

173 FERC ¶ 61,231
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Tri-State Generation and Transmission Association, Inc. Docket No. ER20-687-001

ORDER ON COMPLIANCE

(Issued December 17, 2020)

1. In a filing submitted on September 18, 2020 (September Compliance Filing), Tri-State Generation and Transmission Association, Inc. (Tri-State) proposed revisions to its Open Access Transmission Tariff (Tariff) in compliance with the requirements of Order Nos. 845 and 845-A¹ and the order on compliance issued on May 21, 2020.² As discussed below, we find that the September Compliance Filing partially complies with the Commission's directives in the May 2020 Order. Accordingly, we accept the September Compliance Filing, effective February 25, 2020, and direct Tri-State to submit a further compliance filing within 60 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 Procedures (LGIP) and *pro forma* Large Generator Interconnection Agreement (LGIA) to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process. In Order Nos. 845 and 845-A, the Commission adopted 10 different reforms to improve the interconnection process and required transmission providers to submit compliance filings to incorporate those reforms into their tariffs.

3. In the May 2020 Order, the Commission found that Tri-State's December 27, 2019 compliance filing partially complied with the directives of Order Nos. 845 and 845-A.

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 *Tri-State Generation and Transmission Ass'n*, 171 FERC ¶ 61,123 (2020) (May 2020 Order).

The Commission directed further revisions to the following sections of Tri-State's LGIP: (1) Identification and Definition of Contingent Facilities; (2) Surplus Interconnection Service; and (3) Material Modifications and Incorporation of Advanced Technologies.³

II. Notice and Responsive Pleadings

4. Notice of Tri-State's September Compliance Filing was published in the *Federal Register*, 85 Fed. Reg. 60,152 (Sept. 24, 2020), with interventions and protests due on or before October 9, 2020. On October 9, 2020, Gladstone New Energy, LLC (Gladstone) filed a protest.⁴ On October 28, 2020, Tri-State filed an answer.

III. Discussion

A. Procedural Matters

5. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2020), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We accept Tri-State's answer because it has provided information that assisted us in our decision-making process.

B. Substantive Matters

6. As discussed below, we find that Tri-State's compliance filing partially complies with the requirements of Order Nos. 845 and 845-A, and the directives of the May 2020 Order. Accordingly, we accept the filing, effective February 25, 2020, and direct Tri-State to submit a further compliance filing within 60 days of the date of this order.

1. Identification and Definition of Contingent Facilities

7. In the May 2020 Order, the Commission found that Tri-State partially complied with the contingent facility requirements of Order Nos. 845 and 845-A. The Commission directed Tri-State to describe the specific technical screens and/or analyses that it will employ to determine which facilities are contingent facilities. The Commission also directed Tri-State to describe the specific triggering thresholds or criteria, including the quantitative triggers, that are applied to identify a facility as a contingent facility. Specifically, the Commission directed Tri-State to submit a further compliance filing to add the following to LGIP section 3.8: (1) the method Tri-State will use to determine contingent facilities, including technical screens or analyses it proposes to use to identify

³ *Id.* PP 25-29, 58-59, 68-72.

⁴ In the May 2020 Order, the Commission granted a motion to intervene that Gladstone filed in this proceeding.

these facilities; and (2) 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

a. Tri-State's Compliance Filing

8. Tri-State proposes revisions to section 3.8.1 of its LGIP in response to the May 2020 Order. Tri-State's proposed revisions in LGIP section 3.8.1(i) state that Tri-State will use information obtained through interconnection requests and actively coordinating local and regional transmission plans, incorporating information from stakeholders, and participation in the Western Electric Coordinating Council (WECC), WestConnect, and other sub-regional planning groups, to identify any potential projects (i.e., unbuilt Interconnection Facilities, Network Upgrades, and/or planned upgrades not yet in service, including higher-queued generation interconnection requests, higher-queued transmission service requests, other wires to-wires interconnection projects, and planned projects on other Affected Systems) that could qualify as Contingent Facilities.⁶ Once a potential project has been identified, Tri-State proposes in LGIP section 3.8.1(ii) to measure and evaluate the impact that the new generating facility will have on electrically relevant facilities and system performance by using technical screens described in the current or applicable versions of Tri-State's posted engineering standards, the North American Electric Reliability Corporation (NERC) TPL-001 Standard and WECC TPL-001 System Performance Regional Criteria, and/or either their successor standards and/or criteria. Tri-State's proposed revisions in section 3.8.1(ii) also provide that the screens, criteria, and modeling protocols may include power flow, reactive power, voltage stability, transient stability, and/or short circuit analyses. Finally, Tri-State states that its proposed revisions in section 3.8.1(iii) explain that it will use binary analysis—i.e., a comparison of system performance with and without a project modeled in the system—to determine if an unbuilt facility, in conjunction with the interconnection request, impacts (either positively or negatively) a violation of the transmission performance criteria under Tri-State's engineering, NERC and/or WECC standards, and therefore, whether the unbuilt facility qualifies as a contingent facility for the new generating facility. Specifically, under proposed section 3.8.1, Tri-State will use a binary analysis to determine Contingent Facilities as follows:

- a) If, by its non-existence, any project identified in [3.8.1](i) leaves the Interconnection Customer with nothing to connect to, that project is a Contingent Facility.

⁵ May 2020 Order, 171 FERC ¶ 61,123 at PP 28-29.

⁶ Tri-State Tariff, Attach. N, § 3.8.1 (Method for Identifying Contingent Facilities).

b) If any project identified in [3.8.1](i) results in reliability violations or a reduction to a WECC Accepted Path Rating attributable to the Interconnection Customer's project when without the Interconnection Customer's project the violations or reduction in Path Rating do not occur, that project is a Contingent Facility.

c) If any project identified in [3.8.1](i) relieves reliability violations or forestalls any reductions to a WECC Accepted Path Rating caused by the Interconnection Customer's project, that project is a Contingent Facility.

9. In making these revisions, Tri-State proposes to also eliminate from LGIP section 3.8.1 certain criteria that it previously proposed in its December 27, 2019 filing to determine which facilities are contingent facilities, including the criterion that "the unbuilt facility has demonstrated a likelihood of construction with a planned in-service date prior to or that generally aligns with the interconnection request's generating facility's proposed in-service date."

10. Tri-State states that its proposed revisions to LGIP section 3.8.1 provide the additional detail and necessary transparency for an interconnection customer to understand how Tri-State will evaluate potential Contingent Facilities and to determine their relationship to an individual interconnection request. Tri-State also notes that the Commission has approved similar provisions for other utilities.⁷

b. Protest

11. Gladstone argues that Tri-State's compliance filing includes changes that are beyond the scope of the matters that the Commission required Tri-State to address in the May 2020 Order. Gladstone states that the Commission has long held that compliance filings "must be limited to the specific directives ordered by the Commission."⁸ Gladstone adds that the singular purpose of a compliance filing is for the Commission to review "whether or not [the filing party complies] with the Commission's previously-

⁷ Transmittal at 5-6 (citing *Basin Electric Power Coop.*, 172 FERC ¶ 61,212, at P 24 (2020) (*Basin*)).

⁸ Protest at 5 (citing *Midwest Indep. Transmission Sys. Operator, Inc.*, 125 FERC ¶ 61,156, at n. 51 (2008); *NorthWestern Corp.*, 113 FERC ¶ 61,215, at P 9 (2005); *Tampa Elec. Co.*, 113 FERC ¶ 61,159, at P 37 (2005); *AES Huntington Beach, LLC*, 111 FERC ¶ 61,079, at P 60 (2005)).

stated directives.”⁹ However, Gladstone alleges that Tri-State has instead re-written the majority of section 3.8 of its LGIP.

12. In particular, Gladstone takes issue with Tri-State’s proposal to remove a provision of section 3.8.1 stating that a contingent facility will have demonstrated “a likelihood of construction with a planned in-service date prior to or that generally aligns with the interconnection request’s generating facility’s proposed in-service date.” Gladstone argues that this provision amounted to the only safeguard that Tri-State’s LGIP provided to interconnection customers that facilities planned later in time than the proposed in-service date of their respective generating facilities would not be included in their System Impact Study reports as contingent facilities.¹⁰

13. Gladstone next argues that Tri-State’s proposed revisions do not satisfy the intent of Order No. 845 for a method of identifying contingent facilities that is sufficiently transparent to determine why a specific contingent facility was identified and how it relates to the interconnection request.¹¹ Gladstone argues that Tri-State’s proposed screens and methods are unreasonably broad and allow Tri-State to deem a facility to be a contingent facility when no other similarly situated transmission provider would. Gladstone argues that Tri-State’s proposal to incorporate “information from stakeholders” and to use its “participation in ... other sub-regional planning groups” to identify potential contingent facilities lacks the requisite specificity for an interconnection customer to determine how such screens will be applied.¹² Gladstone asserts that it is also not clear from which stakeholders Tri-State may incorporate information to determine potential contingent facilities, or what such information Tri-State would or would not use.¹³ Additionally, Gladstone avers that Tri-State’s proposal does not provide interconnection customers with detail regarding how Tri-State’s participation in “other-sub regional planning groups” may result in Tri-State identifying potential contingent

⁹ *Id.* at 5-6 (citing *Xcel Energy Resources, Inc.*, 125 FERC ¶ 61,284, at P 5 (2008); *Pac. Gas and Elec. Co.*, 109 FERC ¶ 61,336, at P 5 (2004); *Midwest Indep. Transmission Sys. Operator, Inc.*, 99 FERC ¶ 61,302, at 62,264 (2002); *ISO New England, Inc.*, 91 FERC ¶ 61,016, at 61,060 (2000); *Sierra Pac. Power Co.*, 80 FERC ¶ 61,376, at 62,271 (1997); *Delmarva Power & Light Co.*, 63 FERC ¶ 61,321, at 63,160 (1993)).

¹⁰ *Id.* at 6-7.

¹¹ *Id.* at 7-8.

¹² *Id.* at 8 (citing Transmittal at 4).

¹³ *Id.* (Tri-State, Tariff, Attach. K, Transmission Planning Process, 1.0.0).

facilities, noting that Tri-State does not provide a description of any planning process for any sub-regional group.¹⁴

14. Gladstone also takes issue with Tri-State's citation to *Basin* as support of its proposed screens. Gladstone argues that the screen the Commission accepted in *Basin* is far narrower and much more specific than Tri-State's proposed screens, because Basin Electric Power Cooperative's (Basin) screen specifically limits the universe of potential contingent facilities to those identified in a study conducted pursuant to its LGIP. Gladstone argues that Tri-State has proposed no similar limitation.¹⁵

15. Gladstone notes that in the May 2020 Order the Commission accepted Tri-State's modification to the *pro forma* LGIP definition of contingent facilities to include "planned upgrades not yet in service,"¹⁶ which Tri-State explained could include projects resulting from a transmission planning process, because the proposed language would provide "additional clarity regarding the type of facilities Tri-State will consider and the facilities on which an interconnection request's costs, timing, and study findings depend."¹⁷ However, Gladstone argues that Tri-State abuses the latitude the Commission granted by including facilities not identified anywhere in Tri-State's transmission planning process. In particular, Gladstone notes that Tri-State's proposed screens specifically identify "other wires-to-wires interconnection projects," as well as "planned projects on other Affected Systems" as potential contingent facilities, yet the transmission planning process does not mention such projects.¹⁸ Gladstone states that a wires-to-wires interconnection is a non-tariff process with no stated in-service deadlines, and is not the kind of upgrade that would ordinarily be included in the transmission planning process.¹⁹

¹⁴ *Id.*

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 10 (citing Transmittal at 8).

¹⁷ *Id.* (citing May 2020 Order, 171 FERC ¶ 61,123 at P 26).

¹⁸ *Id.* (citing Tri-State, Open Access Transmission Tariff, Attach. K, Transmission Planning Process, 1.0.0).

¹⁹ *Id.* at 10-11. Gladstone states that the only such interconnection that it is aware of, with respect to Tri-State, is the proposed wires-to-wires interconnection between Tri-State's system and the Mora Line Transmission Project, and Gladstone claims that Tri-State has represented that this wires-to-wires interconnection does not follow the study process in Tri-State's Tariff.

16. Gladstone adds that Tri-State’s proposed inclusion of “planned projects on Affected Systems” is beyond the scope of the types of planned upgrades that Tri-State represented to the Commission that it was seeking to identify as planned upgrades not yet in service. Gladstone asserts that Tri-State is proposing to potentially include planned projects on any electric system that may be affected by the interconnection customer’s proposed interconnection, including other generating facilities, without regard to whether such a project has been identified as part of its transmission planning process.²⁰

17. Gladstone contends that Tri-State affords itself too much discretion in proposing that “[s]ystem performance will be measured against the technical screens described in the current or applicable versions of the Transmission Provider’s posted engineering standards”²¹ Gladstone argues that because Tri-State has sole discretion in determining its own engineering standards, and when and how to revise such standards, there is no way for the Commission to ensure that the baseline system performance for any one interconnection customer is measured in a way that is consistent with how Tri-State will measure baseline system performance for all other interconnection customers, though their respective requests would be processed under the same LGIP.²² Gladstone claims that because Tri-State’s proposed language to use the NERC TPL-001 Standard and the WECC TPL-001 System Performance Regional Criteria standards and criteria, in addition to the discretion to use either of their successors would make it impossible for customers to determine which standard would apply because Tri-State’s Open Access Same-Time Information System (OASIS) website has been publicly unavailable numerous times since the Commission accepted Tri-State’s initial *pro forma* Tariff. Thus, Gladstone argues that if the Commission accepted Tri-State’s proposal, customers would potentially be subject to a process for determining contingent facilities that includes a standard for measuring baseline performance that they could not verify.²³

18. Gladstone argues that no other Commission-approved Order No. 845 compliance filing proposed to identify potential contingent facilities without regard to whether they may be necessary to accommodate an interconnection.²⁴

²⁰ *Id.* at 11-12.

²¹ *Id.*

²² *Id.* at 12.

²³ *Id.* at 13.

²⁴ *Id.* at 13-15.

c. Tri-State Answer

19. Tri-State states that its proposed revisions are consistent with the spirit and intent of Order No. 845 as they improve transparency and provide additional information to benefit interconnection customers.²⁵ Tri-State asserts that the claim that it removed a central provision in section 3.8.1 is misplaced, because Tri-State replaced the provision with a more descriptive explanation of the criterion that more closely tracks Tri-State's Commission-approved definition of contingent facilities.²⁶ Furthermore, Tri-state explains that in-service dates for interconnection requests are not set in stone and are subject to change throughout the study process, including when an LGIA is executed for situations that are beyond a transmission provider's control.

20. Tri-State states that Gladstone wants to omit all unbuilt projects, upgrades or higher-queued interconnection requests from a system impact study because they are planned later in time than an interconnection customer's original in-service date. According to Tri-State, this approach, combined with the allowance under the *pro forma* LGIA for an interconnection customer to delay its original in-service date, would effectively allow an interconnection customer to game the system by proposing an unrealistically aggressive in-service date to avoid consideration of higher-queued projects as part of its interconnection studies and then later adjust its in-service date to avoid the network upgrades that might be associated with higher-queued projects with a later in-service date.²⁷

21. Additionally, Tri-State contends that Gladstone's proposed approach would conflict with section 7.3 of Tri-State's *pro forma* LGIP, which requires Tri-State's system impact study to consider projects with pending higher-queued interconnection requests that may have later in-service dates. Tri-State states that this is true regardless of the relative timing between higher-queued requests' in-service dates and an interconnection customer's in-service date. Tri-State adds that network upgrades associated with pending higher-queued interconnection requests fall within the definition of contingent facilities, and it is therefore appropriate to include contingent facilities in an interconnection customer's system impact study, even if the affected contingent facilities have a later in-service date.²⁸ Tri-State also argues that Gladstone's claim that Basin assesses in-service

²⁵ Answer at 4.

²⁶ *Id.* at 5.

²⁷ *Id.* at 5-6.

²⁸ *Id.* at 6.

dates as part of its screen process is inapposite, because other transmission providers do not include in-service dates in section 3.8.1 of their LGIP.²⁹

22. Moreover, Tri-State responds that it is reasonable and appropriate for Tri-State to look at local and regional plans referenced in Attachment K of its Tariff. Tri-State states that it provides more details about the specific sub-regional planning groups referenced in LGIP section 3.8.1(i) than other transmission providers, and these planning groups are open for Gladstone to participate in and to obtain information on the planning processes.³⁰

23. Similarly, Tri-State claims that the Commission has approved methods of identifying potential contingent facilities with the same or less specificity than what Tri-State has proposed. For example, Tri-State points to step 1 in section 3.8.1 of Public Service Company of Colorado's (PSCo) LGIP, which provides that PSCo "is to review the transmission system and other Affected Systems for any unbuilt facilities (including new Interconnection facilities of higher queued generation) that may be necessary to provide the Interconnection Customer's requested Interconnection Service."³¹ Tri-State asserts that its proposed LGIP section 3.8.1(i) provides more specificity and additional details on the criteria for its initial identification of potential contingent facilities, which in turn provides the necessary transparency for an interconnection customer to understand how Tri-State will evaluate potential contingent facilities.

24. Tri-State argues that, contrary to Gladstone's assertions, the Tri-State transmission planning process recognizes and include wires-to-wires interconnection projects and projects on affected systems. Tri-State explains that while Attachment K does not specifically use the phrase "wires-to-wires interconnection projects," the language in the transmission planning process includes "new interconnection projects with other transmission systems," which encompasses such wires-to-wires interconnection projects.³² Similarly, Tri-State asserts that while Attachment K does not use the phrase "planned projects on affected systems" these types of projects are considered by Tri-State

²⁹ *Id.* at 7.

³⁰ *Id.* at 8 (citing PacifiCorp Tariff, § 38.8.2 (Identification of Contingent Facilities - Baseline Assumptions) (including Transmission Provider's transmission expansion plan components, or the transmission expansion plan components of third-party transmission providers, to the extent they have any impact on the Interconnection Request).

³¹ *Id.* at 9.

³² *Id.* at 11.

as part of its local planning process.³³ Tri-State states that including this detail provides additional specificity and clarity as to the process by which potential contingent facilities will be identified.³⁴ Furthermore, Tri-State claims that it cannot restrict its screens to interconnection requests on Tri-State's system because Tri-State does not have a continuous, homogeneous system. Tri-State explains that most interconnections to the Tri-State system involve other entities' systems, and therefore, evaluation of the planned projects and interconnections on those other systems is essential to maintain reliability on Tri-State's system.³⁵

25. Tri-State asserts that Gladstone's claim that its proposed screens and methods are unreasonably broad are misplaced. Tri-State explains that LGIP section 3.8.1(i) includes the information that it will review to make the initial identification of potential contingent facilities, but sections 3.8.1(ii) and 3.8.1(iii) provide the specific screens, criteria and modeling protocols that will be applied.³⁶

26. Tri-State asserts that its engineering standards are not arbitrary, but are based on publicly available industry standards that, although are not static, do not frequently change. Tri-State adds that its assessment of baseline system performance is not based solely on Tri-State's engineering standards, but is also based on the criteria and/or thresholds within the current or applicable version of the NERC TPL-001 Standard and the WECC TPL-001 System Performance Regional criteria. Tri-State also explains that "either of their successor standards" is meant to recognize that the numbering of NERC TPL-001 and WECC TPL-001 may change and prevents Tri-State from having to amend its Tariff when this occurs.³⁷

27. Tri-State responds that it has not received any complaints that its OASIS website has been unavailable over the last several months. According to Tri-State, its external OATI OASIS support service reported that on August 25, 2020 and September 15, 2020, the OASIS systems were down for about two minutes, and there was a widespread internet service provider outage on August 30, 2020, which is not an OASIS

³³ *Id.* at 12 (citing Tri-State Tariff, Attach. K § II.B.).

³⁴ *Id.*

³⁵ *Id.* at 14.

³⁶ *Id.* at 8.

³⁷ *Id.* at 13.

infrastructure problem. Thus, Tri-State asserts, Gladstone's claims are unsubstantiated and the Commission should summarily reject them.³⁸

d. Commission Determination

28. As an initial matter, we disagree with Gladstone's assertion that Tri-State's proposed changes are beyond the scope of this compliance proceeding because Tri-State did not add to its existing procedure for determining contingent facilities, but instead revised the procedure as described in LGIP section 3.8.1. We find that the proposed changes to LGIP section 3.8 are limited to the specific Commission directives in the May 2020 Order. Specifically, we find that Tri-State's revisions partially comply with the directives in the May 2020 Order because they describe the specific technical screens and/or analysis, and criteria, including the quantitative triggers, that Tri-State will use to identify a facility as a contingent facility.³⁹

29. We are not persuaded by Gladstone's claim that Tri-State's removal of language stating that "the unbuilt facility has demonstrated a likelihood of construction with a planned in-service date prior to or that generally aligns with the Interconnection Request's Large Generating Facility's proposed In-Service Date," from proposed LGIP section 3.8 eliminates the only safeguard in Tri-State's LGIP that prevented facilities planned later in time than the proposed in-service date of the interconnection customer's generating facility from being considered contingent facilities. We find that the deletion of the above language is reasonable because it is possible that a higher-queued interconnection request that seeks to interconnect later in time, if delayed or not built, will impact the cost and timing of the interconnection customer's request, given that interconnection requests are studied in the order in which they are received. Gladstone does not explain why potential contingent facilities should not be identified in this manner simply because they seek to be built after the interconnection customer seeks its project to be built. Additionally, as indicated by LGIP section 7.3, Tri-State is required to consider projects with pending higher-queued interconnection requests that may have later in-service dates, regardless of the relative timing between higher-queued requests' in-service dates and an interconnection customer's in-service date.⁴⁰ Gladstone's argument that interconnection customers must be "safeguarded" against such a situation is counter to the existing *pro forma* LGIP, and therefore, we reject it. Conversely, we find that Tri-State's proposed revisions to LGIP section 3.8.1 provide greater clarity and outline the process that Tri-State will employ for identifying contingent facilities.

³⁸ *Id.*

³⁹ May 2020 Order, 171 FERC ¶ 61,123 at PP 27-28.

⁴⁰ Tri-State Tariff, Attach N. § 7.3 (Interconnection System Impact Study).

30. We disagree with Gladstone's claim that Tri-State's proposed screens and methods are unreasonably broad and lack the necessary specificity for an interconnection customer to determine how such screens and methods will be applied. We are satisfied with Tri-State's revised LGIP section 3.8.1(i) proposing to use information obtained through: (1) interconnection requests; (2) local and regional transmission plans; and (3) stakeholders and participation in WECC, WestConnect, and other sub-regional planning groups. We find that this is a reasonable approach because it will allow Tri-State to make an initial identification of facilities that could affect the interconnection customer's request. We also disagree that the proposal deviates from the definition of contingent facilities by considering facilities identified in the local or transmission planning process, wires-to-wires interconnections, and projects on affected systems. Notably, this step is only identifying planned upgrades not yet in service that could *potentially* impact the interconnection customer's request. Tri-State's study reports will need to demonstrate how these facilities, if delayed or not built, could cause a need for restudies or a reassessment of the interconnection facilities, network upgrades, or costs and timing of the interconnection customer's request. In other words, such facilities can only be included in the LGIA as contingent facilities if the interconnection customer's request's costs, timing, and study findings depend on the construction of such facilities. Therefore, we find that this aspect of the proposal is also reasonable.

31. Moreover, we disagree with Gladstone's allegations that Tri-State's proposed LGIP section 3.8.1(ii) allows Tri-State broad discretion in establishing baseline system performance that would provide Tri-State with the ability to selectively apply NERC and WECC standards to various interconnection customers. Tri-State proposes to evaluate system baseline performance based, in part, on the criteria and/or thresholds that are contained in the current or applicable versions of the NERC TPL-001 standard and the WECC TPL-001 system performance criteria. We also disagree with Gladstone's contention that Tri-State's reference to "either of their successor standards" would make it impossible for customers to determine which standard would apply. We accept Tri-State's explanation that "either of their successor standards" is meant to prevent Tri-State from having to amend its Tariff if NERC or WECC renumbers these standards.

32. We find that Tri-State's proposed LGIP sections 3.8.1(ii) and 3.8.1(iii) partially comply with the Commission's directives in the May 2020 Order. In particular, Tri-State's proposed sections describe the specific technical screens and/or analysis, and criteria, including the quantitative triggers, that Tri-State will apply to identify a facility as a contingent facility.⁴¹ The provisions also provide the requisite level of transparency such that an interconnection customer can understand how Tri-State will evaluate

⁴¹ See May 2020 Order, 171 FERC ¶ 61,123 at P 28.

potential contingent facilities to determine their relationship to an individual interconnection request.⁴²

33. However, Tri-State proposes to evaluate system performance “against the technical screens described in the current or applicable versions of the Transmission Provider’s *posted engineering standards*.”⁴³ We find that it is not clear where Tri-State will post this information and what engineering standards are included in “Transmission Provider’s posted engineering standards.” Without this information, an interconnection customer may not understand how Tri-State will evaluate potential contingent facilities for an individual interconnection request. Therefore, we direct Tri-State to submit a further compliance filing within 60 days of the date of this order, which adds in LGIP section 3.8.1(ii): (1) a description of the transmission provider’s posted engineering standards; and (2) the location where information is posted.

34. We also reject Tri-State’s proposed LGIP section 3.8.1(iii)(b).⁴⁴ Rather than evaluate which unbuilt facilities, if delayed or not built, can affect the interconnection customer’s request, this provision appears to evaluate whether the interconnection customer’s facilities can affect other unbuilt facilities—i.e., the provision makes the interconnection customer’s facilities the contingent facilities. We find that this is inconsistent with the definition of contingent facilities. Therefore, we direct Tri-State to submit a further compliance filing, within 60 days of the date of this order, to revise LGIP section 3.8.1(iii)(b) to identify whether the interconnection customer’s costs, timing, and study findings are dependent on the unbuilt facility, consistent with the definition of contingent facilities.

2. Surplus Interconnection Service

35. In the May 2020 Order, the Commission found that Tri-State’s revisions regarding surplus interconnection service partially complied with the requirements of Order Nos. 845 and 845-A. However, the Commission found that Tri-State failed to include the following language from section 3.3.1 of the *pro forma* LGIP in its proposed section 3.3.1: “Surplus Interconnection Service requests also may be made by another

⁴² See *id.* P 27.

⁴³ Transmittal at 4; Tri-State Tariff, Attach. N § 3.8.1(ii) (Method for Identifying Contingent Facilities) (emphasis added).

⁴⁴ Proposed LGIP § 3.8.1(iii)(b) states: “If any project identified in [3.8.1](i) results in reliability violations or a reduction to a WECC Accepted Path Rating attributable to the Interconnection Customer’s project when without the Interconnection Customer’s project the violations or reduction in Path Rating do not occur, that project is a Contingent Facility.”

Interconnection Customer” and had not demonstrated why such omission was consistent with or superior to *pro forma* LGIP section 3.3.1. Therefore, the Commission directed Tri-State to submit a further compliance filing that revised section 3.3.1 of its LGIP.⁴⁵

a. Tri-State’s Compliance Filing

36. In response to the Commission’s directive in the May 2020 Order regarding surplus interconnection service, Tri-State proposes to include, in LGIP section 3.3.1, the *pro forma* language that it failed to include in its December 27, 2019 compliance filing.⁴⁶

b. Commission Determination

37. We find that Tri-State’s proposed revision to LGIP section 3.3.1 complies with directive in the May 2020 Order because Tri-State has included “Surplus Interconnection Service requests also may be made by another Interconnection Customer” in its proposed section 3.3.1.

3. Material Modifications and Incorporation of Advanced Technologies

38. In the May 2020 Order, the Commission directed Tri-State to submit a further compliance filing to remove language stating that it would use “reasonable efforts” to complete the assessment of a technological change request within 45 days. The Commission directed Tri-State to establish a 30-day requirement to determine whether the proposed technological change is a material modification, specify a deposit amount, and provide an explanation of the studies that Tri-State will conduct to determine whether the technological advancement request will result in a material modification.⁴⁷

a. Tri-State’s Compliance Filing

39. Tri-State proposes revisions to LGIP section 4.4.6 to comply with the May 2020 Order. Tri-State states that it has made the necessary changes to establish a 30-day deadline to determine whether the proposed technological change is a material modification, to include a \$10,000 study deposit for any studies of a technological change, and to explain the analysis and criteria Tri-State will use to determine whether a proposed technological change constitutes a Permissible Technological Advancement. In

⁴⁵ May 2020 Order, 171 FERC ¶ 61,123 at P 59.

⁴⁶ Transmittal at 2-3; Tri-State Tariff, Attach. N, § 3.3 (Utilization of Surplus Interconnection Service).

⁴⁷ May 2020 Order, 171 FERC ¶ 61,123 at PP 68-72.

particular, Tri-State's proposed revisions provide that Tri-State will determine whether a request is a material modification by conducting steady-state, reactive power, short-circuit/fault duty, and stability analyses. The proposed revisions state that Tri-State may waive any of these analyses if it determines that one or more is not necessary based on the nature of the requested change. Further, the proposed revisions state that the request shall be deemed a Permissible Technological Advancement if the results of the analyses show that the modification results in equal or better electrical performance than the prior technology.⁴⁸

b. Commission Determination

40. We find that Tri-State's proposed revisions to LGIP section 4.4.6 comply with the directives in the May 2020 Order because the proposed revisions remove the "reasonable efforts" language, and establishes a 30-day requirement to determine whether the proposed technological change is a material modification, specifies a \$10,000 deposit amount, and provides an explanation of the studies that it will conduct to determine whether the technological advancement request will result in a material modification.

The Commission orders:

(A) Tri-State's compliance filing is hereby accepted, effective February 25, 2020, subject to a further compliance filing, as discussed in the body of this order.

(B) Tri-State is hereby directed to submit a compliance filing within 60 days of the date of this order, as discussed in the body of this order.

By the Commission. Commissioner Clements is not participating.

(S E A L)

Kimberly D. Bose,
Secretary.

⁴⁸ Transmittal at 6-8; Tri-State Tariff, Attach. N, § 4.4.6 (Technological Change Procedures).