

125 FERC ¶ 61,219
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

November 25, 2008

In Reply Refer To:
NewCorp Resources Electric
Cooperative, Inc.
Docket No. OA08-87-000

Mr. Ronald W. Lyon, Esq.
Vice President & General Counsel
Cap Rock Energy Corporation
115 S. Travis
Sherman, TX 75090

Mr. David S. Berman, Esq.
Mr. Douglas O. Waikart, Esq.
Wright & Talisman, P.C.
1200 G Street, N.W.
Suite 600
Washington, DC 20005

Reference: Order No. 890-A Compliance Filing and Requested Waiver

Dear Messrs. Lyon, Berman, and Waikart:

1. On March 17, 2008, NewCorp Resources Electric Cooperative, Inc. (NewCorp) submitted revised tariff sheets to its Open Access Transmission Tariff (OATT) to comply with Order No. 890-A.¹ In this filing, NewCorp requested certain waivers of Order No. 890-A as described below. In accordance with Order No. 890-A, NewCorp requests an effective date of March 17, 2008.

¹ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats & Regs. ¶ 31,241 (2007), *order on rehearing*, Order No. 890-A, FERC Stats & Regs. ¶ 31,261 (2007), *order on rehearing*, Order 890-B, 123 FERC ¶ 61,299 (2008).

2. NewCorp specifically requests waiver of the requirement that it post certain information on an Open Access Same-Time Information System (OASIS) required in Order No. 889² or make clarifying changes to its OASIS posting requirements. NewCorp further requests waiver of the requirement to modify Schedule 9 Generator Imbalance Service or modify the charges related to this service.³ Finally, NewCorp requests waiver of the requirement to make revisions related to the calculation of Available Transfer Capability (ATC) under Attachment C to its OATT.

3. New Corp notes that in an order issued on March 5, 2008 acting on NewCorp's compliance filing with Order No. 890, the Commission granted NewCorp's request for waiver to maintain an OASIS.⁴ The March 5 Order also granted waiver of the requirement that NewCorp incorporate Schedule 9 Generator Imbalance Service into its tariff, and waiver of the requirement to develop and include, as Attachment C to its OATT, revised provisions for the calculation of ATC.⁵

4. Notice of the filing was published in the *Federal Register*, 73 Fed. Reg. 16,001 (2008), with interventions, protests, and comments due on or before April 7, 2008. No protests or comments were received.

5. Upon review, the Commission accepts the revised tariff sheets, effective March 17, 2008 as requested, and finds that they bring the NewCorp OATT into compliance with the Order No. 890-A *pro forma* OATT. In the March 5 Order, the Commission granted NewCorp a waiver of the requirement that it maintain an OASIS.⁶ Also upon determining that NewCorp is not a balancing authority and as such, provisions designed to determine charges for both energy and generator imbalances are inapplicable to NewCorp, the Commission granted the requested waiver of the requirement to

² *Open Access Same-Time Information System and Standards of Conduct*, Order No. 889, FERC Stats. & Regs. ¶ 31,035 (1996), *order on reh'g*, Order No. 889-A, FERC Stats & Regs. ¶ 31,049, *reh'g denied*, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

³ Schedule 9 establishes charges and penalties to be assessed when a difference occurs between the output of a generator located in the transmission provider's balancing authority/control area and that generator's delivery schedule.

⁴ *NewCorp Resources Electric Cooperative, Inc.* 122 FERC ¶ 61,201, at P 16 (2008) (March 5 Order). NewCorp notes that it was first granted waiver of these provisions in *Northern States Power Company*, 76 FERC ¶ 61,250 (1996).

⁵ *Id.* P 19.

⁶ *Id.* P 16.

incorporate Schedule 9 into its tariff.⁷ Additionally, because NewCorp has no generators interconnected to its transmission system to take transmission service (save that of its own parent Capital Rock Energy Corporation), the March 5 Order granted NewCorp a waiver of the requirement that it provide detailed calculations for ATC.⁸ In light of the facts presented, we find that it is appropriate that these waivers, detailed *supra*, which were previously granted in the March 5 Order, shall continue.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

⁷ *Id.* P 19.

⁸ *Id.*