

130 FERC ¶ 61,224  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

March 18, 2010

In Reply Refer To:  
Southwestern Power Administration  
Docket No. NJ08-3-002

Southwestern Power Administration  
Attn: Laurence J. Yadon, II, Esq.  
General Counsel  
One West Third Street, Suite 1668  
Tulsa, OK 74103

Dear Mr. Yadon:

1. On July 6, 2009, Southwestern Power Administration (Southwestern), a federal power marketing administration within the United States Department of Energy, submitted revisions to its Attachment O, Transmission Planning Process, to its reciprocity Open Access Transmission Tariff (OATT) in response to the Commission's May 21 order conditionally granting Southwestern's petition for declaratory order.<sup>1</sup>
2. Notice of the filing was published in the *Federal Register*, 74 Fed. Reg. 34,746 (2009), with interventions and protests due on or before July 27, 2009. None were filed.
3. In the May 21 Order, the Commission stated that Southwestern needed to revise its proposed Attachment O to: (1) include third-party developers of transmission resources in the definition of stakeholder;<sup>2</sup> (2) permit sponsors of all types of resources, including transmission, generation, and demand resources, to propose alternative solutions for system needs that are identified in assessments performed by Southwestern;<sup>3</sup> and

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<sup>1</sup> *Southwestern Power Admin.*, 127 FERC ¶ 61,173 (2009) (May 21 Order).

<sup>2</sup> May 21 Order, 127 FERC ¶ 61,173 at P 16, 40.

<sup>3</sup> *Id.* P 27.

(3) identify how it will assess and select from competing alternative solutions in a manner such that all types of resources are considered comparably.<sup>4</sup>

4. In its compliance filing, Southwestern adds transmission resources to the definition of stakeholder in Sections 3.2 and 4.2 of Attachment O. In addition, Attachment O permits all stakeholders to propose alternative solutions and now defines stakeholders to include sponsors of transmission, generation, and demand resources. Southwestern also adds language in Section 3.4.4 that clarifies how Southwestern will choose among competing solutions.

5. We find that Southwestern has satisfied the Commission's concerns raised in the May 21 Order and that Southwestern's OATT continues to be an acceptable reciprocity tariff with respect to the transmission planning requirements of Order No. 890.<sup>5</sup>

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>4</sup> *Id.*

<sup>5</sup> Southwestern must amend its tariff in response to the remaining requirements of Order No. 890 if it wishes to continue to qualify for safe harbor treatment. Until Southwestern has amended its tariff in such a manner, it does not qualify for safe harbor treatment.