliance or may otherwise clarify its proposal.<sup>46</sup>

## **B. Effective Date**

27. Order No. 841 requires each RTO/ISO to file tariff changes needed to implement the requirements of Order No. 841 within 270 days of its publication in the *Federal Register*, and allows a further 365 days from that date to implement the tariff provisions.<sup>47</sup> The Commission declined to allow the RTOs/ISOs to develop their own implementation schedules, finding that the compliance and implementation schedule set forth in the Final Rule is appropriate.<sup>48</sup> The Commission stated that the regional flexibility allowed in the Final Rule will assist the RTOs/ISOs in meeting the compliance and implementation deadlines.<sup>49</sup> Order No. 841-A reiterates that Order No. 841's compliance and implementation schedule is reasonable, and declines to permit the individual RTOs/ISOs to propose their own timeframes.<sup>50</sup>

### **1. First Compliance Order and Subsequent Filings**

28. In the First Compliance Order, the Commission directed an effective date of nine months from the date of issuance of the order.<sup>51</sup> On December 12, 2019, SPP submitted a request to delay the effective date for the Tariff provisions filed in its Order No. 841

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<sup>46</sup> See Order No. 841-A, 167 FERC ¶ 61,154 at P 41 (acknowledging that states have the authority to include conditions in their own retail distributed energy resource or retail electric storage resource programs that prohibit any participating resources from also selling into the RTO/ISO markets because, in that scenario, the owner of a resource has a choice between participating in the retail market or wholesale market).

<sup>47</sup> Order No. 841, 162 FERC ¶ 61,127 at P 348.

<sup>48</sup> *Id.* P 349.

<sup>49</sup> *Id.* P 350.

<sup>50</sup> Order No. 841-A, 167 FERC ¶ 61,154 at P 154.

<sup>51</sup> First Compliance Order, 169 FERC ¶ 61,048 at P 2.

compliance proceeding due to issues related to software implementation and SPP's settlements management system.<sup>52</sup> Specifically, SPP requested an effective date of "12/31/9998" for the Tariff records submitted in this proceeding. On February 27, 2020, the Commission granted in part SPP's request, and directed an effective date of August 5, 2021.<sup>53</sup>

## 2. Second Compliance Filing

29. On compliance, SPP requests that the Commission grant an effective date of "12/31/9998" for the Tariff records included with this filing, consistent with SPP's December Request for Deferral.<sup>54</sup> SPP asserts that it will need a number of months to develop, test, and implement the software system changes for the Tariff revisions proposed in this proceeding. SPP also requests that the Commission issue an order by March 1, 2020.

## 3. Commission Determination

30. We find that SPP's proposed effective date does not comply with the directive in the First Compliance Order or the Order on Deferral Request and, therefore, we direct an effective date of August 5, 2021 in accordance with the Commission's Order on Deferral Request.<sup>55</sup>

### The Commission orders:

(A) SPP's Second Compliance Filing is hereby accepted, to become effective August 5, 2021, subject to a further compliance filing, as discussed in the body of this order.

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<sup>52</sup> See December Request for Deferral.

<sup>53</sup> Order on Deferral Request, 170 FERC ¶ 61,164 at P 1.

<sup>54</sup> Second Compliance Filing, Transmittal at 11.

<sup>55</sup> Order on Deferral Request, 170 FERC ¶ 61,164 at P 1.

(B) SPP is hereby directed to submit a further compliance filing, within 90 days of the date of issuance of this order, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

Appendix – eTariff Designations

Southwest Power Pool, Inc., FERC FPA Electric Tariff, Open Access Transmission Tariff

[Attachment AE \(MPL\), Attachment AE Integrated Marketplace, 10.1.0](#)

[Att. AE \(MPL\) 1.1 R, Attachment AE \(MPL\) Section 1.1 R, 6.1.0](#)

[Att. AE \(MPL\) 2.2, Attachment AE \(MPL\) Section 2.2, 12.1.0](#)

[Att. AE \(MPL\) 2.17, Attachment AE \(MPL\) Section 2.17, 0.1.0](#)