

172 FERC ¶ 61,023  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Public Service Company of Colorado

Docket Nos. ER19-1864-003  
ER19-1864-004

ORDER ON COMPLIANCE

(Issued July 16, 2020)

1. In a filing submitted on February 18, 2020, as amended on February 20, 2020<sup>1</sup> and May 19, 2020 (February Compliance Filing),<sup>2</sup> Public Service Company of Colorado (PSCo) proposes revisions to the Large Generator Interconnection Procedures (LGIP) provided in Attachment N of its Open Access Transmission Tariff (Tariff) in compliance with the requirements of Order Nos. 845 and 845-A<sup>3</sup> and the Commission's order on compliance issued on December 19, 2019.<sup>4</sup> As discussed below, we find that the February Compliance Filing partially complies with the Commission's directives in the December 2019 Order. Accordingly, we accept the February Compliance Filing and direct PSCo 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* LGIP to improve certainty for

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<sup>1</sup> On February 20, 2020, PSCo submitted an errata filing intended to replace an attachment with the correct copy of the attachment.

<sup>2</sup> On May 19, 2020, PSCo submitted an amendment to its filing with proposed revisions relating to its interconnection study deadlines.

<sup>3</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>4</sup> *Pub. Serv. Co. of Colo.*, 169 FERC ¶ 61,224 (2019) (December 2019 Order).

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 December 2019 Order, the Commission found that PSCo's May 15, 2019 compliance filing (May Compliance Filing), as amended, partially complied with the directives of Order Nos. 845 and 845-A. The Commission directed further revisions to the following sections of PSCo's LGIP: Identification and Definition of Contingent Facilities; Requesting Interconnection Service below Generating Facility Capacity; Provisional Interconnection Service; and Material Modifications and Incorporation of Advanced Technologies.<sup>5</sup>

## **II. PSCo's February Compliance Filing**

4. In the February Compliance Filing, PSCo proposes modified language for Identification and Definition of Contingent Facilities, Requesting Interconnection Service below Generating Facility Capacity, Provisional Interconnection Service, and Material Modifications and Incorporation of Advanced Technologies. PSCo proposes tariff records to incorporate these revisions to both the Attachment N of its Tariff that was in effect on May 22, 2019, consistent with the effective date established in the December 2019 Order, and the Attachment N filed in Docket No. ER19-2774 implementing PSCo's Revised Large Generator Interconnection Procedures (Revised LGIP).<sup>6</sup> In the February Compliance Filing, PSCo requests an effective date of May 22, 2019 for the revisions as they apply to the LGIP and December 5, 2019 for the revisions as they apply to the Revised LGIP.

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<sup>5</sup> December 2019 Order, 169 FERC ¶ 61,224 at PP 21, 37, 41, 57.

<sup>6</sup> In Docket No. ER19-2774, the Commission accepted PSCo's filing of its Revised LGIP, in which PSCo proposed revisions to its LGIP and LGIA to transition from a first-come, first-served approach to a first-ready, first-served approach effective December 5, 2019. *Pub. Serv. Co. of Colo.*, 169 FERC ¶ 61,182 (2019). In the February Compliance Filing and May 19, 2020 filing, PSCo is proposing to incorporate its revisions to the Revised LGIP in order to not lose the Commission-approved changes that were filed in Docket No. ER19-2774.

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

5. Notice of PSCo's February 20, 2020 errata filing in Docket No. ER19-1864-003 was published in the *Federal Register*, 85 Fed. Reg. 11,361 (Feb. 27, 2020), with interventions and protests due on or before March 12, 2020. None was filed.

6. Notice of PSCo's May 19, 2020 filing in Docket No. ER19-1864-004 was published in the *Federal Register*, 85 Fed. Reg. 31,757 (May 27, 2020), with interventions and protests due on or before June 9, 2020. None was filed.

### **IV. Discussion**

#### **A. Material Modifications and Incorporation of Advanced Technologies**

7. In the May Compliance Filing, PSCo proposed a process that would allow an interconnection customer to submit an informal technological change request to modify its interconnection request and provide evidence that the proposed modification meets PSCo's definition of Permissible Technological Advancement. PSCo would then determine if it could approve the modification as is or if the interconnection customer must instead submit a formal request, which would trigger a study requirement. If a study were required, PSCo would complete the study within 30 days of the formal request. The submission of the formal request would also have included, among other things, a study deposit.<sup>7</sup>

8. In the December 2019 Order, the Commission found that PSCo's proposed Tariff revisions did not comply with the requirements of Order Nos. 845 and 845-A. Specifically, the Commission found that PSCo's proposed revisions to Tariff section 4.4.6.3 providing that the study will be completed within 30 days of receiving the study deposit did not comply with Order Nos. 845 and 845-A. The Commission directed PSCo to revise its technological change procedure to provide that PSCo will determine whether or not a technological advancement is a material modification within 30 calendar days of receipt of the initial request. Further, the Commission found that Tariff section 4.4.6 contained an incorrect section reference to section 4.4.4, instead of section 4.4.6 and directed PSCo to correct this incorrect reference.<sup>8</sup>

#### **1. PSCo's Compliance Filing**

9. PSCo proposes to revise its process to provide that if the technological change request results in the need for studies, the interconnection customer shall complete its

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<sup>7</sup> May Compliance Filing Transmittal at 12.

<sup>8</sup> December 2019 Order, 169 FERC ¶ 61,224 at P 57.

technological change request by providing additional information and a \$10,000 deposit.<sup>9</sup> PSCo will then conduct studies to evaluate whether or not the change is a permissible technological advancement or a material modification, and will complete the evaluation as soon as practical but no later than 30 days after the receipt of the completed technological change request. PSCo proposes to delete some of the previous language that outlined how it would evaluate a technological change request and proposes new language stating that it will study the technological change request by assessing the characteristics, or parameters, of the proposed technology against the technology being replaced in the existing model.<sup>10</sup> In addition, PSCo proposes to replace the incorrect reference to section 4.4.4 with a reference to section 4.4.6.

## 2. Commission Determination

10. We find that PSCo's proposed LGIP revisions regarding Material Modifications and Incorporation of Advanced Technologies partially comply with the directives of the December 2019 Order and the requirements of Order Nos. 845 and 845-A. Specifically, we accept PSCo's revision to correct the reference to section 4.4.4 to section 4.4.6.

11. With regard to the deadline to determine whether or not a technological advancement is a material modification, Order No. 845 states that a transmission provider must determine whether a change is a material modification "no later than 30 days after the interconnection customer submits a formal technological advancement request to the transmission provider."<sup>11</sup> However, PSCo's proposed revisions to section 4.4.6 provide that, after submitting a formal technological advancement request—which under PSCo's proposal is referred to as a technological change request—an interconnection customer might be required to provide additional information to complete its technological change request if studies are necessary, and that PSCo's evaluation will be completed within 30 calendar days of receiving the *completed* technological change request along with a \$10,000 deposit. We find that these provisions do not comply with Order No. 845 as they would allow PSCo longer than 30 days from the receipt of the formal request to reach its determination, and this is inconsistent with Order No. 845. Accordingly, we direct PSCo to submit, within 120 days of the date of this order, a further compliance filing that revises the proposed technological change procedure to provide that PSCo will

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<sup>9</sup> PSCo proposes to retain language proposed in its May Compliance Filing explaining the type of additional information that may be required for a study. February Compliance Filing Transmittal at 6.

<sup>10</sup> February Compliance Filing Transmittal at 7; PSCo OATT, Attach. N, LGIP, § 4.4.6.1.

<sup>11</sup> Order No. 845, 163 FERC ¶ 61,043 at P 535; *see also* Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

determine whether or not a technological advancement is a material modification within 30 calendar days of receipt of the formal technological change request.

12. With regard to PSCo's proposed study requirements, PSCo's newly proposed language states that PSCo "shall study the [technological change request] by assessing the characteristics, or parameters, of the proposed technology against the technology being replaced in the existing model."<sup>12</sup> We find that PSCo's proposed language does not explain which studies PSCo will use to determine whether the change is a material modification. Accordingly, we direct PSCo to file, within 120 days of the date of this order, a further compliance filing that revises the proposed technological change procedure to explain the studies PSCo will use in evaluating the technological change request.

## **B. Other Revisions**

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

13. In the December 2019 Order, the Commission found that PSCo's proposed Tariff revisions lack the requisite transparency required by Order Nos. 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 PSCo would use as part of its method to identify contingent facilities. Therefore, the Commission required PSCo to submit a further compliance filing that includes 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 PSCo 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>13</sup>

14. In the February Compliance Filing, PSCo proposes language that details the methods and thresholds that it will use to determine contingent facilities. Specifically, PSCo proposes to add that, in the system impact study report, and in any subsequent restudies, PSCo will explain why it identified each listed contingent facility, and how each identified facility relates to the interconnection customer's interconnection request, such that the interconnection customer can better understand its potential risk exposure should any such contingent facility be delayed or not built. PSCo also proposes to add section 3.8.1 to include a seven-step process with specific technical screens and analysis and the specific thresholds and criteria that PSCo will use to identify contingent facilities. PSCo, for example, proposes in step three that it will model each unbuilt facility out of

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<sup>12</sup> February Compliance Filing Transmittal at 7; PSCo OATT, Attach. N, LGIP, § 4.4.6.1.

<sup>13</sup> December 2019 Order, 169 FERC ¶ 61,224 at P 21.

service and perform power flow analysis to identify potential system performance violations per applicable Reliability Coordinator (Western Electricity Coordinating Council or North American Electric Reliability Corporation) requirements due to the absence of the unbuilt facility.<sup>14</sup> Further, PSCo proposes that when it confirms the system performance violation, the dependency of each interconnection request to the unbuilt facility will be examined by calculating the distribution factor contribution from that interconnection request. PSCo explains that, if the distribution factor on any single overload is greater or equal to one percent, the unbuilt facility will be identified as a contingent facility for that request.<sup>15</sup>

## 2. Requesting Interconnection Service Below Generating Facility Capacity

15. In the December 2019 Order, the Commission found that PSCo's proposed Tariff revisions to section 3.1 of its LGIP omitted some of the *pro forma* language required by Order No. 845.<sup>16</sup> In the February Compliance Filing, PSCo proposes revisions to section 3.1 of its LGIP to include the omitted *pro forma* language.<sup>17</sup>

## 3. Provisional Interconnection Service

16. In the December 2019 Order, the Commission found that proposed article 5.9.2 of PSCo's *pro forma* LGIA did not comply with the requirements of Order No. 845 and 845-A because the proposed revisions did not identify when it will or will not be necessary to update provisional interconnection studies. The Commission stated that while Order No. 845 gave the transmission provider discretion to determine the frequency for updating provisional interconnection studies, PSCo's proposed inclusion of the phrase "if necessary" provided PSCo unfettered discretion to determine the frequency at which it will update provisional interconnection studies.<sup>18</sup> In the February Compliance Filing, PSCo proposes to limit its discretion by clarifying that it will review the

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<sup>14</sup> PSCo OATT, Attach. N, LGIP, § 3.8.1.

<sup>15</sup> February Compliance Filing Transmittal at 3-4.

<sup>16</sup> December 2019 Order, 169 FERC ¶ 61,224 at P 37.

<sup>17</sup> February Compliance Filing Transmittal at 5.

<sup>18</sup> December 2019 Order, 169 FERC ¶ 61,224 at P 41.

maximum permissible output on a quarterly basis, and will update the maximum permissible output if there are changes to system conditions.<sup>19</sup>

#### **4. Interconnection Study Deadlines**

17. In its May 19, 2020 filing, PSCo states that calculations of its first quarter metrics brought to its attention certain corrections needed in order to more accurately align with the terms of PSCo's Revised LGIP and with Order No. 845. Specifically, PSCo proposes to modify the interconnection study metrics in section 3.5 of its LGIP to reflect that the tracking of the timeline to complete a study must be from the start of a cluster study to the publishing of the study report, rather than linking the measurement to the execution of a study agreement. PSCo also proposes revisions to section 4.2 of its LGIP to clarify that the closing date of the customer engagement window<sup>20</sup> is 45 days after the opening of the definitive interconnection system impact study request window. PSCo states that these revisions are due to the nature of PSCo's clustered interconnection process, which is made up of a phased approach and is not linked to the execution of an interconnection study agreement. PSCo explains that these revisions are necessary to ensure accurate reporting of interconnection study times, accuracy in the reported metrics, and provision of all information as required by Order No. 845, under which the tracking of the timeline to complete a study must be from the start of the study to the publishing of the study report.

#### **5. Commission Determination**

18. We find that PSCo's proposed revisions regarding Identification and Definition of Contingent Facilities, Requesting Interconnection Service below Generating Facility Capacity and Provisional Interconnection Service comply with the directives in the December 2019 Order. We also accept PSCo's proposed modifications to the start and end dates for its study timeline reporting requirements as memorialized in sections 3.5 and 4.2 of its LGIP in its May 19, 2020 filing, as they ensure that the calculations described in the Revised LGIP and reporting of interconnection study times comply with the requirements of Order No. 845.

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<sup>19</sup> February Compliance Filing Transmittal at 5.

<sup>20</sup> The customer engagement window is a 75-day period that begins after interconnection customers submit their interconnection requests and before the start of the Definitive Interconnection Study Process for each cluster under PSCo's Revised LGIP. The customer engagement window serves as a time for interconnection customers to determine whether they are ready and truly want to enter the Definitive Interconnection Study Process.

The Commission orders:

(A) PSCo's February Compliance Filing is hereby accepted, to become effective May 22, 2019 for the revisions to the LGIP, and December 5, 2019 for the revisions to the Revised LGIP, as requested, subject to a further compliance filing, as discussed in the body of this order.

(B) PSCo 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.