



delivery to load in the Midwest ISO-PJM region.<sup>2</sup> In addition, Midwest ISO, PJM, and their transmission owners were directed to make compliance filings implementing the transitional Seams Elimination Charge/Cost Adjustment/Assignment (SECA) methodology adopted in the November 18 Order on or before November 24, 2004.

3. On February 10, 2005, the Commission accepted for filing the compliance filings that PJM and the PJM Transmission Owners, Midwest ISO and the Midwest ISO Transmission Owners, and American Electric Power Service Corporation (AEP), Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc. (ComEd), and Dayton Power and Light Company (Dayton) filed in November, December, and January, suspended them for a nominal period, to become effective December 1, 2004, subject to refund and surcharge as appropriate, and established hearing procedures.<sup>3</sup>

4. On June 16, 2005, the Commission accepted for filing further compliance filings that PJM and the PJM Transmission Owners, Midwest ISO and the Midwest ISO Transmission Owners, and AEP, ComEd, and Dayton filed in February, March, April, and May, suspended them for a nominal period, to become effective on various dates, subject to refund and surcharge as appropriate, established hearing procedures and consolidated that proceeding with the ongoing proceedings discussed above.<sup>4</sup> On September 12, 2005, the Commission accepted for filing additional revised compliance filings, suspended them for a nominal period, to become effective on various dates, subject to refund and surcharge as appropriate, established hearing procedures and consolidated that proceeding with the ongoing proceedings discussed above.<sup>5</sup>

## II. Description of Filings

5. On August 8, 2005, as amended on August 11, 2005, in Docket No. ER05-6-034, Applicants filed revisions to the sub-zonal SECA charges in Schedule 22 of the Midwest ISO's OATT. Applicants state that this filing deletes the WPS Energy sub-zone in the

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<sup>2</sup> *Midwest Independent Transmission System Operator, Inc.*, 109 FERC ¶ 61,168 (2004) (November 18 Order), *reh'g pending*.

<sup>3</sup> *Midwest Independent Transmission System Operator, Inc.*, 110 FERC ¶ 61,107 (2005) (February 10 Order), *reh'g pending*.

<sup>4</sup> *Midwest Independent Transmission System Operator, Inc.*, 111 FERC ¶ 61,409 (2005) (June 16 Order), *reh'g pending*.

<sup>5</sup> *Midwest Independent Transmission System Operator, Inc.*, 112 FERC ¶ 61,267 (2005).

International Transmission Company (ITC) zone for the first part of the transition period, beginning December 1, 2004 through March 31, 2005. They state that it also reflects the creation of a Wolverine Power Marketing Cooperative sub-zone in the ITC zone for the second part of the transition period commencing April 1, 2005 through March 31, 2006.

### **III. Notice and Filing**

6. Notice of Applicants' filing, as amended, was published in the *Federal Register*, 70 Fed. Reg. 49,271 (2005), with protests and interventions due on or before August 26, 2005. None were filed.

### **IV. Discussion**

7. The compliance filing raises issues of material fact that cannot be resolved based on the record before us and are more appropriately addressed in the hearing procedures ordered below.

8. Our preliminary analysis indicates that the compliance filing has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Therefore, consistent with the Going Forward Principles and Procedures settlement and prior orders,<sup>6</sup> we will accept the compliance filing for filing, suspend it for a nominal period and make it effective subject to refund and surcharge as appropriate, and set it for hearing. Furthermore, as requested, the revised tariff sheets contained in Applicants' filing will be made effective December 1, 2004, January 1, 2005, April 1, 2005, and May 1, 2005, as requested.

9. Given common issues of law and fact, we will consolidate this proceeding with the proceeding currently ongoing in Docket No. ER05-6-001, *et al.*, for purposes of hearing and decision.

#### The Commission orders:

(A) The amended compliance filing is hereby accepted for filing and suspended for a nominal period, to become effective December 1, 2004, January 1, 2005, April 1, 2005, and May 1, 2005, as requested, subject to refund or surcharge, as discussed in the body of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred on the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and the Federal Power Act, and pursuant to the

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<sup>6</sup> See *supra* notes 2-5.

Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held concerning the amended compliance filing, as discussed in the body of this order.

(C) Docket No. ER05-6-034 is hereby consolidated with Docket Nos. ER05-6-001, *et al.*, for purposes of hearing and decision.

(D) The presiding administrative law judge designated to preside in the proceeding ongoing in Docket No. ER05-6-001, *et al.*, shall determine the procedures best suited to accommodate consolidation.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.