

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

October 10, 2006

In Reply Refer To:  
Midwest Independent Transmission  
System Operator, Inc.  
Docket No. ER06-1358-000

Midwest Independent Transmission  
System Operator, Inc.  
Attn: Lori A. Spence, Esq.  
Associate General Counsel  
701 City Center Drive  
Carmel, IN 46032

Dear Ms. Spence:

1. On August 11, 2006, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and the Midwest ISO Transmission Owners<sup>1</sup> (collectively Filing

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<sup>1</sup> The Midwest ISO Transmission Owners for this filing consist of: Ameren Services Company, as agent for Union Electric Company d/b/a AmerenUE, Central Illinois Public Service Company d/b/a AmerenCIPS, Central Illinois Light Co. d/b/a Ameren CILCO, and Illinois Power Company d/b/a AmerenIP; Alliant Energy Corporate Services, Inc. on behalf of its operating company affiliate Interstate Power and Light Company (f/k/a IES Utilities Inc. and Interstate Power Company); American Transmission Company LLC;\* Aquila, Inc. d/b/a Aquila Networks (f/k/a Utilicorp United, Inc.); City Water, Light & Power (Springfield, IL); Duke Energy Shared Services, Inc. f/k/a Cinergy Services, Inc. for The Cincinnati Gas & Electric Co. d/b/a Duke Energy Ohio, Inc., PSI Energy, Inc. d/b/a Duke Energy Indiana, Inc., and The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky, Inc.; Great River Energy; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; Minnesota Power (and its subsidiary Superior Water, L&P); Montana-Dakota Utilities Co.; Northern Indiana Public Service Company; Northern States Power Company and Northern States Power Company (Wisconsin), subsidiaries of Xcel Energy Inc.; Northwestern Wisconsin Electric Company; Otter Tail Power Company; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Company (d/b/a Vectren Energy Delivery of Indiana); and Wabash Valley Power Association, Inc.

The Midwest Stand Alone Transmission Companies are denoted with an asterisk (\*).

Parties) submitted for filing with the Commission revisions to the Attachment N-1 rate schedule of the Midwest ISO Open Access Transmission and Energy Markets Tariff (TEMT), FERC Electric Tariff, Third Revised Volume No. 1.<sup>2</sup> The Filing Parties proposed adding Original Sheet Nos. 1314A through 1314R to provide for the application of Attachment N-1 to cooperative and municipal transmission owners who do not file a FERC Form No. 1. The proposed new sheets follow the format in the existing Attachment N-1; however, instead of referencing FERC Form No. 1, the amended sheets would provide appropriate references to Rural Utility Services (RUS) Form 12 or Energy Information Administration (EIA) Form 412. The proposed changes are conditionally accepted for filing, and waiver is granted to permit an effective date of October 10, 2006, as requested, subject to the compliance filing ordered below.

2. Notice of the filing was published in the *Federal Register*, 71 Fed. Reg. 50,058 (2006), with interventions and protests due on or before September 1, 2006. Motions to intervene were timely filed by WPS Companies,<sup>3</sup> Consumers Energy Company, and jointly by International Transmission Company and Michigan Electric Transmission Company, LLC. American Municipal Power-Ohio, Inc. (AMP-Ohio) timely filed a motion to intervene and comments.

3. In its comments, AMP-Ohio noted that the EIA has discontinued the use of its Form 412 and stated that, consequently, the Filing Parties should be required to either (i) update their proposal to reference current EIA forms if a successor to Form 412 is in use, or (ii) modify their proposal to state that municipal facility owners will comply with Attachment N-1's requirements if they submit to MISO information that is substantially the same as the information previously required under EIA Form 412. Midwest ISO filed a response on September 18, 2006, stating that the proposed revisions to Attachment N-1 regarding the use of EIA Form 412 simply allow those utilities using Form 412 for Attachment O to use the same form for Attachment N-1 purposes.

4. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2006), the timely unopposed motions to intervene serve to make the entities that filed them parties to the proceeding.

5. The parties do not dispute the need to provide information to the Midwest ISO, but rather disagree as to whether discontinued EIA Form 412 should be used to do so. We are persuaded that Form 412 should still be used; the form's use here tracks its use for

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<sup>2</sup>Attachment N sets forth the charges for direct assignment facilities and network upgrades that must be paid by customers. Attachment N-1 prescribes the formula for fixed charge rates for both direct assignment facilities and network upgrades.

<sup>3</sup>The WPS Companies are Wisconsin Public Service Corporation, Upper Peninsula Power Company, WPS Energy Services Inc., and WPS Power Development, LLC.

purposes of Attachment O, and the standardized layout of the form facilitates the Midwest ISO's calculations. In order to make the tariff sheets clear, the Commission will require that each proposed tariff sheet referencing EIA Form 412 (specifically, Original Sheet Nos. 1314J through 1314R) include a footnote placed immediately after the subtitle "Utilizing EIA Form 412 Data" stating: "While the EIA no longer requires the submission of Form 412, cooperative and municipal transmission owners should continue to supply, for use in Attachment N-1, the information asked for in Form 412 in the format of Form 412." Accordingly, we conditionally accept the proposed revisions to TEMT Attachment N-1, subject to modification as directed by the Commission, with waiver granted to permit an effective date of October 10, 2006. We direct the Filing Parties to submit further revised tariff sheets consistent with this order within 30 days of the date of this order.

By direction of the Commission. Commissioner Moeller not participating.

Magalie R. Salas,  
Secretary.