

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

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

NorthWestern Corporation

Docket No. OA07-58-004

ORDER ON REHEARING

(Issued August 12, 2010)

1. NorthWestern Corporation (NorthWestern) seeks rehearing of the Commission's August 13, 2009 order in the above-captioned proceeding.¹ For the reasons discussed below, we grant rehearing.

Background

2. In the August 13 Order, the Commission found, among other things, that “in section 18.3 of its OATT [Reservation of Non-Firm Point-To-Point Transmission Service], NorthWestern failed to specify the period of time in which it will consider all requests as having been received simultaneously and to propose a method for allocating transmission capacity if sufficient capacity is not available to meet all requests submitted within that time period.”² The Commission then ordered NorthWestern to file, within 30 days, a further compliance filing that “fully satisfies these compliance requirements of Order No. 890 for adoption of a simultaneous submission window.”³

Request for Rehearing

3. NorthWestern requests rehearing to clarify whether the Commission intended to require NorthWestern to establish a simultaneous study window for non-firm service.⁴

¹ *NorthWestern Corporation*, 128 FERC ¶ 61,156 (2009) (August 13 Order).

² *Id.* P 22.

³ *Id.*

⁴ NorthWestern's Request for Rehearing at 2.

NorthWestern states that in Order No. 890-A, the Commission stated that the simultaneous study window requirement does not apply to requests for non-firm service.⁵ Accordingly, NorthWestern requests the Commission to issue an order clarifying its directive with regard to the simultaneous submission window for non-firm service.

Commission Determination

4. We grant rehearing of the August 13 Order regarding our directive that NorthWestern file a further compliance filing establishing a simultaneous study window for non-firm service. In footnote 303 of Order No. 890-A, we noted that the *pro forma* OATT contains a “no earlier than” time that applies to requests for non-firm point-to-point service, which we do not intend to trigger the requirement to establish a submittal window.⁶ Accordingly, NorthWestern is correct that Order 890-A does not require such a window for non-firm service.

The Commission orders:

Rehearing of the August 13 Order is granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁵ *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 at P 802 n.303 (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 reh’g*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

⁶ “No earlier than” refers to section 18.3 of the *pro forma* OATT, which requires transmission providers to impose limits on how early a request for non-firm service may be submitted. *Id.* Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 at P 802 n.303.