121 FERC 61,032
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Suedeen G. Kelly, Marc Spitzer
and Jon Wellinghoff.

Midwest Independent Transmission System Operator, Inc.	Docket Nos. ER05-273-003 ER05-273-004

ORDER REQUIRING REFUNDS AND
ACCEPTING COMPLIANCE FILING

(Issued October 16, 2007)

1. On March 16, 2007, several parties submitted requests for rehearing and/or requests for clarification of the Commission's February 14, 2007 order in these proceedings.[1] In the February 14 Order, the Commission denied Midwest Independent Transmission System Operator, Inc.'s (Midwest ISO) proposed revisions to section 22.2 of its Open Access Transmission and Energy Markets Tariff (TEMT) as not consistent with or superior to the Order No. 888 *pro forma* Open Access Transmission Tariff (OATT), but was silent as to refunds.[2] In this order, the Commission will require that Midwest ISO make refunds consistent with the discussion below. In addition, we will accept the compliance filing by Midwest ISO that modifies its TEMT to reflect the deletion of certain proposed language rejected in the February 14 Order.

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[1] *Midwest Indep. Transmission Sys. Operator, Inc.*, 118 FERC ¶ 61,095 (2007) (February 14 Order).

[2] *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

Background

2. This proceeding was initiated by Midwest ISO's proposal to modify the firm point-to-point redirect transmission service provisions set forth in section 22.2 of its TEMT by adding language providing that a firm point-to-point transmission service customer that redirects its original reservation on a non-firm basis would be charged the higher of the rate associated with the original firm point-to-point transmission service reservation that was redirected or the rate for the non-firm point-to-point transmission service obtained over the secondary receipt or delivery point. The Commission accepted and suspended the proposed revisions, and made them effective subject to refund, and established hearing and settlement judge procedures.[3] The hearing was held in abeyance to provide time for settlement judge procedures, which were unsuccessful.

3. The parties to the proceeding subsequently filed a joint motion to waive the evidentiary hearing and initial decision in the docket. The Commission granted the movants' motion in an order issued November 17, 2005,[4] which directed that initial and reply briefs be filed directly with the Commission on December 22, 2005, and February 1, 2006, respectively.

4. In the February 14 Order, the Commission concluded that Midwest ISO had not demonstrated that its proposed tariff revisions were consistent with, or superior to, the Order No. 888 *pro forma* OATT. The Commission reasoned that allowing firm point-to-point transmission service customers, as an integral feature of firm point-to-point transmission service, to make, at no additional charge, purchases and sales from modified receipt and delivery points was part of the balance struck in Order Nos. 888 and 888-A between network and point-to-point transmission customers. The Commission denied Midwest ISO's proposed revisions.

Rehearing and Clarification Requests

Motion of Midwest ISO for Clarification of Refund Procedures

5. Midwest ISO states that the Commission provided no direction with respect to refunds in the February 14 Order. Midwest ISO states that subsequent to the issuance of the January 28 Order, DTE Energy Trading, Inc. (DTET) and the City of Holland, Michigan (Holland) filed complaints under section 206 of the Federal Power Act (FPA) in Docket Nos. EL05-63-000 and EL05-55-000, respectively, in which they asserted that

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[3] *Midwest Indep. Transmission Sys. Operator, Inc.*, 110 FERC ¶ 61,081 (January 28 Order), *reh'g denied*, 111 FERC ¶ 61,462 (2005).

[4] *Midwest Indep. Transmission Sys. Operator, Inc.*, 113 FERC ¶ 61,176 (2005).

Midwest ISO's non-firm redirect practices were inconsistent with its TEMT and were not just and reasonable. Midwest ISO points out that the Commission issued separate orders in the DTET proceeding[5] and the Holland proceeding[6] in which the Commission generally agreed with the complainants' interpretation of section 22.2 and directed Midwest ISO to refund the amounts collected in excess of what was determined to be the applicable rate.

6. Midwest ISO explains that the DTET and Holland orders interpreted the provisions of the *pro forma* section 22.2 relevant to refund determination as follows: (a) the section 22.2 additional charge applies only when the redirect transaction sinks into a higher rate zone; (b) where applicable, the section 22.2 additional charge must be the difference between the relevant zonal rates, and not the "higher of" non-firm hourly rate charged by Midwest ISO; (c) when calculated, the section 22.2 additional charge must be pro-rated to reflect the duration of the redirected transaction; and (d) refunds were ordered for all amounts collected. Midwest ISO states that it implemented the refunds in two rounds, first, for redirects within the same pricing zone and, second, for redirects between different pricing zones.

7. Midwest ISO states that to the extent the Commission decides to implement refunds in this case, Midwest ISO requests an implementation deadline set on or after July 16, 2007, in order to retain outside contractors to perform the necessary calculations and to revise the software code necessary to ensure a refund which conforms to the February 14 Order. Midwest ISO further states that it has identified the appropriate contractor to complete the project and that the contractor concurs that at least five months are necessary for completion of the project.

8. Midwest ISO states that assuming the Commission directs a full refund, the applicable refund would be equal to the difference between the non-firm redirect charges Midwest ISO has collected since January 30, 2005, under its proposal and the charges Midwest ISO was authorized to collect under the *pro forma* tariff language as interpreted in the DTET and Holland complaint orders. Midwest ISO explains that the refund computation methodology can be summarized as follows:

(1) No additional charges under section 22.2 may be assessed when service is redirected, on a non-firm basis, either within the same pricing zone or into a pricing zone with the firm zonal rate that is lower than or equal to

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[5] *DTE Energy Trading, Inc. v. Midwest Indep. Transmission Sys. Operator, Inc.*, 111 FERC ¶ 61,062, *order on reh'g*, 113 FERC ¶ 61,214 (2005) (DTET Order).

[6] *City of Holland v. Midwest Indep. Transmission Sys. Operator, Inc.*, 111 FERC ¶ 61,076, *order on reh'g*, 112 FERC ¶ 61,105 (2005) (Holland Order).

the firm zonal rate applicable to the parent sink zone. To the extent any such additional charges have been assessed by the Midwest ISO since January 30, 2005, they should be refunded (with interest).[7]

(2) The section 22.2 charge is permitted where service is redirected into a zone with the firm rate higher than the firm rate in the parent sink zone. This additional charge is based on the difference between the two firm zonal rates and must be pro-rated to reflect the duration of the redirected transaction. To the extent any non-complying charges have been assessed by the Midwest ISO for redirects into a higher rate zone since January 30, 2005, they should be refunded (with interest).

(3) All firm rates used in the refund calculation should be those in effect at the time of the redirect.

(4) Under no circumstances will the redirecting customer pay less than its pro-rationed parent charge.

(5) The above principles fully apply to the redirects that occurred between outside sinks.

9. In addition, Midwest ISO states that its settlement software algorithms will be reset to reflect the above principles for calculating non-firm redirect charges on a prospective basis.

Request of DTET and Constellation for Clarification

10. DTET and Constellation Energy Commodities Group, Inc. (Constellation) filed a joint request for clarification or, in the alternative, rehearing. They state that the February 14 Order is silent on the obligation of Midwest ISO to refund, with interest, all excess amounts paid by transmission customers for non-firm redirect service during the period in which Midwest ISO's proposed tariff sheets were in effect, subject to refund. Constellation and DTET assert that all parties were on notice that the charges assessed by Midwest ISO for non-firm redirect service as of January 30, 2005, were subject to refund pending a decision by the Commission on whether Midwest ISO could demonstrate that its proposal was just and reasonable.[8] Moreover, DTET and Constellation state that this

[7] Midwest ISO states that the interest charge is determined in accordance with 18 C.F.R. § 35.19a (2007).

[8] January 28 Order, 110 FERC ¶ 61,081, at ordering para. (A).

is exactly the type of case for which the refund provisions in FPA section 205 were established.[9]

11. DTET and Constellation contend that refunds are appropriate in this case to protect the customers from rates found to be unjust and unreasonable. They further argue that, if the Commission does not clarify that refunds are due, the Commission's failure to order refunds does not reflect reasoned decision-making because the Commission did not address DTET's and Constellation's requests for refunds. DTET and Constellation state that to the extent the Commission's silence was intentional, DTET and Constellation request rehearing of the February 14 Order in this respect and urge that refunds be ordered.

Request of Midwest ISO Transmission Owners for Rehearing

12. Midwest ISO Transmission Owners (Midwest ISO TOs) state that the Commission in the February 14 Order neither analyzed, nor articulated, a position on whether refunds were warranted as a result of Midwest ISO's tariff proposal being rejected. While they acknowledge the argument that because the initial order accepted Midwest ISO's tariff proposal and set it for hearing subject to refund, the Commission intended for refunds to be paid as a result of the February 14 Order, Midwest ISO TOs point out that the Commission failed to articulate that position in the February 14 Order. They argue that this omission makes the February 14 Order unsustainable. Furthermore, Midwest ISO TOs state that they specifically raised the issue of refunds in their initial brief, requesting that the Commission exercise its discretion to forego refunds and implement any necessary changes on a prospective basis. Midwest ISO TOs aver that the Commission acknowledged this argument in the February 14 Order.[10] However, Midwest ISO TOs state, the Commission's analysis in the February 14 Order includes no discussion of the refund issue. Therefore, Midwest ISO TOs argue that refunds are not warranted because the Commission did not demonstrate the path between the facts presented and the decision made, supported by substantial evidence that refunds are required. Midwest ISO TOs conclude that the Commission erred by failing to explicitly deny refunds.

13. Next, Midwest ISO TOs argue that the Commission erred by not following precedent. Midwest ISO TOs contend that, to the extent the Commission chose not to accept Midwest ISO's proposal, refunds were not warranted in this case. Midwest ISO

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[9] *Citing, e.g., Delmarva Power & Light Co. v. FERC*, 671 F.2d 587, 593 (D.C. Cir. 1982) (*Delmarva*); *PPL Wallingford Energy LLC and PPL Energy Plus, LLC*, 116 FERC ¶ 61,089, at P 29 (2006); *Midwest Indep. Transmission Sys. Operator, Inc.*, 99 FERC ¶ 61,117, at 61,503 (2002).

[10] *See* February 14 Order, 118 FERC ¶ 61,095 at P 32.

TOs state that the Commission has exercised discretion to forego refunds when an independent transmission provider violated its tariff, but as in *NYISO*, there was no improper windfall here.[11] Moreover, they maintain that the Commission has exercised discretion in not requiring refunds when its order, as here, involved rate design changes. They argue that each of these prior Commission practices for not ordering refunds are applicable here, however, they state that the Commission departed from precedent in this case and did not provide any explanation for doing so.

14. In addition, Midwest ISO TOs use *NYISO* to support the proposition that there has been no improper windfall due to the operation of Midwest ISO's tariff proposal. They state that the Commission concluded that although the New York Independent System Operator, Inc. (NYISO) technically failed to adhere to its tariff, the Commission acknowledged that NYISO had not improperly gained a windfall from the violation and the end result of NYISO's action was consistent with the overall least cost pricing model of its tariff.[12] Midwest ISO TOs conclude that in balancing the equities, the Commission found that no refunds should be paid. Midwest ISO TOs argue that a similar result is warranted in this case. They explain that the transmission revenues received from non-firm redirect service are credited back to transmission customers under Midwest ISO's formula rates by reducing the transmission rates in the following year. Therefore, according to Midwest ISO TOs, Midwest ISO does not keep the revenues.

15. Midwest ISO TOs ask the Commission to consider the fact that they are the party in interest who is directly affected by Midwest ISO's actions and will ultimately be responsible for refunding any revenues, not Midwest ISO. By now ordering refunds, Midwest ISO TOs contend that the Commission would be inappropriately penalizing them for actions over which they had no control. Midwest ISO TOs also point to a recent Commission decision involving Midwest ISO's failure to assign certain costs to virtual transactions to support their argument that parties should not be penalized because of Midwest ISO's actions in instances where parties rely on how Midwest ISO implements a tariff.[13]

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[11] *See N.Y. Indep. Sys. Operator, Inc.*, 110 FERC ¶ 61,244, at P 64, *order on reh'g*, 113 FERC ¶ 61,155 (2005), *appeal pending sub nom. Consol. Edison Co. of New York, Inc. v. FERC*, Case No. 06-1025 (D.C. Cir. filed Jan. 13, 2006) (*NYISO*).

[12] *Citing NYISO*, 110 FERC ¶ 61,244 at P 70.

[13] The Commission initially found that Midwest ISO's actions were a violation of its tariff, but exercised its discretion and did not require past re-billings and refunds. *See Midwest Indep. Transmission Sys. Operator, Inc.*, 115 FERC ¶ 61,108, *order on reh'g*, 117 FERC ¶ 61,113, at P 95 (2006).

16. Midwest ISO TOs state that the Commission erred by not directing prospective implementation of tariff changes. They explain that Midwest ISO's proposal involves rate design and any change by the Commission to the proposed rate design should be implemented prospectively.[14] They argue that retroactively implementing changes in rate design would be unreasonable as customers cannot revisit economic decisions made based on the rate design in effect during the past period. Midwest ISO TOs further explain that the revenues received have resulted in some downward adjustment to transmission rates through revenue credits. Moreover, Midwest ISO TOs state that the Commission has ordered rate design changes to be implemented prospectively in cases that were similarly set for hearing and subject to refund.[15]

Commission Determination

17. In the initial order in this proceeding, the Commission explicitly provided that "[t]he tariff sheets filed by Midwest ISO are hereby accepted for filing and suspended for a nominal period, to be effective January 30, 2005, subject to refund."[16] Subsequently, in the February 14 Order, the Commission found that Midwest ISO had not demonstrated that its proposed tariff revisions were consistent with, or superior to, the Order No. 888 *pro forma* OATT.

18. The facts of this proceeding set forth the classic case for ordering refunds and it was only through an oversight that the language requiring refunds was omitted. Given that this case involves a proposed rate increase filed pursuant to section 205 of the FPA that the Commission found to be unjust and unreasonable, we conclude that it is equitable

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[14] Midwest ISO TOs state that it is well established Commission policy that rate design changes should be implemented on a prospective basis. *Citing, e.g., Consumers Energy Co.*, 89 FERC ¶ 61,138, at 61,397 (1999), *reh'g denied*, 95 FERC ¶ 61,084, at 61,249-50 (2001) (*Consumers*); *Union Elec. Co.*, 71 FERC ¶ 61,229, at 61,876 (1995) (*Union Electric*).

[15] *Citing, e.g., Consumers Power Co.*, 59 FERC ¶ 61,106, *order on clarification*, 60 FERC ¶ 61,257 (1992), *initial decision*, 64 FERC ¶ 63,029 (1993), *order on initial decision*, 85 FERC ¶ 61,100 (1998), *order on reh'g*, 89 FERC ¶ 61,138 (1999) (setting tariff filing for hearing subject to refunds and subsequently directing rate design change to be implemented prospectively); *Conn. Light & Power Co.*, 4 FERC ¶ 61,261 (1978), *initial decision*, 12 FERC ¶ 63,042 (1980), *order on initial decision*, 14 FERC ¶ 61,139, *order on reh'g*, 15 FERC ¶ 61,056 (1981) (setting rate case for hearing subject to refund and subsequently granting request to make rate design effective prospectively).

[16] January 28 Order, 110 FERC ¶ 61,081, at ordering para. (A).

to require refunds. As Midwest ISO TOs themselves recognize, our discretion is at its zenith when fashioning a remedy.[17]

19. Midwest ISO TOs' arguments that refunds are not warranted in this proceeding are unavailing. First, we reject Midwest ISO TOs' argument that because Midwest ISO TOs did not gain an improper windfall due to the operation of Midwest ISO's tariff proposal, refunds should not be required. The cases cited by Midwest ISO TOs (primarily *NYISO*, 110 FERC ¶ 61,244 (2005)) do not support its argument that a windfall is the sole criteria for determining whether refunds are appropriate or not. For example, in *NYISO*, which involved a remand from the United States Court of Appeals for the District of Columbia Circuit, the Commission explained that while its general policy is to provide refunds for a violation of the filed rate doctrine, it still must balance equity considerations and determine what is just and reasonable and whether an alternate remedy is more appropriate. In balancing the equities, the Commission concluded that refunds should not be paid for failing to adhere to the tariff provisions requiring that the reserves be priced independently, noting that the relevant NYISO tariff provisions regarding pricing were inconsistent, and the NYISO's method for pricing reserves was the correct approach to pricing that produces the most efficient, least cost method of procuring reserves, without creating perverse incentives for generators (i.e., without providing generators a windfall), consistent with the Commission's goals of establishing an efficient market mechanism for generator dispatch.[18]

20. That simply is not the circumstance present in this proceeding. Here, the tariff change proposed by Midwest ISO is contrary to Commission policy, as set forth in Order No. 888.[19] There, the Commission explicitly determined that firm point-to-point transmission customers should be able to redirect on a non-firm basis at no additional

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[17] *See, e.g.*, *Conn. Valley Elec. Co. v. FERC*, 208 F.3d 1037, 1044 (D.C. Cir. 2000); *Niagara Mohawk Power Corp. v. FPC*, 379 F.2d 153, 159 (D.C. Cir. 1967).

[18] *NYISO*, 110 FERC ¶ 61,244 at P 70.

[19] *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

charge.[20] Moreover, Midwest ISO and Midwest ISO TOs do receive additional revenues at the expense of the customers who chose to redirect on a non-firm basis, but were charged amounts in excess of that provided for in the *pro forma* OATT and permitted pursuant to Commission policy.

21. Further, contrary to Midwest ISO TOs' argument, the fact that transmission revenues received from non-firm redirect service are credited back to transmission customers under Midwest ISO's formula rates by reducing the transmission rates in the following year is not a justification that makes refunds unnecessary or inappropriate here. There is not only a one-year delay in returning the dollar amounts, but there is also a mismatch with respect to who receives reduced rates through Midwest ISO's credit mechanism. While only those point-to-point customers that redirected transmission service on a non-firm basis were required to pay the unjust and unreasonable rate, all transmission customers will share in the credits. Further, Midwest ISO TOs' argument is misguided in that it seems to justify excessive rates under all circumstances, as long as the transmission provider credits any excess back to some customers through a reduced future transmission rate.

22. Finally, the fact that Midwest ISO TOs ultimately will be responsible to refund any revenues, not Midwest ISO, does not warrant a different result. Indeed, that arrangement was voluntarily agreed to by Midwest ISO TOs and, if the logic of Midwest ISO TOs were followed to its end, the Commission would never be allowed to require a Regional Transmission Operator and/or Independent System Operator (which are typically non-profit and do not retain revenues for transmission services, but pass them through to transmission owners) to make refunds.[21]

23. We also reject Midwest ISO TOs' argument that Midwest ISO's proposal in this proceeding involves rate design and any change by the Commission to that proposal should only be implemented prospectively. Simply put, Midwest ISO's proposal in this proceeding involves a rate increase – a customer seeking to redirect on a non-firm basis was required to pay a rate that was previously not provided for under Midwest ISO's TEMT nor permitted under Order No. 888 and that the Commission has found to be unjust and unreasonable. In contrast, the rate design cases cited by Midwest ISO TOs

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[20] Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 at 30,528 (section 22.1 of the *pro forma* OATT). Midwest ISO itself does not dispute that the *pro forma* OATT provides that a non-firm redirect should be provided at no additional charge. February 14 Order, 118 FERC ¶ 61,095 at P 13.

[21] We note that while the task of determining refunds may be complicated, Midwest ISO has indicated that it has hired a third party to make such a determination and that it will be able to make refunds after July 16, 2007.

involve situations where the Commission determined not to order refunds largely because, if it were to order a different rate design to be applied retroactively, customers' consumption patterns could not be affected because their usage was based on the rate design in effect when they made their consumption decisions.[22] Here, there is no shifting of dollars among customers. Rather, this case involves the collection of unjust and unreasonable rates by the transmission provider and the excess is appropriately returned to the customers that paid the unjust and unreasonable rates. The rate design cases cited by Midwest ISO TOs are, in short, inapplicable and we conclude that refunds are warranted in this proceeding.

24. Accordingly, we will direct Midwest ISO to make refunds, as detailed in its motion, with interest calculated pursuant to section 35.19a of the Commission's regulations, within 30 days of the date of this order.[23] We also will direct Midwest ISO to file a refund report with the Commission within 15 days of the date refunds are made.

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[22] *See, e.g., Consumers,* 89 FERC ¶ 61,138 at 61,397 ("we find that it would have been reasonable for [Municipal Cooperative Coordinated Pool] MCCP to have made its transmission reservations and carried out its operations during the locked-in period in reliance on a twelve-month average measure of customer usage, and that had the tariff originally based billing on MCCP's greatest usage throughout the year (rather than its average monthly usage) MCCP likely would have operated its system differently in order to minimize transmission costs. However, MCCP cannot now alter its usage pattern. In short, we agree with [Michigan Municipal Cooperative Group] MMCG that the conforming change required in Opinion No. 429 unreasonably subjects MMCG to additional charges and penalties."); *see also Conn. Light & Power Co.,* 15 FERC ¶ 61,056 at 61,123-24 ("Rate design affects to some degree customers' consumption patterns. A change in that design by Commission order cannot affect that pattern retroactively since the customers' energy usage was based on the rate design in effect during the period."); *cf. Midwest Indep. Transmission Sys. Operator, Inc.,* 117 FERC ¶ 61,113 at P 94-95 (the Commission noted that market participants relied on statements made by Midwest ISO in its Business Practice Manuals that virtual transactions would not be allocated RSG charges. The Commission concluded that ordering refunds would create substantial uncertainty and undermine faith in Midwest ISO's markets. The Commission added that rendering previous virtual transactions back to April 2005 uneconomic would be an unfair and inequitable remedy because market participants cannot revisit economic decisions).

[23] 18 C.F.R. § 35.19a (2007).

Midwest ISO's Compliance Filing

25. On March 16, 2007, Midwest ISO filed revisions to section 22.2 of its TEMT regarding redirected non-firm transmission service under its TEMT to reflect the deletion of certain proposed language that was rejected in the February 14 Order. The compliance filing reinstates the language in effect prior to January 30, 2005, with the following exceptions. During the period between November 30, 2004, (the date of Midwest ISO's proposal in this proceeding to revise section 22.2 of the TEMT) and the Commission's issuance of its February 14 Order, Midwest ISO revised Tariff Sheet Nos. 282 and 284 concerning section 22 of the TEMT in three proceedings in the general course of maintaining its TEMT.[24] As a result, and in order to ensure the Commission has an accurate version of section 22.2, Midwest ISO submits revised Tariff Sheet No. 284, which has been amended to remove the language rejected by the Commission in its February 14 Order, while retaining the non-material changes made by the intervening orders. Midwest ISO requests that the proposed revisions become effective on May 15, 2007.

26. Notice of Midwest ISO's compliance filing was published in the *Federal Register*, 72 Fed. Reg. 14,094 (2007), with interventions and protests due on or before April 6, 2007. None was filed.

27. We have reviewed Midwest ISO's compliance filing and find that Midwest ISO has complied with the February 14 Order. We will, therefore, accept Midwest ISO's Third Revised Tariff Sheet No. 284 with an effective date of January 30, 2005, the effective date designated in the January 28 Order.

The Commission orders:

(A) Midwest ISO is hereby ordered to make refunds within 30 days of the date of issuance of this order and to file a refund report with the Commission within 15 days thereafter, as discussed in the body of this order.

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[24] *Midwest Indep. Transmission Sys. Operator, Inc.*, 107 FERC ¶ 61,191 (2004) (accepting and suspending tariff sheets pertaining to Module C); *Midwest Indep. Transmission Sys. Operator, Inc.*, 110 FERC ¶ 61,289 (2005) (accepting edits intended to reduce administrative burden and eliminate redundant filings); *Midwest Indep. Transmission Sys. Operator, Inc.*, 111 FERC ¶ 61,335 (2005) (letter order accepting revisions to reflect a change in the start of financially binding market operations from March 1, 2005 to April 1, 2005).

(B) Midwest ISO's compliance filing is hereby accepted, as discussed in the body of this order.

By the Commission. Commissioner Moeller not participating.

(S E A L)

Kimberly D. Bose,
Secretary.