

131 FERC ¶ 61,176
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Marc Spitzer, Philip D. Moeller,
and John R. Norris.

Montana Alberta Tie Ltd.
MATL LLP

Docket No. ER10-981-000

ORDER GRANTING MOTION TO HOLD PROCEEDINGS IN
ABEYANCE ON EXPEDITED BASIS

(Issued May 26, 2010)

1. In this order, the Commission grants an unopposed motion by Montana Alberta Tie Ltd. and its wholly-owned subsidiary MATL LLP (collectively “MATL”) to: (1) hold this proceeding in abeyance, (2) waive the filing of answers to this motion, and (3) decide on its motion on or before May 26, 2010, to allow the parties to continue their ongoing informal settlement discussions.

Background

2. This matter began on March 31, 2010, when MATL, pursuant to section 205 of the Federal Power Act (FPA),¹ filed proposed revisions to the MATL, FERC Electric Tariff, Second Revised Volume No. 1. MATL proposed to revise its Large Generation Interconnection Procedures, Large Generator Interconnection Agreement, and Small Generator Interconnection Agreement to remove provisions requiring it to reimburse interconnection customers for network upgrade costs and to clarify that it would not provide Network Resource Interconnection Service or Network Integration Transmission Service. MATL requested that the Commission accept its proposed amendments, effective April 1, 2010.

3. In response to this proposal, protests were filed by Invenergy Wind Development, LLC, NaturEner USA, LLC (NaturEner) and by NorthWestern Corporation (NorthWestern). Absent a Commission order, the statutory date for MATL’s tariff filing to become effective would be May 28, 2010.

¹ 16 U.S.C. § 824d (2006).

4. On May 24, 2010, MATL filed an unopposed motion requesting that the Commission hold this proceeding in abeyance, so that the parties can reach agreement on a settlement resolving their differences. MATL adds that it has entered into informal settlement discussions with NaturEner to resolve the issues raised in the NaturEner Protest. According to MATL, granting its motion will enable all parties to devote their resources to pursuing settlement with the expectation that the settlement process will eliminate the need to pursue litigation.

5. MATL also states that, on or before July 21, 2010, it will update the Commission on the status of the settlement discussions, including whether the parties were successful in reaching settlement or whether additional time for settlement discussions is required. MATL avers that it is authorized to state that the other parties to this proceeding either support or do not oppose this motion.

Discussion

6. In the interests of allowing the parties an opportunity to resolve their differences through settlement, the Commission will grant MATL's motion and will hold these proceedings in abeyance, as requested. Based on MATL's representation that its motion is unopposed, we will take this action without first providing an opportunity for the filings of answers to this request. We will also direct MATL to file the status report that it has volunteered to file on or before July 21, 2010.

The Commission orders:

(A) MATL's motion requesting that the Commission hold this proceeding in abeyance is hereby granted, as discussed in the body of this order.

(B) The filing of answers to this motion is hereby waived, as discussed in the body of this order.

(C) MATL is hereby directed to file a status report on the progress of settlement efforts, on or before July 21, 2010, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.