

130 FERC ¶ 61,072
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

January 28, 2010

In Reply Refer To:
East Kentucky Power Cooperative, Inc.
Docket No. NJ08-4-002

Jennings, Strouss & Salmon, PLC
1700 Pennsylvania Ave., NW - Suite 500
Washington, DC 20006-4725

Attention: Alan I. Robbins, Counsel to East Kentucky Power Cooperative, Inc.

Reference: Compliance Filing

Dear Mr. Robbins:

1. On August 14, 2009, East Kentucky Power Cooperative, Inc. (East Kentucky), an electric generation and transmission cooperative, and not a public utility by virtue of section 201(f) of the Federal Power Act,¹ submitted revisions to its Attachment M Transmission Planning Process (Attachment M) to its reciprocity Open Access Transmission Tariff (OATT) in response to the Commission's June 18 Order conditionally granting East Kentucky's petition for declaratory order.² Attachment M to the East Kentucky OATT describes the coordinated and regional planning processes that are intended to comply with the Commission's Order No. 890.³

¹ 16 U.S.C. § 824(f) (2006).

² *East Kentucky Power Coop., Inc.*, 127 FERC ¶ 61,280 (2009) (June 18 Order).

³ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299, (2008) *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009), *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

2. Notice of the filing was published in the *Federal Register*, 74 FR 46194 (2009), with interventions and protests due on or before September 4, 2009. None was filed.

3. In the June 18 Order, the Commission stated that requiring stakeholders to file Confidential Energy Infrastructure Information (CEII) requests with the Commission to receive the CEII-protected version of Form 715 as a condition to receiving such information from East Kentucky (Form 715 Requirement) is unnecessarily burdensome and restrictive in the context of the transmission planning process, as it relates to CEII or non-CEII confidential information.⁴ The Commission further stated that, if East Kentucky wishes its OATT to continue to be an acceptable reciprocity tariff, it should submit a filing to modify the relevant OATT provisions to remove any Form 715 Requirement.⁵

4. In its compliance filing, East Kentucky removes the Form 715 Requirement from its Attachment M.

5. We find that East Kentucky has satisfied the Commission's concerns with respect to the Form 715 Requirement raised in the June 18 Order and that East Kentucky's OATT continues to be an acceptable reciprocity tariff with respect to the transmission planning requirements of Order No. 890.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁴ June 18 Order, 127 FERC ¶ 61,280 at P 20.

⁵ *Id.* P 25.