

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

NorthWestern Energy

Docket No. ER05-1101-000

ORDER CONDITIONALLY ACCEPTING FILING SUBMITTED IN
COMPLIANCE WITH ORDER NO. 2003-B

(Issued July 26, 2005)

1. In this order, we conditionally accept NorthWestern Energy's (NorthWestern) proposed revisions to the *pro forma* Large Generator Interconnection Procedure (LGIP) and Large Generator Interconnection Agreement (LGIA) under its Open Access Transmission Tariff (OATT) submitted in compliance with Order No. 2003-B.¹

I. Background

2. In Order No. 2003, the Commission required all public utilities that own, control or operate facilities for transmitting electric energy in interstate commerce to file revised OATTs containing the *pro forma* LGIP and LGIA. On March 5, 2004 the Commission issued Order No. 2003-A, which revised the *pro forma* LGIP and LGIA. On December 20, 2004, the Commission issued Order No. 2003-B, which further revised the *pro forma* LGIP and LGIA. The Commission directed that the required compliance filing be made within 60 days of the issuance of Order No. 2003-B.

¹ *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 68 Fed. Reg. 49,845 (Aug. 19, 2003), FERC Stats. & Regs. ¶ 31,146 (2003), *order on reh'g*, Order No. 2003-A, 69 Fed. Reg. 15,932 (Mar. 26, 2004), FERC Stats. & Regs. ¶ 31,160 (2004), *order on reh'g*, Order No. 2003-B, 70 Fed. Reg. 265 (Jan. 4, 2005), FERC Stats. & Regs. ¶ 31,171 (2005), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005); *see also* Notice Clarifying Compliance Procedures, 106 FERC ¶ 61,009 (2004).

3. On June 10, 2005, NorthWestern filed proposed revisions to comply with the Commission's directives in Order No. 2003-B. NorthWestern submitted this Order No. 2003-B compliance filing at that time because NorthWestern had tariff sheets containing the LGIP and LGIA pending before the Commission in Docket No. ER04-1106-000, and the revisions required by Order No. 2003-B would have resulted in changes to the pagination of the sheets pending before the Commission. NorthWestern respectfully requests that the Commission grant any waivers necessary for the Commission to accept NorthWestern's Order No. 2003-B compliance filing.

4. NorthWestern requests an effective date of January 19, 2005, for the tariff sheets, as directed by Order No. 2003-B. On June 13, 2005, NorthWestern filed a letter requesting waiver of the Commission's regulations to serve copies of this entire filing on all of its customers under the OATT.

5. Notice of NorthWestern's filing was published in the *Federal Register*, 70 Fed. Reg. 35,665 (2005), with comments, protests or interventions due on or before July 1, 2005. None were received.

II. Discussion

6. Upon review, the Commission finds that NorthWestern has not fully complied with the Commission's directives established in Order No. 2003-B as described below. In addition, the Commission finds that tariff sheet no. 275 of the LGIA under article 5 contains a typographical error. The Commission directs NorthWestern to re-file tariff sheet no. 275 to change 15.17.4 under article 5 to 5.17.4. The request for waiver of the service obligation is hereby granted.

A. Section 11.1 of LGIP

7. Order No. 2003-B changed the second sentence of the LGIP section 11.1 from "...Interconnection Customer shall tender a draft LGIA, together with draft appendices *completed to the extent practicable*" (emphasis added) to "... Transmission Provider shall tender a draft LGIA, together with draft appendices." NorthWestern has not omitted the language, "completed to the extent practicable" as required by Order No. 2003-B. Therefore, the Commission directs NorthWestern to re-file tariff sheet no. 197 to incorporate the change.

B. Section 11.2 of LGIP

8. Section 11.2 of the LGIP pertains to negotiations between the Transmission Provider and the Interconnection Customer concerning the appendices to the LGIA that may take place after the Interconnection Customer executes the Interconnection

Facilities Study Agreement. Order No. 2003-B modified the fifth sentence of Section 11.2 to read in part "...section 13.5 within sixty (60) Calendar Days of tender of draft LGIA." NorthWestern proposed the following language, "...section 13.5 within sixty (60) Calendar Days of tender of completed draft of the LGIA appendices."

9. We note that the proposed language is not exactly the same as Order No. 2003-B. Thus the Commission directs NorthWestern to re-file tariff sheet no. 198 and revise the fifth sentence of LGIP section 11.2 to state, "Unless otherwise agreed by the Parties, if Interconnection Customer has not executed the LGIA, requested filing of an unexecuted LGIA, or initiated Dispute Resolution procedures pursuant to section 13.5 within sixty (60) Calendar Days of tender of draft LGIA, it shall be deemed to have withdrawn its Interconnection Request."²

The Commission orders:

(A) NorthWestern's compliance filing is hereby conditionally accepted, effective January 19, 2005, as discussed in the body of this order.

(B) NorthWestern is hereby directed to submit a further compliance filing within 30 days of the date of this order, as discussed in the body of this order.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.

² Order No. 2003-C clarified the correction to section 11.2 that appeared in Order No. 2003-B.