

169 FERC ¶ 61,217
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Avista Corporation

Docket No. ER19-1959-000

ORDER ON COMPLIANCE

(Issued December 19, 2019)

1. On May 22, 2019, Avista Corporation (Avista) submitted 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 As discussed below, we find that Avista's filing partially complies with the requirements of Order Nos. 845 and 845-A. Accordingly, we accept Avista's compliance filing, effective May 22, 2019, and direct Avista to submit a further compliance filing within 60 days of the date of this order.

I. Background

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

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.

for obtaining interconnection service, and as a result, there will be fewer overall interconnection requests and fewer interconnection requests failing to reach commercial 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.

3. In Order No. 845, the Commission adopted 10 different reforms in three categories to improve the interconnection process. First, in order to improve certainty for interconnection customers, the Commission: (1) removed the limitation that interconnection customers may exercise the option to build the transmission provider's interconnection facilities⁴ and stand alone network upgrades⁵ only in instances when the transmission provider cannot meet the dates proposed by the interconnection customer;⁶ and (2) required that transmission providers establish interconnection dispute resolution procedures that allow a disputing party unilaterally to seek non-binding dispute resolution.⁷

³ Order No. 845, 163 FERC ¶ 61,043 at P 2; Order No. 845-A, 166 FERC ¶ 61,137 at P 1.

⁴ Transmission provider's interconnection facilities are "all facilities and equipment owned, controlled or operated by the Transmission Provider from the Point of Change of Ownership to the Point of Interconnection as identified in Appendix A to the Standard Large Generator Interconnection Agreement, including any modifications, additions or upgrades to such facilities and equipment. Transmission Provider's Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades." *Pro forma* LGIA art. 1 (Definitions).

⁵ Stand alone network upgrades are "Network Upgrades that an Interconnection Customer may construct without affecting day-to-day operations of the Transmission System during their construction. Both the Transmission Provider and the Interconnection Customer must agree as to what constitutes Stand Alone Network Upgrades and identify them in Appendix A to the Standard Large Generator Interconnection Agreement." *Id.*

⁶ Order No. 845, 163 FERC ¶ 61,043 at P 85.

⁷ *Id.* P 3.

4. Second, to promote more informed interconnection decisions, the Commission: (1) required transmission providers to outline and make public a method for determining contingent facilities;⁸ (2) required transmission providers to list the specific study processes and assumptions for forming the network models used for interconnection studies; (3) revised the definition of “Generating Facility” to explicitly include electric storage resources; and (4) established reporting requirements for aggregate interconnection study performance.⁹

5. Third, the Commission adopted reforms to enhance the interconnection process by (1) allowing interconnection customers to request a level of interconnection service that is lower than their generating facility capacity; (2) requiring transmission providers to allow for provisional interconnection agreements that provide for limited operation of a generating facility prior to completion of the full interconnection process; (3) requiring transmission providers to create a process for interconnection customers to use surplus interconnection service¹⁰ at existing points of interconnection; and (4) requiring transmission providers to set forth a procedure to follow when assessing and, if necessary, studying an interconnection customer’s technology changes without affecting the interconnection customer’s queue position.¹¹

II. Avista’s Compliance Filing

6. Avista proposes revisions to Attachment M of its Tariff, which contains its LGIP and *pro forma* LGIA, in compliance with Order Nos. 845 and 845-A. Avista represents that it adopts the Commission’s *pro forma* language in its LGIP and *pro forma* LGIA. Further, Avista represents that it proposes Tariff revisions to develop a process for non-

⁸ Contingent facilities are “those unbuilt Interconnection Facilities and 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 Re-Studies of the Interconnection Request or a reassessment of the Interconnection Facilities and/or Network Upgrades and/or costs and timing.” *Pro Forma* LGIP § 1 (Definitions).

⁹ Order No. 845, 163 FERC ¶ 61,043 at P 4.

¹⁰ Order No. 845 added a definition for “Surplus Interconnection Service” to section 1 of the *pro forma* LGIP and article 1 of the *pro forma* LGIA, defining the term as “any unused portion of Interconnection Service established in a Large Generator Interconnection Agreement, such that if Surplus Interconnection Service is utilized the Interconnection Service limit at the Point of Interconnection would remain the same.” *Id.* P 459.

¹¹ *Id.* P 5.

binding dispute resolution in LGIP sections 13.5.5 and 13.5.6, a method for identifying contingent facilities in LGIP section 3.8, a process for the use of surplus interconnection service in LGIP section 11.5, a definition of permissible technological advancement in section 1,¹² and a procedure for technological change in LGIP section 4.4.6, as required by Order Nos. 845 and 845-A. Avista requests that the proposed revisions to its Tariff become effective on May 22, 2019.

III. Notice and Responsive Pleadings

7. Notice of Avista's compliance filing was published in the *Federal Register*, 84 Fed. Reg. 25,251 (2019), with interventions and protests due on or before June 12, 2019. None was filed.

IV. Discussion

A. Substantive Matters

8. As discussed below, we find that Avista's filing partially complies with the requirements of Order Nos. 845 and 845-A. Accordingly, we accept Avista's compliance filing, effective May 22, 2019, and direct Avista to submit a further compliance filing within 60 days of the date of this order.

1. Proposed Variations

9. As discussed further below, Avista's proposed provisions contain certain variations from the Commission's requirements in Order Nos. 845 and 845-A. The Commission explained in Order No. 845 that such variations would be reviewed under the same standard allowed by Order No. 2003.¹³ In Order No. 2003, when adopting the *pro forma* LGIA and LGIP, the Commission permitted transmission providers to seek variations from the *pro forma* LGIP and/or *pro forma* LGIA if they were "consistent with or superior to" the terms of the *pro forma* LGIP and *pro forma* LGIA.¹⁴ A transmission

¹² Although Avista states in its transmittal letter that it adds the definition of permissible technological advancement in its LGIP article I, the definition is provided in its LGIP section 1. See Avista LGIP § 1.

¹³ Order No. 845, 163 FERC ¶ 61,043 at P 43.

¹⁴ *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 104 FERC ¶ 61,103, at P 825 (2003), *order on reh'g*, Order No. 2003-A, 106 FERC ¶ 61,220, *order on reh'g*, Order No. 2003-B, 109 FERC ¶ 61,287 (2004), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005), *aff'd sub nom. Nat'l Ass'n*

provider seeking a “consistent with or superior to” variation must demonstrate why its proposal is consistent with or superior to the *pro forma* LGIP and/or *pro forma* LGIA.¹⁵ The Commission also permitted transmission providers to justify a variation to the *pro forma* LGIA or LGIP based on regional reliability requirements and required transmission providers submitting such regional reliability variations to the Commission for approval to identify the proposed variations and explain why such variations are necessary.¹⁶ We will evaluate Avista’s proposed variations from the requirements of Order Nos. 845 and 845-A accordingly.

2. Interconnection Customer’s Option to Build

10. In Order No. 845, the Commission revised articles 5.1, 5.1.3, and 5.1.4 of the *pro forma* LGIA to allow interconnection customers to unilaterally exercise the option to build for stand alone network upgrades and the transmission provider’s interconnection facilities, regardless of whether the transmission provider can complete construction of such facilities by the interconnection customer’s proposed in-service date, initial synchronization date, or commercial operation date.¹⁷ Prior to Order No. 845, this option to build was available to an interconnection customer only if the transmission provider did not agree to the interconnection customer’s preferred construction timeline.¹⁸ The Commission stated in Order No. 845 that this reform of the option to build will “benefit the interconnection process by providing interconnection customers more control and certainty during the design and construction phases of the interconnection process.”¹⁹

11. In Order No. 845-A, the Commission granted rehearing and clarification of certain aspects of the revised option to build. Specifically, the Commission revised the definition of Stand Alone Network Upgrade in the *pro forma* LGIP and *pro forma* LGIA to: (1) state that, when there is a disagreement, the transmission provider must provide the interconnection customer a written technical explanation outlining why the

of Regulatory Util. Comm’rs v. FERC, 475 F.3d 1277 (D.C. Cir. 2007)), *cert. denied*, 552 U.S. 1230 (2008).

¹⁵ See, e.g., *Nev. Power Co.*, 167 FERC ¶ 61,086, at P 3 (2019).

¹⁶ Order No. 2003, 104 FERC ¶ 61,103 at P 826; Order No. 2003-A, 106 FERC ¶ 61,220 at P 45.

¹⁷ Order No. 845, 163 FERC ¶ 61,043 at PP 85-87.

¹⁸ Order No. 2003, 104 FERC ¶ 61,103 at P 353; *see also pro forma* LGIP § 5.1.3.

¹⁹ Order No. 845, 163 FERC ¶ 61,043 at P 85.

transmission provider does not consider a specific network upgrade to be a stand alone network upgrade;²⁰ and (2) clarify that the option to build does not apply to stand alone network upgrades on affected systems.²¹ The Commission also made revisions to article 5.2 of the *pro forma* LGIA to allow transmission providers to recover oversight costs related to the interconnection customer's option to build.²² In addition, the Commission clarified that the revised option to build provisions apply to all public utility transmission providers, including those that reimburse the interconnection customer for network upgrades.²³

a. Avista's Compliance Filing

12. Avista proposes revisions to section 1 of its LGIP to change the definition of stand alone network upgrades, and proposes revisions to articles 1, 5.1, 5.1.3, 5.1.4, and 5.2 of its *pro forma* LGIA to implement the changes to the Commission's *pro forma* LGIA set forth in Order Nos. 845 and 845-A, without modification.

b. Commission Determination

13. We find that Avista's proposed revisions regarding the option to build comply with the requirements of Order Nos. 845 and 845-A because Avista adopts the Commission's *pro forma* LGIP and *pro forma* LGIA provisions without modification.

3. Dispute Resolution

14. In Order No. 845, the Commission revised the *pro forma* LGIP by adding new section 13.5.5, which establishes generator interconnection dispute resolution procedures that allow a disputing party to unilaterally seek non-binding dispute resolution.²⁴ The Commission established these new procedures because dispute resolution was previously unavailable when the parties did not mutually agree to pursue a binding arbitration under section 13.5 of the pre-Order No. 845 *pro forma* LGIP. The Commission further explained that participation in the new non-binding dispute resolution process in *pro forma* LGIP section 13.5.5 does not preclude disputing parties from pursuing binding

²⁰ Order No. 845-A, 166 FERC ¶ 61,137 at P 68.

²¹ *Id.* P 61.

²² *Id.* P 75.

²³ *Id.* P 33.

²⁴ Order No. 845, 163 FERC ¶ 61,043 at P 133; *see also pro forma* LGIP § 13.5.5.

arbitration after the conclusion of the non-binding dispute resolution process if they seek a binding result.²⁵

a. Avista's Compliance Filing

15. Avista proposes revisions to its LGIP to add section 13.5.5, which adopts the Commission's *pro forma* LGIP provisions as required by Order Nos. 845 and 845-A without modification.²⁶ Avista also adds section 13.5.6 to provide the non-binding dispute resolution implementation procedures. It provides that, within fifteen calendar days of the appointment of the neutral decision-maker, the parties shall submit a list of issues, the desired resolutions for each issue, and any supporting documents to the neutral decision-maker. Further, Avista includes procedures for conducting the preliminary meeting, any additional meetings, and the joint meeting.

b. Commission Determination

16. We find that Avista's proposed LGIP revisions regarding dispute resolution comply with the requirements of Order Nos. 845 and 845-A because Avista adopts the Commission's *pro forma* revisions without modification. Furthermore, we find that the non-binding dispute resolution implementation procedures described in Avista's LGIP section 13.5.6 are consistent with or superior to the requirements set forth in Order Nos. 845 and 845-A. However, Avista did not revise the table of contents in its LGIP to add new sections 13.5.5 and 13.5.6. Accordingly, we direct Avista to file, within 60 days of the date of this order, a further compliance filing that includes sections 13.5.5 and 13.5.6 in the table of contents. Similarly, to the extent the tables of contents for Avista's LGIP or *pro forma* LGIA need to be revised to reflect other revisions to the LGIP or *pro forma* LGIA, we direct Avista to do so.

4. Identification and Definition of Contingent Facilities

17. In Order No. 845, the Commission added a new definition to section 1 of the *pro forma* LGIP, providing that contingent facilities shall mean those unbuilt interconnection facilities and 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

²⁵ Order No. 845, 163 FERC ¶ 61,043 at P 139.

²⁶ Avista LGIP § 13.5.5.

and/or network upgrades and/or costs and timing.²⁷ The Commission also added new section 3.8 to the *pro forma* LGIP, which requires transmission providers to include, within section 3.8, a method for identifying the contingent facilities that they will provide to the interconnection customer at the conclusion of the system impact study and include in the interconnection customer's generator interconnection agreement.²⁸ The Commission specified that the method must be sufficiently transparent to determine why a specific contingent facility was identified and how it relates to the interconnection request.²⁹ The Commission stated that this transparency will ensure that the method is applied on a non-discriminatory basis.³⁰ The Commission further required that transmission providers provide, upon the interconnection customer's request, the estimated network upgrade costs and estimated in-service completion date associated with each identified contingent facility when this information is readily available and not commercially sensitive.³¹

a. Avista's Compliance Filing

18. Avista adopts the Commission's *pro forma* LGIP definition of contingent facilities and the section 3.8 revisions, which require it to include a method for identifying contingent facilities to be provided to the interconnection customer at the conclusion of the system impact study and included in the interconnection customer's *pro forma* LGIA.

19. Avista proposes that it will identify contingent facilities by accounting for planned network upgrades associated with interconnection customers with senior queue priority, determining what affected system facilities have been identified through the affected system studies, and determining other planned transmission projects unrelated to any interconnection requests. Further, Avista states that any such planned upgrades, upon which the interconnection request's costs, timing, and study findings are dependent, that could, if delayed or not built, cause a need for a reassessment of the interconnection facilities, network upgrades, and/or costs and timing, shall be identified and listed in the system impact study. Avista states that it will provide a written explanation as to why a

²⁷ Order No. 845, 163 FERC ¶ 61,043 at P 218; *see also pro forma* LGIP § 1 (Definitions).

²⁸ Order No. 845, 163 FERC ¶ 61,043 at P 199.

²⁹ *Id.*; *see also pro forma* LGIP § 3.8.

³⁰ Order No. 845, 163 FERC ¶ 61,043 at P 200.

³¹ *Id.* P 199; *see also pro forma* LGIP § 3.8.

facility was identified as a contingent facility and how it relates to the interconnection request.³²

b. Commission Determination

20. We find that Avista's proposed LGIP revisions that identify and describe Avista's method for determining contingent facilities partially comply with the requirements of Order Nos. 845 and 845-A. We find that Avista complies with the requirements of Order Nos. 845 and 845-A because Avista has adopted the definition of contingent facilities without modification. Further, Avista's proposed Tariff revisions comply with the requirements related to providing estimated network upgrade costs and estimated in-service completion dates associated with contingent facilities to the interconnection customer.

21. However, as specified in Order No. 845, transmission providers must include, in section 3.8 of their LGIPs, a method for determining contingent facilities.³³ The Commission required that this method must provide sufficient transparency to determine why a specific contingent facility was identified and how it relates to the interconnection request.³⁴ The Commission also required that a transmission provider's method to identify contingent facilities be transparent enough to ensure that it will be applied on a non-discriminatory basis.³⁵ Avista's proposed Tariff revisions lack the requisite transparency required by Orders No. 845 and 845-A because the proposed Tariff revisions do not detail the specific thresholds or criteria that Avista will use as part of its method to identify contingent facilities.³⁶ Without this information, an interconnection customer will not understand how Avista will evaluate potential contingent facilities to determine their relationship to an individual interconnection request.³⁷ Further, including

³² Avista LGIP § 3.8.

³³ Order No. 845, 163 FERC ¶ 61,043 at P 199.

³⁴ *Id.* P 200.

³⁵ *Id.*

³⁶ Order No. 845 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. Order No. 845, 163 FERC ¶ 61,043 at P 220.

³⁷ *See pro forma* LGIP § 3.8 (“The method shall be sufficiently transparent to determine why a specific Contingent Facility was identified”).

specific thresholds or criteria in Avista's LGIP will ensure Avista's technical screens or analyses will be applied to interconnection requests on a consistent, not unduly discriminatory or preferential basis. Accordingly, we direct Avista to file, within 60 days of the date of this order, a further compliance filing that includes 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.

5. Transparency Regarding Study Models and Assumptions

22. In Order No. 845, the Commission revised section 2.3 of the *pro forma* LGIP to require transmission providers to maintain network models and underlying assumptions on either an Open Access Same-Time Information System (OASIS) site or a password-protected website. If the transmission provider posts this information on a password-protected website, a link to the information must be provided on its OASIS site. Revised *pro forma* LGIP section 2.3 also requires that “network models and underlying assumptions reasonably represent those used during the most recent interconnection study and be representative of current system conditions.”³⁸ In addition, the Commission revised *pro forma* LGIP section 2.3 to allow transmission providers to require interconnection customers, OASIS site users, and password-protected website users to sign a confidentiality agreement before the release of commercially sensitive information or critical energy infrastructure information (CEII).³⁹

23. In Order No. 845-A, the Commission reiterated that neither the Commission's CEII regulations nor Order No. 845 precludes a transmission provider from taking necessary steps to protect information within its custody or control to ensure the safety and security of the electric grid.⁴⁰ The Commission also clarified that, to the extent any party would like to use the Commission's CEII regulations as a model for evaluating entities that request network model information and assumptions (prior to signing a non-disclosure agreement), it may do so.⁴¹ The Commission further clarified that the phrase “current system conditions” does not require transmission providers to maintain network models that reflect current real-time operating conditions of the transmission provider's

³⁸ Order No. 845, 163 FERC ¶ 61,043 at P 236.

³⁹ *Id.*; see also *pro forma* LGIP § 2.3.

⁴⁰ Order No. 845-A, 166 FERC ¶ 61,137 at P 84 (citing Order No. 845, 163 FERC ¶ 61,043 at P 241).

⁴¹ *Id.* P 85 (citing 18 C.F.R. § 388.113(g)(5)(i) (2019)).

system. Instead, the network model information should reflect the system conditions currently used in interconnection studies.⁴²

a. Avista's Compliance Filing

24. Avista proposes revisions to its study model provisions in section 2.3 of its LGIP to implement the changes to the Commission's *pro forma* LGIP set forth in Order Nos. 845 and 845-A without modification.

b. Commission Determination

25. We find that Avista's proposed LGIP revisions regarding revised study models and assumptions comply with the requirements of Order Nos. 845 and 845-A because Avista adopts the *pro forma* LGIP provisions without modification.

6. Definition of Generating Facility

26. In Order No. 845, the Commission revised the definition of "Generating Facility" to include electric storage resources and to allow electric storage resources to interconnect pursuant to the Commission-jurisdictional large generator interconnection processes. Specifically, the Commission revised the definition of "Generating Facility" in the *pro forma* LGIP and *pro forma* LGIA as:

Generating Facility shall mean Interconnection Customer's device for the production *and/or storage for later injection* of electricity identified in the Interconnection Request, but shall not include the interconnection customer's Interconnection Facilities.⁴³

The Commission found that this definitional change will reduce a potential barrier to large electric storage resources with a generating facility capacity above 20 MW that wish to interconnect pursuant to the terms in the *pro forma* LGIP and *pro forma* LGIA.⁴⁴

a. Avista's Compliance Filing

27. Avista proposes revisions to its LGIP and *pro forma* LGIA to adopt the revised definition of a "Generating Facility" in accordance with the changes in the Commission's

⁴² *Id.* P 88.

⁴³ Order No. 845, 163 FERC ¶ 61,043 at P 275 (additions italicized); *see also pro forma* LGIP § 1.

⁴⁴ Order No. 845, 163 FERC ¶ 61,043 at P 275.

pro forma LGIP and *pro forma* LGIA, set forth in Order Nos. 845 and 845-A without modification.

b. Commission Determination

28. We find that Avista’s revisions regarding the definition of a “Generating Facility” comply with the requirements of Order Nos. 845 and 845-A because Avista adopts the Commission’s *pro forma* LGIP and *pro forma* LGIA provisions without modification.

7. Interconnection Study Deadlines

29. In Order No. 845, the Commission modified the *pro forma* LGIP to add sections 3.5.2 and 3.5.3, which require transmission providers to calculate and maintain on their OASIS sites or public websites summary statistics related to the timing of the transmission provider’s processing of interconnection studies and to update those statistics on a quarterly basis.⁴⁵ In these sections, the Commission included bracketed Tariff language to be completed by the transmission provider in accordance with the timelines established for the various studies in their LGIPs.⁴⁶ The Commission also revised the *pro forma* LGIP to add section 3.5.4 to require transmission providers to file informational reports with the Commission if a transmission provider exceeds its interconnection study deadlines for more than 25 percent of any study type for two consecutive calendar quarters.⁴⁷ In adopting these reporting requirements, the Commission found that the reporting requirements strike a reasonable balance between providing increased transparency and information to interconnection customers and not unduly burdening transmission providers.⁴⁸ In Order No. 845-A, the Commission revised *pro forma* LGIP section 3.5.3 to clarify that the data reporting and retention requirements begin in the first calendar quarter of 2020.⁴⁹

⁴⁵ *Id.* P 305; *see also pro forma* LGIP §§ 3.5.2 and 3.5.3.

⁴⁶ Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP § 3.5.2 and 3.5.3.

⁴⁷ Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP § 3.5.4.

⁴⁸ Order No. 845, 163 FERC ¶ 61,043 at P 307.

⁴⁹ Order No. 845-A, 166 FERC ¶ 61,137 at P 107.

a. Avista's Compliance Filing

30. Avista proposes to add LGIP sections 3.5.2, 3.5.3, and 3.5.4 and their subsections to adopt the sections added to the Commission's *pro forma* LGIP, as set forth in Order Nos. 845 and 845-A, without modification except to replace the bracketed placeholders in *pro forma* LGIP sections 3.5.2.1, 3.5.2.2, and 3.5.2.3 with processing timelines to complete the feasibility, system impact, and facilities studies, respectively.⁵⁰ Avista provides that it will maintain on its OASIS or its website summary statistics related to processing interconnection studies pursuant to interconnection requests.⁵¹

31. With respect to filling in the bracketed placeholder timelines in the *pro forma* LGIP sections 3.5.2.3(B) and (C), Avista proposes that it would post, for the reporting quarter, the number of interconnection requests that included interconnection facilities studies that were completed more than 90 calendar days, or 180 calendar days after receipt by Avista of the interconnection customer's executed interconnection facilities study agreement.

b. Commission Determination

32. We find that the revised provisions that address Avista's study deadline statistics and informational reporting requirements, as proposed in Avista's LGIP, partially comply with the requirements of Order Nos. 845 and 845-A. Avista's proposed revisions adopt the language provided in Order No. 845 without modification and replace the bracketed placeholders in *pro forma* LGIP sections 3.5.2.1, 3.5.2.2, and 3.5.2.3 with timelines that align with the timelines already in its Tariff.

33. However, section 8.3 of Avista's existing LGIP, which describes the timelines for processing interconnection facilities studies, states that Avista shall use reasonable efforts to complete the interconnection facilities study and to issue a draft interconnection facilities study report to the interconnection customer within 90 calendar days with no more than a +/- 20 percent cost estimate, or within 180 calendar days if the interconnection customer requests a +/- 10 percent cost estimate.⁵² We note that Avista's proposed LGIP sections 3.5.2.3(B) and (C) include an incomplete description of the timeline for processing interconnection facilities studies that is specified for interconnection facilities study deadlines in section 8.3 of Avista's LGIP, because they omit reference to the cost accuracy conditions related to the deadlines. Avista does not comply with Order No. 845 because these deadlines for reporting purposes do not match

⁵⁰ Avista LGIP §§ 6, 7, and 8.

⁵¹ *Id.* § 3.5.2.

⁵² Avista LGIP § 8.3.

the existing deadlines set forth in Avista's LGIP. Accordingly, we direct Avista to file, within 60 days of the date of this order, a further compliance filing to revise its proposed interconnection facility study deadline metric in its LGIP section 3.5.2.3 to align with the existing facility study deadlines specified in section 8.3 of its LGIP. Specifically, we direct Avista to revise section 3.5.2.3 to state that Avista shall post an interconnection facilities study report reflecting deadlines based on 90 calendar days with no more than a +/- 20 percent cost estimate, or 180 calendar days if the interconnection customer requests a +/- 10 percent cost estimate.

8. Requesting Interconnection Service below Generating Facility Capacity

34. In Order No. 845, the Commission modified sections 3.1, 6.3, 7.3, 8.2, and Appendix 1 of the *pro forma* LGIP to allow interconnection customers to request interconnection service that is lower than the proposed generating facility's capacity,⁵³ recognizing the need for proper control technologies and flexibility for transmission providers to propose penalties to ensure that the generating facility does not inject energy above the requested level of service.⁵⁴

35. The Commission required, in *pro forma* LGIP revised section 3.1, that transmission providers have a process in place to consider requests for interconnection service below the generating facility capacity. The Commission stipulated that such requests should be studied at the level of interconnection service requested for purposes of determining interconnection facilities, network upgrades, and associated costs, but that such requests may be subject to other studies at the full generating facility capacity to ensure safety and reliability of the system.⁵⁵ In addition, *pro forma* LGIP revised section 3.1 states that the interconnection customer is responsible for all study costs and interconnection facility and/or network upgrade costs required for safety and reliability. The Commission also required in *pro forma* LGIP revised section 3.1 that any necessary control technologies and/or protection systems be memorialized in the LGIA.

36. The Commission required, in *pro forma* LGIP revised sections 6.3, 7.3, and 8.2, that the feasibility, system impact, and facilities studies be performed at the level

⁵³ The term generating facility capacity is defined as "the net capacity of the Generating Facility and the aggregate net capacity of the Generating Facility where it includes multiple energy production devices." *Pro forma* LGIA art. 1.

⁵⁴ Order No. 845, 163 FERC ¶ 61,043 at P 367; *see also pro forma* LGIP §§ 3.1, 6.3, 7.3, and 8.2, and *pro forma* LGIP app. 1.

⁵⁵ Order No. 845, 163 FERC ¶ 61,043 at PP 383-84.

of interconnection service that the interconnection customer requests, unless the transmission provider is otherwise required to study the full generating facility capacity due to safety and reliability concerns. The Commission stated that, if the transmission provider determines that additional network upgrades are necessary based on these studies, it must specify which additional network upgrade costs are based on which studies and provide a detailed explanation of why the additional network upgrades are necessary.⁵⁶

37. Finally, the Commission revised sections 4.4.1 and 4.4.2 of the *pro forma* LGIP to allow an interconnection customer to reduce the size of its interconnection request either prior to returning to the transmission provider an executed system impact study agreement or an executed facilities study agreement.⁵⁷

a. Avista's Compliance Filing

38. Avista proposes to adopt, without modification, the revisions required by Order No. 845 and Order No. 845-A to sections 3.1, 4.4.1, 4.4.2, 6.3, 7.3, 8.2, and Appendix 1 of its LGIP concerning requesting interconnection service that is lower than a proposed generating facility's capacity. However, Avista's proposed Tariff revisions do not fully incorporate the *pro forma* LGIP language adopted by Order No. 845.⁵⁸ Order No. 845 adopted the following language as the second sentence of the final paragraph in *pro forma* LGIP section 3.1:

These requests for Interconnection Service shall be studied at the level of Interconnection Service requested for purposes of Interconnection Facilities, Network Upgrades, *and associated costs*, but may be subject to other studies at the full Generating Facility Capacity to ensure safety and reliability

⁵⁶ *Id.* P 384. The Commission clarified that, if the transmission provider determines, based on good utility practice and related engineering considerations and after accounting for the proposed control technology, that studies at the full generating facility capacity are necessary to ensure safety and reliability of the transmission system when an interconnection customer requests interconnection service that is lower than full generating facility capacity, then it must provide a detailed explanation for such a determination in writing to the interconnection customer. *Id.*

⁵⁷ *Id.* P 406; *see also pro forma* LGIP §§ 4.4.1 and 4.4.2.

⁵⁸ *See* Order No. 845-A, 166 FERC ¶ 61,137 at P 117.

of the system, with the study costs borne by the Interconnection Customer.⁵⁹

b. Commission Determination

39. We find that Avista’s proposed LGIP revisions that allow an interconnection customer to request interconnection service below its full generating facility capacity partially comply with the requirements of Order Nos. 845 and 845-A. Avista adopts most of the *pro forma* LGIP language without modification. However, as discussed above, Avista’s revisions to section 3.1 of its LGIP omit some of the *pro forma* LGIP language required by Order No. 845.⁶⁰ Accordingly, we direct Avista to file, within 60 days of the date of this order, a further compliance filing that incorporates the *pro forma* revisions to section 3.1 of its LGIP, as required by Order No. 845.

9. Provisional Interconnection Service

40. In Order No. 845, the Commission required transmission providers to allow all interconnection customers to request provisional interconnection service.⁶¹ The Commission explained that interconnection customers may seek provisional interconnection service when available studies or additional studies, as necessary, indicate that there is a level of interconnection service that can occur to accommodate an interconnection request without the construction of any additional interconnection facilities and/or network upgrades, and the interconnection customer wishes to make use of that level of interconnection service while the facilities required for its full interconnection request are completed.⁶² To implement this service, the Commission revised the *pro forma* LGIP and *pro forma* LGIA to add a definition for “Provisional

⁵⁹ Order No. 845, 163 FERC ¶ 61,043 at P 347; *see also id.* P 367. The italics indicate language adopted by Order No. 845 that Avista’s Tariff revisions failed to include. We recognize, however, that the *pro forma* LGIP that was available on the Commission’s website failed to include that language.

⁶⁰ *Id.* PP 347, 367, and app. B.

⁶¹ *Id.* P 438.

⁶² *Id.* P 441.

Interconnection Service”⁶³ and for a “Provisional Large Generator Interconnection Agreement.”⁶⁴

41. In addition, the Commission added *pro forma* LGIA article 5.9.2, which details the terms for provisional interconnection service.⁶⁵ The Commission also explained that transmission providers have the discretion to determine the frequency for updating provisional interconnection studies to account for changes to the transmission system to reassess system capacity available for provisional interconnection service, and included bracketed tariff language to be completed by the transmission provider, to specify the frequency at which they perform such studies in their *pro forma* LGIA.⁶⁶ The Commission stated that interconnection customers are responsible for the costs for performing these provisional interconnection studies.⁶⁷

a. Avista’s Compliance Filing

42. Avista proposes to adopt, without modification, the definition of provisional interconnection service that the Commission set forth in the *pro forma* LGIP and LGIA in Order No. 845. Avista also proposes to add article 5.9.2 to its *pro forma* LGIA to implement the changes set forth in Order Nos. 845 and 845-A. Avista inserted language for the bracketed placeholder in the *pro forma* LGIA article 5.9.2 providing that it will study and update the maximum permissible output of the generating facility under provisional service on an annual basis.

b. Commission Determination

43. We find that Avista’s proposed LGIP and *pro forma* LGIA revisions regarding provisional interconnection service comply with the requirements of Order Nos. 845 and 845-A because Avista adopts the Commission’s *pro forma* definition of provisional interconnection service, and incorporates article 5.9.2 of the Commission’s *pro forma* LGIA without modification except to fill in the bracketed section to state that it will study

⁶³ *Pro forma* LGIP § 1 (Definitions); *pro forma* LGIA art. 1 (Definitions).

⁶⁴ *Pro forma* LGIP § 1 (Definitions); *pro forma* LGIA art. 1 (Definitions). The Commission declined, however, to adopt a separate *pro forma* provisional large generator interconnection agreement. Order No. 845, 163 FERC ¶ 61,043 at P 444.

⁶⁵ Order No. 845, 163 FERC ¶ 61,043 at P 438; *see also pro forma* LGIP § 5.9.2.

⁶⁶ Order No. 845, 163 FERC ¶ 61,043 at P 448.

⁶⁷ *Id.*

and update the maximum permissible output of the generating facilities taking provisional interconnection service on an annual basis.

10. Surplus Interconnection Service

44. In Order No. 845, the Commission adopted *pro forma* LGIP sections 1, 3.3, and 3.3.1 and *pro forma* LGIA article 1 to establish surplus interconnection service, which the Commission defined as any unneeded portion of interconnection service established in an LGIA such that if the surplus interconnection service is utilized the total amount of interconnection service at the point of interconnection would remain the same.⁶⁸ Surplus interconnection service enables a new interconnection customer to utilize the unused portion of an existing interconnection customer's interconnection service within specific parameters.⁶⁹ The Commission required transmission providers to revise their tariffs to include the new definition of surplus interconnection service in their *pro forma* LGIP and *pro forma* LGIA, and provide in the *pro forma* LGIP an expedited interconnection process outside of the interconnection queue for surplus interconnection service.⁷⁰ That expedited process must allow affiliates of the existing interconnection customer to use surplus interconnection service for another interconnecting generating facility and allow for the transfer of surplus interconnection service that the existing interconnection customer or one of its affiliates does not intend to use.⁷¹ The transmission provider must perform reactive power, short circuit/fault duty, and stability analyses studies as well as steady-state (thermal/voltage) analyses as necessary to ensure evaluation of all required reliability conditions to provide surplus interconnection service and ensure the reliable use of surplus interconnection service.⁷² The original interconnection customer must be able to stipulate the amount of surplus interconnection service that is available, designate when that service is available, and describe any other conditions under which surplus interconnection service at the point of interconnection may be used.⁷³ When the original

⁶⁸ Order No. 845, 163 FERC ¶ 61,043 at P 467; *see also pro forma* LGIP § 1 (Definitions); *pro forma* LGIP art. 1 (Definitions).

⁶⁹ Order No. 845, 163 FERC ¶ 61,043 at P 467; Order No. 845-A, 166 FERC ¶ 61,137 at P 119.

⁷⁰ Order No. 845, 163 FERC ¶ 61,043 at P 467; *see also pro forma* LGIP §§ 3.3 and 3.3.1.

⁷¹ Order No. 845, 163 FERC ¶ 61,043 at P 483; *see also pro forma* LGIP § 3.3.

⁷² Order No. 845, 163 FERC ¶ 61,043 at PP 455, 467.

⁷³ *Id.* P 481.

interconnection customer, the surplus interconnection service customer, and the transmission provider enter into a surplus interconnection service agreement, the transmission provider must file the agreement with the Commission because any surplus interconnection service agreement will be an agreement under the transmission provider's open access transmission tariff.⁷⁴

a. Avista's Compliance Filing

45. Avista proposes to adopt, without modification, the definition of surplus interconnection service in its LGIP and *pro forma* LGIA that the Commission set forth in the *pro forma* LGIP and *pro forma* LGIA in Order No. 845, and to add sections 1, 3.3, and 3.3.1 to its LGIP to implement the changes set forth in Order Nos. 845 and 845-A. Avista also proposes to add sections 3.3.2, 3.3.3, 3.3.4, 3.3.5, and 3.3.6 to its LGIP, which together establish the surplus interconnection service process, and add Appendices 2A and 3A to its LGIP, which constitute the surplus interconnection service system impact study agreement and facilities agreement, respectively. Avista states that for clarity regarding surplus interconnection service, it added new definitions to the LGIP for "Original Interconnection Customer" and "Surplus Interconnection Customer."⁷⁵

46. Avista's proposed additions to its LGIP provide that surplus interconnection service requests may be made by a surplus interconnection customer whose generating facility is already interconnected. The surplus interconnection customer will complete and provide Appendix 1 of Avista's LGIP and shall provide Avista information that it may reasonably request. Further, Avista states that the original interconnection customer shall provide Avista notice that it intends to assign the requested surplus interconnection customer, and that the surplus interconnection shall provide the modeling data for the surplus interconnection service that it is requesting.⁷⁶

47. Avista provides in section 3.3.3 of its LGIP that, within ten days after receipt of a valid interconnection request for surplus interconnection service, Avista shall establish a date for the scoping meeting that is no later than thirty calendar days after receipt of the valid interconnection request. Avista states that the original and surplus interconnection customers will bring technical data to the meeting required to accomplish the purpose of the meeting, which is to discuss alternative interconnection options and to exchange information including any transmission data that would reasonably be expected to impact such interconnection options. Based on the meeting, the surplus interconnection

⁷⁴ *Id.* P 499.

⁷⁵ Avista May 22, 2019 Compliance Filing at 2.

⁷⁶ Avista proposed LGIP § 3.3.2.

customer is to provide Avista its preferred plan of service for its use of surplus interconnection service.⁷⁷

48. Avista describes its process for performing the surplus interconnection service system impact study and facilities study in sections 3.3.4 and 3.3.5, respectively. For the system impact study, it states that within thirty (30) calendar days of receipt of the surplus interconnection service system impact study agreement, the surplus interconnection customer will execute the study and deposit \$50,000, or the request shall be deemed withdrawn. The surplus interconnection service system impact study shall consist of reactive power, short circuit/fault duty, stability analyses, harmonic analysis, and any other appropriate studies to ensure that all required reliability conditions are studied. Avista provides a deadline of ninety (90) calendar days following receipt of the surplus interconnection service system impact study agreement, modeling data, and deposit, to complete the study.⁷⁸

49. Avista states that if any interconnection facilities or network upgrades are identified in the surplus interconnection service system impact study for utilization of surplus interconnection service, the transmission provider shall provide to the surplus interconnection customer a surplus interconnection service facilities study. Avista states that within thirty (30) calendar days of receipt of the surplus interconnection service facilities study agreement, the surplus interconnection customer shall execute the agreement and submit an additional deposit of \$100,000. Further, Avista states that it shall use reasonable efforts to complete the surplus interconnection service facilities study within ninety (90) calendar days after the receipt of the surplus interconnection service facilities study agreement and required study deposit, with a +/- 20 percent cost estimate contained in the study.⁷⁹

50. In section 3.3.6, Avista states that, within thirty (30) calendar days of tendering the facilities study, Avista shall tender a draft amended and restated LGIA, along with the applicable appendices. The surplus interconnection customer then has thirty (30) days to submit comments to Avista. Any disputed provisions of the appendices to the draft amended and restated LGIA shall not be negotiated for more than 60 days following the tender of the final surplus interconnection service facilities report. If negotiations are at an impasse, Avista explains that the surplus interconnection customer may request termination of the negotiations, and request submission of the unexecuted LGIA to the Commission or initiate dispute resolution procedures. Avista shall provide a final

⁷⁷ *Id.* § 3.3.3.

⁷⁸ *Id.* § 3.3.4.

⁷⁹ *Id.* § 3.3.5.

amended and restated LGIA within fifteen (15) business days after the completion of the negotiation process.⁸⁰

b. Commission Determination

51. We find that Avista's proposed LGIP and *pro forma* LGIA revisions regarding surplus interconnection service partially comply with the requirements of Order Nos. 845 and 845-A. Avista adopts without modification the definition of surplus interconnection service in its LGIP and *pro forma* LGIA, and the provisions in section 3.3 and 3.3.1 of the Commission's *pro forma* LGIP. We find that Avista's proposed revisions to add definitions in its LGIP for "Original Interconnection Customer" and "Surplus Interconnection Customer" are acceptable as being consistent with or superior to the terms of the *pro forma* LGIP.

52. However, Avista does not explicitly state that surplus interconnection service requests will be processed outside the non-surplus interconnection queue, as required by Order No. 845.⁸¹ Accordingly, we direct Avista to file, within 60 days of the date of this order, a further compliance filing that revises its LGIP to explicitly state that surplus interconnection service requests will be processed outside of the non-surplus interconnection queue.

11. Material Modifications and Incorporation of Advanced Technologies

53. In Order No. 845, the Commission modified section 4.4.2(c) of the *pro forma* LGIP to allow an interconnection customer to incorporate certain technological advancements to its interconnection request, prior to the execution of the interconnection facilities study agreement,⁸² without risking the loss of its queue position. The Commission required transmission providers to develop and include in their LGIPs a definition of permissible technological advancements that will create a category of technological changes that, by definition, do not constitute a material modification and,

⁸⁰ *Id.* § 3.3.6.

⁸¹ Order No. 845, 163 FERC ¶ 61,043 at PP 467, 486-88.

⁸² While the Commission clarified that interconnection customers may submit a technological advancement request up until execution of the facilities study agreement, the Commission stated that it will permit transmission providers to propose rules limiting the submission of technological advancement requests to a single point in the study process (prior to the execution of a facilities study agreement), to the extent the transmission provider believes it appropriate. *Id.* P 536.

therefore, will not result in the loss of queue position.⁸³ In addition, the Commission modified section 4.4.6 of the *pro forma* LGIP to require transmission providers to insert a technological change procedure that includes the requisite information and process that the transmission provider will follow to assess whether an interconnection customer's proposed technological advancement is a material modification.⁸⁴

54. The Commission required that the technological change procedure specify what technological advancements can be incorporated at various stages of the interconnection process and clearly identify which requirements apply to the interconnection customer and which apply to the transmission provider.⁸⁵ Additionally, the technological change procedure must state that, if the interconnection customer seeks to incorporate technological advancements into its proposed generating facility, it should submit a technological advancement request, and the procedure must specify the information that the interconnection customer must submit as part of that request.⁸⁶

55. The Commission also required that the technological change procedure specify the conditions under which a study will or will not be necessary to determine whether a proposed technological advancement is a material modification.⁸⁷ The Commission explained that the technological change procedure must also state that, if a study is necessary to evaluate whether a particular technological advancement is a material modification, the transmission provider shall clearly indicate to the interconnection customer the types of information and/or study inputs that the interconnection customer must provide to the transmission provider, including, for example, study scenarios, modeling data, and any other assumptions.⁸⁸ In addition, the Commission required that the technological change procedure explain how the transmission provider will evaluate the technological advancement request to determine whether it is a material modification.⁸⁹

⁸³ *Id.* P 518.

⁸⁴ *Id.*; *see also pro forma* LGIP § 4.4.6.

⁸⁵ Order No. 845, 163 FERC ¶ 61,043 at P 519.

⁸⁶ *Id.*

⁸⁷ *Id.*; Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

⁸⁸ Order No. 845, 163 FERC ¶ 61,043 at P 521.

⁸⁹ *Id.*

56. Further, the Commission required that the technological change procedure outline a time frame of no more than 30 days after the interconnection customer submits a formal technological advancement request for the transmission provider to perform and complete any necessary additional studies.⁹⁰ The Commission also found that, if the transmission provider determines that additional studies are necessary to evaluate whether a technological advancement is a material modification, the interconnection customer must tender a deposit, and the transmission provider must specify the amount of the deposit in the transmission provider's technological change procedure.⁹¹ In addition, the Commission explained that, if the transmission provider cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP, the transmission provider must provide an explanation to the interconnection customer regarding why the technological advancement is a material modification.⁹²

57. In Order No. 845-A, the Commission clarified that: (1) when studies are necessary, the interconnection customer's technological change request must demonstrate that the proposed incorporation of the technological change will result in electrical performance that is equal to or better than the electrical performance expected prior to the technological change and will not cause any reliability concerns; (2) if the interconnection customer cannot demonstrate in its technological change request that the proposed technological change would result in equal or better electrical performance, the change will be assessed pursuant to the existing material modification provisions in the *pro forma* LGIP; (3) information regarding electrical performance submitted by the interconnection customer is an input into the technological change study, and this factor alone is not determinative of whether a proposed technological change is a material modification; and (4) the determination of whether a proposed technological change (that the transmission provider does not otherwise include in its definition of permissible technological advancements) is a material modification should include an analysis of whether the proposed technological change materially impacts the timing and costs of lower-queued interconnection customers.⁹³

⁹⁰ *Id.* P 535.

⁹¹ *Id.* P 534. The Commission set the default deposit amount to \$10,000, but stated that a transmission provider may propose a reasonable alternative deposit amount in its compliance filing and include a justification supporting this alternative amount. *Id.*

⁹² *Id.* P 522.

⁹³ Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

a. Avista's Compliance Filing

58. In section 1 of its LGIP, Avista proposes to define a Permissible Technological Advancement as:

a new, upgraded, updated or modified technology that would not change the electrical characteristics of such Interconnection Customer's Interconnection Request and would not trigger a Material Modification, as defined in this LGIP, to the Interconnection Customer's Interconnection Request. Permissible Technological Advancements may include the Interconnection Customer requesting to update a type of turbine, inverter, plant supervisory controls, or other advancements that do not include a change in the type of generation, including fuel type. All Permissible Technological Advancements must demonstrate that the proposed incorporation of the technological advancement would result in performance that is equal to or better than the technology submitted as part of the Interconnection Customer's Interconnection Request.

59. LGIP Section 4.4.6 sets forth Avista's technological change procedure. As outlined in proposed LGIP section 4.4.6.1, Avista proposes that prior to the return of the executed system impact study agreement, the interconnection customer may submit a request for Avista to evaluate a change to the large generating facility's technology to determine if the change is a permissible technological advancement. In its request, the interconnection customer must provide revised generator data for the change of technology and updated modeling information. Avista also proposes in LGIP section 4.4.6.1 language stating, "Since the request has been made prior to any study work commencing, [Avista] will allow the Permissible Technological Advancement and will utilize the new data provided by the Interconnection Customer for the Interconnection System Impact Study." The provision states that, at this phase, these modifications do not impact lower-queued customers and do not trigger restudies since the study has not commenced.

60. As outlined in proposed LGIP section 4.4.6.2, an interconnection customer can also submit a request for Avista to evaluate a change to the technology of a generating facility after return of the executed system impact study agreement but before the return of the executed interconnection facility study agreement. Avista proposes to evaluate change requests submitted prior to the return of the executed interconnection facility study agreement by completing an assessment that consists of reactive power, short circuit/fault duty, stability analyses and any other appropriate studies to determine if the technological change results in electrical performance that is equal to or better than performance prior to the requested change, and to determine that the requested change

does not cause any reliability concerns. If an interconnection customer submits a generating facility technology change after the return of the executed system impact study agreement but before return of the executed interconnection facility study agreement, Avista proposes to collect a \$10,000 study deposit from the interconnection customer unless the interconnection customer has over \$10,000 remaining in study funds from the system impact study. Avista proposes to use “Reasonable Efforts” to complete such an assessment in 30 days.

b. Commission Determination

61. We find that Avista’s proposed LGIP revisions to incorporate a definition of a permissible technological advancement and its technological change procedure partially comply with the requirements of Order Nos. 845 and 845-A. Specifically, we find that Avista’s proposed definition of a permissible technological advancement meets the Commission’s requirement to provide a category of technological change that does not constitute a material modification.

62. With regard to a deadline for the completion of a technological advancement request, Order No. 845 provides that the determination of whether a change is a material modification must be made within 30 days of the initial request.⁹⁴ However, Avista’s proposed revisions to LGIP section 4.4.6.2 provide that, for a request to change the technology of a generating facility submitted after return of the executed system impact study agreement but before return of the executed interconnection facility study agreement, Avista will use “Reasonable Efforts” to complete the assessment of a technological change request within 30 days.⁹⁵ Order No. 845 establishes a 30-day requirement to determine whether the proposed technological change is a material modification and does not allow for the use of “Reasonable Efforts” to achieve this timeline.⁹⁶ Accordingly, we direct Avista to file, within 60 days of the date of this order, a further compliance filing that removes the “Reasonable Efforts” language.

63. Further, Avista’s proposed process in LGIP section 4.4.6.1 for a request submitted prior to the return of the executed system impact study agreement is missing several of the requirements established in Order Nos. 845 and 845-A.⁹⁷ Specifically, Avista’s

⁹⁴ Order No. 845, 163 FERC ¶ 61,043 at P 535; Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

⁹⁵ Avista proposed LGIP § 4.4.6.2.

⁹⁶ Order No. 845, 163 FERC ¶ 61,043 at P 535.

⁹⁷ Avista proposed LGIP § 4.4.6.1.

proposed procedure fails to: (1) specify a deposit amount;⁹⁸ (2) explain how the transmission provider will evaluate the technological advancement request to determine whether it is a material modification;⁹⁹ and (3) establish a timeframe for determining whether the request will result in a material modification.¹⁰⁰ Accordingly, we direct Avista to file, within 60 days of the date of this order, a further compliance filing that cures these deficiencies or explains why these requirements are not necessary for this aspect of Avista's proposed procedure.¹⁰¹ Finally, because Avista's proposed process for a request submitted prior to the return of the executed system impact study agreement is silent on whether it will provide an explanation to the interconnection customer regarding why the technological advancement is a material modification, we reiterate that the transmission provider is required to do so if it cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP.¹⁰²

The Commission orders:

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

(B) Avista is hereby directed to submit a further compliance filing within 60 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.

⁹⁸ Order No. 845, 163 FERC ¶ 61,043 at P 534.

⁹⁹ *Id.* P 521.

¹⁰⁰ *Id.* P 535.

¹⁰¹ For example, Avista could explain that it is not requiring a deposit in LGIP section 4.4.6.1 because it will not need to conduct any studies to determine whether a request submitted prior to the return of the executed system impact study agreement is a permissible technological advancement.

¹⁰² *Id.* P 522.