

121 FERC ¶ 61,097
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

ISO New England Inc.

Docket No. ER07-1289-000

ORDER CONDITIONALLY ACCEPTING TARIFF REVISIONS

(Issued October 29, 2007)

1. On August 16, 2007, ISO New England Inc. (ISO-NE), Maine Electric Power Company, Inc. (MEPCO), and the Participating Transmission Owners Administrative Committee on behalf of the Participating Transmission Owners (collectively Filing Parties) filed, pursuant to section 205 of the Federal Power Act (FPA)¹ and Part 35 of the Commissions regulations,² proposed revisions to the ISO-NE Open Access Transmission Tariff (OATT) and the MEPCO Transmission Operating Agreement (TOA). The proposed revisions accommodate the physical change in the New England Transmission System that will result from the addition and operation of the North East Reliability Interconnection (NRI). This order conditionally accepts the proposed revisions for filing, as modified, effective November 1, 2007.

I. Background

2. MEPCO has a 345 kV alternating current (AC) transmission line connected to Central Maine Power Company at the Maine Yankee Substation in Wiscasset, Maine and at the Maxcy Substation in Windsor, Maine, and is also connected to Bangor Hydro-Electric Company at Orrington, Maine and at its northern end (at the Canadian border at Orient Maine) to a similar line owned by New Brunswick Power. MEPCO currently offers point-to-point service in support of external transactions crossing the border between Maine and Canada and for internal transactions within the United States.

¹ 16 U.S.C. § 824d (2000).

² 18 C.F.R. Part 35 (2007).

3. MEPCO is currently the only tie between the New England Control Area and eastern Canada. However, the NRI, a second tie that will connect the Orrington Substation in Maine with New Brunswick, is scheduled to be placed in service on November 1, 2007. Unlike MEPCO's line, the NRI has been classified as pool transmission facilities (PTF) and ISO-NE will be able to provide regional transmission service via the ISO-NE OATT. This means that, absent the revisions proposed in the instant filing, the two parallel lines would be administered with different types of transmission service, with the MEPCO line being administered as providing point-to-point service, and the NRI being administered as providing regional transmission service.

II. Overview of the Filing

4. The proposed revisions (August 16 Filing or Roll-In Proposal) are intended to accommodate the change in New England's transmission system that will result from the addition and operation of the NRI. The Filing Parties contend that the operation and administration of transmission service over these two parallel external ties associated with a single external interface is complex, and that the two types of transmission service place certain competing and conflicting requirements upon the scheduling and curtailment of an external transaction that is associated with the external interface and could cause the interface to be under-utilized.

5. The Roll-in Proposal deletes Schedule 20B of the ISO-NE OATT, under which firm and non-firm point-to-point transmission service over the MEPCO transmission facilities are currently provided.³ Schedule 20B will be replaced with regional transmission service, which is provided under Parts II.B and II.C of the ISO-NE OATT. This will discontinue the existing point-to-point reservation-based charges for MEPCO transmission service, the advance reservation requirement and terminate all existing non-firm Transmission Service Agreements (TSAs).

6. The Roll-in Proposal also terminates all long-term firm internal point-to-point TSAs. The Filing Parties state that this is appropriate because the utilization of PTF is accommodated as regional transmission service, and as such, resources that may utilize those facilities are scheduled and dispatched based on economics; hence there are no provisions for or need to accommodate internal point-to-point service under the ISO-NE OATT.

7. The Filing Parties state that the Roll-in Proposal maintains the same level of access to the MEPCO transmission facilities that MEPCO's transmission customers currently have under Schedule 20B, incorporates the MEPCO transmission facilities' revenue requirements into the regional transmission service rates (thereby eliminating the need for transmission customers to separately acquire and pay for both MEPCO's point-

³ August 16 Filing at 12.

to-point service and regional transmission service), and eliminates the advance reservation requirement associated with the New England/eastern Canada interface.

8. The Roll-In Proposal provides customers that presently have long-term external firm point-to-point TSA's with the option to terminate their agreements, or select grandfathered treatment and become a MEPCO Grandfathered Transmission Service Agreement (Grandfathered TSA).⁴ The Roll-In Proposal requires that existing customers eligible to elect grandfathered treatment make their written election by September 1, 2007. Under the Roll-In Proposal, Transmission Customers electing to grandfather their existing TSAs will be subject to the scheduling and curtailment provisions of the current ISO-NE OATT. The Filing Parties state that Grandfathered TSAs will be treated, with one exception, in the same way that the ISO-NE OATT treats Excepted Transactions over other external ties. The exception is that Grandfathered TSAs will not be allowed to convert their TSAs to auction revenue rights. The Filing Parties explain that this exception is appropriate because TSAs over MEPCO transmission facilities were entered into post-Order No. 888 and are solely for the use of MEPCO transmission facilities and do not carry a requirement to serve native load.

9. The Filing Parties request that the Commission accept the proposed changes, without modifications, to become effective on or after November 1, 2007.

III. Notice of Filings, Interventions, and Protests

10. Notice of the Filing Parties' filing was published in the *Federal Register*, 72 Fed. Reg. 49,708 (2007), with protests and interventions due on or before September 6, 2007. Northeast Utilities Service Company (on behalf of the NU Companies); Bangor Hydro-Electric Company; and New England Power Pool Participants Committee filed motions to intervene. On August 27, 2007, PPL Companies⁵ filed a motion to extend the deadline for grandfathering election and for a shortened response period. On August 29, 2007, ISO-NE and MEPCO filed an Answer to PPL Companies' motion. On September 6, 2007, PPL Companies and Casco Bay Energy Company, LLC (Casco Bay) filed interventions and protests. Filing Parties filed an answer to the protests of PPL Companies and Casco Bay. PPL Companies and Casco Bay responded with answers to Filing Parties' answer.

⁴ *Id.* at 13.

⁵ PPL EnergyPlus, LLC; PPL Maine, LLC; PPL Great Works, LLC; and PPL Wallingford Energy, LLC.

A. PPL Companies' Protest

11. In their protest, PPL Companies contend that the Filing Parties failed to demonstrate that their proposal is just and reasonable, and failed to protect the rights of existing holders of long-term firm transmission rights over the MEPCO line. They argue that the Roll-In Proposal will violate the Commission's policy of protecting parties whose contractual rights will be altered by market rule changes.⁶

12. PPL Companies argue that the Roll-In Proposal constitutes an impermissible regulatory taking. They contend that, if the proposal is approved as proposed, PPL EnergyPlus will be prevented from retaining the full use of its existing rights on the MEPCO facilities, thus "taking" the opportunity to use the rights secured as part of its 1999 Asset Purchase Agreement.⁷ PPL Companies argue that the Filing Parties should be required to protect the value of pre-existing rights either through a financial payment or through meaningful grandfathering protection. In addition, PPL Companies contend that the MEPCO line need not be rolled in. They state that while it may be complex to operate the interface with two sets of facilities operated differently (one providing regional transmission service and one providing point-to-point service), it would not be impossible to do so.

13. PPL Companies argue that the rights of existing customers will be diminished; they contend that the proposal's grandfathering provisions provide grandfathered entities scheduling priority for fixed transactions but not for dispatchable transactions (bids submitted after noon on the day of flow). PPL Companies contend that PPL EnergyPlus historically has used its rights to flow scheduled power on a dispatchable basis, and the Filing Parties have provided no justification for not providing scheduling priority for dispatchable transactions. They further contend that grandfathering treatment contained in the Roll-In Proposal is not similar to the treatment provided to grandfathered customers elsewhere, noting that grandfathered customers on the New York-Alternating Current interface were afforded the opportunity to convert their pre-existing rights into auction revenue rights.

14. PPL Companies object to the Filing Parties' proposed curtailment rules which provide for, in certain situations such as a limited transfer capability on the New England/New Brunswick interface, for curtailment transactions based on "economics first, transmission priority second and then time stamp third."⁸ As a result, in the event there is congestion, entities with pre-existing physical transmission rights will be

⁶ PPL Companies Protest at 15.

⁷ *Id.* at 18.

⁸ *Id.* at 24 (citing Kay Testimony at 13-8-9).

adversely affected because they will only have scheduling priority over bids of equal economics; dispatchable transactions will have no priority. PPL Companies argue that the Commission should protect those existing rights holders that hold physical transmission rights on the MEPCO facilities.⁹

15. PPL Companies argue that the Filing Parties may improperly eliminate the existing ability to deliver capacity for sale to Orrington, Maine. PPL Companies state that PPL EnergyPlus' current TSA provides for delivery at Orrington. They contend that ISO-NE informed them by telephone that this power may be required to be delivered to Maxcy.

16. PPL Companies also contend that the Roll-In Proposal is inconsistent with Order No. 890 because it limits the price at which grandfathered pre-existing transmission rights holders can reassign their transmission rights.¹⁰ They argue that Order No. 890 allows reassignment of transmission capacity to third parties at market-based rates. PPL Companies further argue that the Roll-In Proposal's 30-day notice provision for reassignments also is inconsistent with Order No. 890, which contains no such lengthy notice requirement for reassignments. Finally, they contend that the need for the transmission owner's written permission is not consistent with Order No. 890.

17. PPL Companies ask the Commission to reject the proposed September 1, 2007 election date for grandfathered treatment and extend the election deadline to ten business days after the Commission issues its decision defining the nature, terms and extent of the transmission rights that would be grandfathered. PPL Companies explains that parties should not be forced to make elections without being fully aware of the benefits and burdens of such elections.

18. Accordingly, PPL Companies request the Commission to preserve pre-existing transmission rights holders' rights by permitting such rights holders to: (1) receive scheduling priority for dispatchable transactions, (2) receive scheduling priority despite economic considerations, (3) resell grandfathered capacity at prices permitted by Order 890, (4) continue to deliver to ISO-NE PTF at Orrington, Maine, and (5) extend the deadline for electing grandfathered treatment to ten business days after the Commission issues its decision. PPL Companies request, if the Filing Parties' proposal is not modified to adequately protect the rights held by pre-existing rights holders as described above, that the Commission direct the Filing Parties to provide compensation to pre-

⁹ *Id.* at 25.

¹⁰ *Id.* at 27 (citing *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 Fed. Reg. 12,266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007)).

existing rights holders for the diminution of the value of their assets, either in the form of a cash payment or Installed Capacity Credits.

B. Casco Bay's Protest

19. Casco Bay opposes the Roll-In Proposal because the proposal provides the option for all other firm point-to-point transmission customers to grandfather their existing services provided under Schedule 20B, but does not offer Casco Bay a comparable option. Casco Bay argues that this is unduly discriminatory, and that the Filing Parties have failed to provide any reasonable basis for distinguishing Casco Bay from other firm customers. Casco Bay contends that the Roll-In Proposal effectively terminates Casco Bay's 25-year, 500 MW transmission service agreement with MEPCO (Casco Bay TSA), with no compensation provided to Casco Bay; Casco Bay explains that the Casco Bay TSA has provided benefits to Casco Bay in the form of a hedge against congestion, and also, because MEPCO uses system average losses instead of marginal losses, the Casco Bay TSA served as a hedge against marginal losses over the delivery path.

20. Accordingly, Casco Bay requests the Commission to: (1) condition the acceptance of the Roll-In Proposal on ISO-NE granting firm transmission rights for energy and for capacity transmission rights to Casco Bay in exchange for continuing payments of the charges prescribed by its contract, (2) reject the Roll-In Proposal outright, or (3) accept and suspend the Roll-in Proposal for a maximum suspension period of five months, and make it effective subject to refund and to the outcome of hearing and settlement judge procedures.

C. Filing Parties' Answer

21. The Filing Parties argue that the rights a customer obtains by electing grandfathered treatment once the NRI commences commercial operation will be equal to or superior to its existing rights, that most scheduling and curtailment rights will remain unchanged, and that those changes that the MEPCO transmission customers will experience are just and reasonable, as they are based on the current provisions of the ISO-NE OATT. The Filing Parties explain that MEPCO's customers electing grandfathered treatment will be treated the same as transmission customers with excepted transactions over other PTF external interfaces, such as the New York-Alternating Current interface, where no advance reservations are required. The Filing Parties state that the Roll-In Proposal would grandfather MEPCO's customers in the same manner as those grandfathered over the New York-Alternating Current interface with one exception regarding the issue of auction revenue rights, which the PPL Protest does not request.

22. The Filing Parties explain that the conversion of MEPCO facilities to PTF is necessary and appropriate because existing rules cannot be maintained simultaneously with the rules that will govern service over the NRI once it becomes commercially operational. The Filing Parties explain that any diminution in the value of PPL

Companies' rights stems from the development of the NRI itself, not from the grandfathering of rights. The Filing Parties state that because the MEPCO transmission facilities and the NRI are part of the same external interface, *e.g.*, New England/eastern Canada, they cannot be separated or individually controlled. The Filing Parties further explain that, even if it were possible to separate them, NRI transmission customers would still need to have some form of MEPCO transmission service to support their internal use of the path over MEPCO's line.

23. The Filing Parties reject PPL Companies' contention that Order No. 890 requires the elimination from the Roll-In Proposal of the resale price cap, the 30-day notice requirement and the written permission requirement. The Filing Parties explain that, if the Commission requires the Roll-In Proposal to include the Order No. 890 requirement to lift the price cap on reassignments, then the Roll-in Proposal should also be required to include the provision that rollover rights apply only to agreements with a five-year term.

24. The Filing Parties also ask that the Commission reject PPL Companies' protest of the September 1, 2007 election date for grandfathering treatment. The Filing Parties explain that the September 1 election deadline does not violate the Commission's 60-day prior notice and filing requirement because the operative provisions are contained in the tariff sheets, for which the requested effective date is 60 days from the date of filing. The Filing Parties also dispute PPL Companies' argument that it cannot make its election because it is not fully aware of the benefits and burdens it would be electing, contending that the Roll-In Proposal clearly specifies the full scope of transmission rights to be grandfathered. Finally, the Filing Parties explain that PPL Companies' request to delay the election deadline until ten days after the Commission issues its order is unworkable because it would not provide sufficient time to enter information necessary for real-time market operations.

25. The Filing Parties dispute Casco Bay's contention that the Roll-In Proposal will eliminate its rights to hedge against congestion and marginal losses. The Filing Parties explain that the Casco Bay TSA does not provide any special protection against congestion or marginal loss charges on the MEPCO system or otherwise in ISO-NE's markets, and that Schedule 20B does not assess congestion charges in connection with transmission service.

26. The Filing Parties ask the Commission to reject the relief requested by Casco Bay. The Filing Parties state that Casco Bay is not being deprived of anything except the requirement to pay \$800,000 under the Casco Bay TSA. The Filing Parties contend that Casco Bay's request for firm transmission rights or capacity transmission rights is inappropriate because there are no firm transmission rights issued over the MEPCO transmission system. With respect to capacity transmission rights, the Filing Parties contend that allocation of capacity transmission rights would be inappropriate because the purpose of the MEPCO upgrades funded by Casco Bay was to keep MEPCO whole

from any impacts Casco Bay would cause through its interconnection to PTF, not to increase MEPCO's transfer capability.

IV. Discussion

A. Procedural Matters

27. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2007), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

28. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2)(2007), prohibits answers to protests unless otherwise ordered by the decisional authority. We will accept the answers filed in this proceeding because they provided information that assisted us in our decision-making process.

B. Commission Determination

29. The Commission conditionally accepts the proposed revisions filed by ISO-NE and MEPCO, with certain modifications, as discussed below. We find that the modifications contained in the Roll-In Proposal will accommodate the addition and operation of the NRI and conclude that it is just and reasonable to operate these two parallel external ties associated with a single external interface using a single type of transmission service. Without the proposed revisions, the existence of the two parallel transmission lines would result in competing and conflicting requirements with regard to scheduling and curtailing transactions.

30. Under the proposal, PPL Companies may elect to take service under the current ISO-NE OATT, which the Commission has already accepted as just and reasonable. Alternatively, PPL Companies may select grandfathered treatment. This grandfathering election provides for the preservation of all of an existing rights holder's rights, with the one exception that existing rights holders will become subject to curtailment on an economic basis. This exception must be made because curtailment for an isolated section of the MEPCO line will not be possible once the NRI is commercially operational. This ensures that all ISO-NE customers that will utilize the MEPCO and NRI lines will be subject to the same curtailment provisions.

31. The Commission denies PPL Companies' request to receive scheduling priority for dispatchable transactions. The current MEPCO tariff does not identify a scheduling priority for such transactions, and no such provision is provided for in Schedule 20B, the ISO-NE OATT, or ISO-NE Manuals. Any priority realized as a result of advanced reservations for real-time transactions under the MEPCO tariff can be accomplished under the current scheduling provisions of the ISO-NE OATT by submitting bids for capacity into the real-time market by noon the day before the operating date.

32. In addition, we do not agree with PPL Companies that accepting the Roll-In Proposal would constitute a regulatory taking. In this order, we are accepting the Roll-In Proposal as just and reasonable, and a just and reasonable rate, term or condition of service has been deemed by both the Commission and the courts to be non-confiscatory.¹¹ Furthermore, we add, the Roll-In Proposal is necessary to accommodate the physical changes in the New England transmission system that will result from the addition of the NRI.

33. PPL Companies argue that grandfathered customers are not being treated in the same manner as grandfathered customers elsewhere, noting that grandfathered customers on the New York Alternating Current interface were afforded the opportunity to convert their pre-existing rights into auction revenue rights. However, if PPL Companies elect grandfathered treatment, they will continue to pay the associated MEPCO transmission charge until the agreement is terminated, and, therefore, will not be a congestion-paying load-serving entity, a requirement necessary to be eligible to receive auction revenue rights.

34. We also disagree that the Roll-In Proposal will eliminate the ability of the PPL Companies to deliver capacity at Orrington, Maine. As ISO-NE explains, under the Roll-In Proposal, the entire MEPCO transmission path will become PTF. PPL Companies will continue to be able to deliver to PTF (which will include Orrington) under the regional network service provisions. In addition, PPL Companies refer to no provision in the August 16 Filing to support their contention, and concede that their concerns are based on a telephone call between PPL Companies and ISO-NE.¹² Absent a more specific challenge to the Roll-In Proposal itself, we decline to find that the Roll-In Proposal is

¹¹ See *Midwest Independent Transmission System Operator*, 109 FERC ¶ 61,157 at P 142-43 (2004); see also, e.g., *FPC v. Texaco Inc.*, 417 U.S. 380 (1974) ("All that is protected against, in a constitutional sense, is that the rates being fixed by the Commission be higher than a confiscatory level."); *Permian Basin Area Rate Cases*, 390 U.S. 747, 770 (1968) ("Any rate selected by the Commission from the broad zone of reasonableness permitted by the [Natural Gas] Act cannot properly be attacked as confiscatory."); *FPC v. Hope Natural Gas Co.*, 320 U.S. 591, 600-01 (1944) ("The fixing of prices, like other applications of the police power, may reduce the value of the property which is being regulated. But the fact that the value is reduced does not mean that the regulation is invalid."); *Southern Company Services, Inc.*, 57 FERC ¶ 61,093 (1991) ("The Commission's action in this proceeding - ensuring that ratepayers are not charged an excessive, unjust and unreasonable rate - is not an unconstitutional taking, even though it may produce a rate less than the rate [commenters] would like to charge.")

¹² PPL Companies Protest at 26.

unjust or unreasonable based on PPL Companies' concerns about their ability to deliver capacity to Orrington.

35. PPL Companies further argue that the Roll-In Proposal violates Order No. 890 by limiting the price at which grandfathered pre-existing rights holders may reassign their transmission rights, requiring 30-day notice for reassignments, and requiring the transmission owner's written permission in order to effectuate reassignment. All parties electing grandfathered treatment who currently take transmission service under Schedule 20B will continue to be subject to the terms and conditions of Schedule 20B, except as modified for provisions regarding scheduling and curtailment, which will be provided for pursuant to the ISO-NE OATT. Customers electing grandfathered treatment will continue to receive point-to-point service under Schedule 20B until expiration of their existing agreements, and ISO-NE will be required to make the requisite Order No. 890 filings to modify its OATT under which transmission service for all existing customers is currently provided. Therefore, ISO-NE should not delete Schedule 20B in its entirety, and we direct ISO-NE to modify Schedule 20B in compliance with the provisions of Order No. 890.

36. We deny the Filing Parties' 30-day prior notice requirement for reassignments. Order No. 890 does not permit a transmission provider to impose a 30-day delay in approving customer reassignments. Order No. 890 requires only that a service agreement for reassignment be entered "prior to the date on which reassigned service commences."¹³ We therefore will reject the requirement that parties electing grandfathered treatment obtain written permission from MEPCO in order to reassign their transmission rights. Order No. 890 does not require written permission from the transmission provider in order to make effective a reassignment. Pursuant to Order No. 890, parties electing grandfathered treatment will merely be required to execute a service agreement with the transmission provider that governs the provision of reassigned service. This service agreement must be executed prior to the date on which the reassigned service commences.¹⁴

37. We reject the Filing Parties' proposal that preserves the existing price cap for reassignments by grandfathered right holders. Order No. 890 allows the reassignment of transmission capacity to third parties at market-based rates. The Filing Parties also claim that PPL Companies should not be able to request that the Commission enforce only Order No. 890 provisions that benefit PPL Companies without requiring other provisions that may be detrimental to PPL Companies' position (*i.e.*, a five-year term for rollover rights). As noted above, we will require ISO-NE to comply with all Order No. 890

¹³ Order No. 890 at P 16.

¹⁴ *Id.* at P 816.

requirements that affect the MEPCO tariff provisions applicable to grandfathered agreements.

38. PPL Companies argue that they should not have to elect grandfathered treatment until ten business days after the Commission issues its decision. We agree with PPL Companies. It is unfair to MEPCO's customers to ask them to make such elections before they can fully understand the benefits and burdens of such elections, *i.e.* before Commission action on the Roll-In Proposal. While the Filing Parties point out that the Roll-In Proposal specifies the scope of the transmission rights to be grandfathered, we note that MEPCO's customers have no way of knowing what modifications, if any, will be made to the proposal by the Commission. Accordingly, Filing Parties are directed to modify their proposal to change the date for electing grandfathered treatment to ten business days after the date of issuance of this order.

39. We agree with Casco Bay's argument that the failure of Filing Parties to provide to Casco Bay an option comparable to the grandfathering option provided to all of MEPCO's other long-term firm point-to-point transmission customers is unduly discriminatory, and that the Filing Parties have failed to provide a reasonable basis for distinguishing Casco Bay from MEPCO's other long-term firm point-to-point transmission customers. The Filing Parties have not provided a reasonable explanation why MEPCO's internal long-term firm point-to-point transmission customer should not be provided with an option to grandfather its TSA. We reject the Filing Parties' argument that it need not preserve Casco Bay's TSA because "there are no provisions for or need to accommodate internal regional Point-to-Point Service under the ISO-NE [Tariff]"¹⁵ We note that there is such a provision to accommodate internal regional point-to-point Service; Casco Bay's current long-term firm point-to-point transmission service is being provided under Schedule 20B, an accepted provision of the ISO-NE OATT .

40. Casco Bay further argues that absent a grandfathering option, it will lose the benefit of having a hedge against congestion and marginal losses, a bargained-for benefit provided by Casco Bay's TSA. Casco Bay explains that in exchange for its annual payment of \$800,000, it receives a benefit in the form of a valuable hedge against congestion and marginal losses, and that the Roll-In Proposal will deprive Casco Bay of this hedge. We reject the Filing Parties' argument that the Roll-In Proposal will not deprive Casco Bay of such benefits because (1) the terms of the Casco Bay TSA provide Casco Bay no special protection against congestion or marginal loss charges on the New England PTF or market systems, and (2) Schedule 20B, containing the existing tariff provisions for MEPCO transmission service, does not assess congestion charges in connection with transmission service on the MEPCO system from which Casco Bay

¹⁵ August 16 Filing at 12-13.

could be shielded pursuant to the Casco Bay TSA.¹⁶ We note that Casco Bay will become subject to congestion charges post Roll-In, if it is not provided with a grandfathering option.

41. Accordingly, we order the Filing Parties to provide Casco Bay a grandfathering option that will preserve all of Casco Bay's existing rights, with the exception that it will become subject to the same scheduling and curtailment provisions as other grandfathered agreements.

42. Lastly, there is an inconsistency among the revised tariff sheets submitted by Filing Parties. Several of the tariff sheets state that they will become effective "with notice, on or before November 1, 2007," while others state that they will become effective "with notice, on or after November 1, 2007." Filing Parties are directed to file revised tariff sheets to state that they will become effective on November 1, 2007.

The Commission orders:

(A) The Filing Parties' filing is hereby conditionally accepted, as modified, as discussed in the body of this order.

(B) The Filing Parties are hereby directed to file a compliance filing, within 30 days of the issuance of this order, with revisions as directed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Acting Deputy Secretary.

¹⁶ Filing Parties' Answer at P 30.