

147 FERC ¶ 61,047
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Acting Chairman;
Philip D. Moeller, John R. Norris,
and Tony Clark.

Southwest Power Pool, Inc.

Docket No. ER13-1292-001

ORDER CONDITIONALLY ACCEPTING COMPLIANCE FILING

(Issued April 17, 2014)

1. On June 27, 2013, the Commission accepted Southwest Power Pool, Inc.'s (SPP) proposed revisions to the Large Generator Interconnection Agreement (LGIA) of its Open Access Transmission Tariff (Tariff), in compliance with Order No. 764,¹ subject to SPP making a further compliance filing to address the remaining requirements of Order No. 764.² On November 12, 2013, SPP filed proposed revisions to its Tariff³ to comply with the intra-hour transmission service scheduling requirements pursuant to Order No. 764 and the June 27 Order (Compliance Filing). In this order, we conditionally accept the Compliance Filing, subject to SPP making a further compliance filing, as discussed below.

I. Background

2. On June 22, 2012, the Commission issued Order No. 764, which requires each public utility transmission provider to: (1) offer intra-hourly transmission scheduling at 15-minute intervals; and (2) incorporate provisions into the *pro forma* Large Generator Interconnection Agreement requiring interconnection customers whose generating

¹ *Integration of Variable Energy Resources*, Order No. 764, FERC Stats. & Regs. ¶ 31,331, *order on reh'g*, Order No. 764-A, 141 FERC ¶ 61,232 (2012), *order on reh'g*, Order No. 764-B, 144 FERC ¶ 61,222 (2013).

² *Southwest Power Pool, Inc.*, 143 FERC ¶ 61,285 (2013) (June 27 Order).

³ See Appendix A for the eTariff designations.

facilities are variable energy resources (VER)⁴ to provide meteorological and forced outage data to the public utility transmission provider for the purpose of power production forecasting. The Commission also provided guidance regarding the development and evaluation of proposals related to recovering the costs of regulation reserves associated with VER integration.⁵

3. On December 20, 2012, the Commission issued Order No. 764-A, largely affirming the reforms adopted in Order No. 764. Among other things, Order No. 764-A extended the deadline for compliance with Order No. 764 to November 12, 2013.⁶ On September 19, 2013 the Commission issued Order No. 764-B, which granted in part and denied in part the requests for clarification and denied the requests for rehearing of the Commission's determinations in Order No. 764-A.

II. SPP's Compliance Filing

4. SPP proposes revisions to sections 13.8, 14.6 and Attachment P (Transmission Service Timing Requirements) of its Tariff to reflect the transmission service scheduling reforms adopted in Order No. 764. Specifically, SPP proposes to add the text "and intra-hour" consistent with the *pro forma* open access transmission tariff (OATT) revisions adopted in Order No. 764. However, SPP states that, because its system allows for intra-hour scheduling of less than 15-minute increments, it does not propose to adopt the additional *pro forma* language that defines intra-hour as "four intervals consisting of fifteen minute schedules."⁷ SPP states that this deviation from the *pro forma* OATT is just and reasonable because it provides scheduling options for transmission customers that are superior to those required under Order No. 764 (i.e., customers can schedule service in increments of less than 15 minutes).⁸ SPP makes this change in both the

⁴ Order No. 764 defined a VER as a device for the production of electricity that is characterized by an energy source that: (1) is renewable; (2) cannot be stored by the facility owner or operator; and (3) has variability that is beyond the control of the facility owner or operator.

⁵ Order No. 764, FERC Stats. & Regs. ¶ 31,331 at P 4.

⁶ Order No. 764-A, 141 FERC ¶ 61,232 at P 8.

⁷ Compliance Filing at 4.

⁸ *Id.* n.28.

Energy Imbalance Service (EIS) Market and the Integrated Marketplace versions of section 13.8 and section 14.6.⁹

5. SPP also proposes to modify the energy scheduling provisions set forth in Attachment P, to state that such changes must be submitted “20 minutes prior to start of schedule” rather than “20 minutes prior to hour.” SPP states that these revisions are consistent with the requirements of Order No. 764 and the revisions to sections 13.8 and 14.6 of the *pro forma* OATT adopted in Order No. 764, which state that changes to transmission schedules can be made up to 20 minutes prior to the “scheduling interval.”¹⁰

6. SPP requests that the Commission accept the proposed revisions to sections 13.8 and 14.6 applicable to the EIS Market and the revisions to Attachment P effective November 12, 2013 (the filing date of its Compliance Filing). SPP also requests that the Commission accept the proposed revisions to section 13.8 and section 14.6 applicable to the Integrated Marketplace Tariff effective March 1, 2014.¹¹

III. Notice of Filing and Responsive Pleadings

7. Notice of SPP’s Compliance Filing was published in the *Federal Register*, 78 Fed. Reg. 70,031 (2013), with interventions and protests due on or before December 3, 2013. Timely motions to intervene were filed by Exelon Corporation and jointly by Sunflower Electric Power Corporation and Mid-Kansas Electric Company.

⁹ SPP proposes two sets of revisions for section 13.8 and two sets of revisions for section 14.6 of the SPP Tariff. SPP requests an effective date of November 12, 2013 for the two sections of the SPP Tariff that were effective while the SPP EIS Market was in operation, i.e., November 12, 2013 through February 28, 2014. SPP requests an effective date of March 1, 2014 for the revisions to sections 13.8 and 14.6 to be effective once the SPP Integrated Marketplace launched on March 1, 2014.

¹⁰ *Id.* at 5 and n.31 (citing Order No. 764, FERC Stats. & Regs. ¶ 31,331 at Appendix B §§ 13.8, 14.6; *see also* Order No. 764 at P 118 (stating that the *pro forma* OATT “permits scheduling changes up to 20 minutes...before the start of the *next schedule change*”) (emphasis added)).

¹¹ *See supra* n.9.

IV. Discussion

A. Procedural Matters

8. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2013), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

B. Substantive Matters

9. In Order No. 764, the Commission stated that a public utility transmission provider with provisions in its existing OATT that the Commission has deemed to be consistent with or superior to the *pro forma* OATT being modified by Order No. 764 can seek to demonstrate that those previously approved variations continue to be consistent with or superior to the *pro forma* OATT as modified by Order No. 764.¹² We find that SPP's proposed revisions to Attachment P of the SPP Tariff comply with the requirements of Order No. 764 and the June 27 Order and accept them for filing, effective November 12, 2013, as requested. We also find that SPP's proposed revision to add the text "and intra-hour" to sections 13.8 and 14.6 of the SPP Tariff is consistent with the language in the *pro forma* OATT as modified by Order No. 764 and conditionally accept them as discussed below.

10. SPP proposes not to include in its Tariff the *pro forma* OATT's definition of "intra-hour" as "four intervals consisting of fifteen minute schedules," reasoning that this deviation will provide more scheduling options for its transmission customers than required by Order No. 764. While we understand SPP's reasoning in omitting this definition in light of its system's ability to allow for intra-hour scheduling in increments smaller than 15-minutes, this added flexibility is not clearly reflected in SPP's proposed tariff revisions. Therefore, we will require SPP to submit a compliance filing within 30 days of the date of this order that revises sections 13.8 and 14.6 of the Tariff to make clear that transmission customers may schedule transmission service in increments of less than 15 minutes. We will not require SPP to submit tariff revisions for the EIS Market, as that Market has been superseded by the SPP Integrated Marketplace, effective March 1, 2014.

¹² Order No. 764, FERC Stats. & Regs. ¶ 31,331 at P 374.

The Commission orders:

(A) SPP's proposed revisions to Attachment P of the SPP Tariff are hereby accepted for filing, effective November 12, 2013, as discussed in the body of this order.

(B) SPP's proposed Tariff revisions to section 13.8 and section 14.6 of the SPP Tariff are hereby conditionally accepted for filing, effective November 12, 2013 and March 1, 2014, as discussed in the body of this order.

(C) SPP is directed to make a compliance filing within 30 days of the date of this order, as discussed in the body of the order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

Appendix A

Southwest Power Pool, Inc.

Docket No. ER13-1292-001

FERC FPA Electric Tariff

Open Access Transmission Tariff, Sixth Revised Volume No. 1

[Section 13.8, 13.8 Scheduling of Firm Point-To-Point Transmission Service, 0.0.1.](#)

[Section 13.8, 13.8 Scheduling of Firm Point-To-Point Transmission Service, 1.1.0.](#)

[Section 14.6, 14.6 Scheduling of Non-Firm Point-To-Point Transmission ..., 0.0.1.](#)

[Section 14.6, 14.6 Scheduling of Non-Firm Point-To-Point Transmission ..., 1.1.0.](#)

[Attachment P, Attachment P Transmission Service Timing Requirements, 3.0.0.](#)