

132 FERC ¶ 61,243
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

September 17, 2010

In Reply Refer To:
Midwest Independent Transmission
System Operator, Inc.
Docket No. ER09-15-001

Midwest Independent Transmission System Operator, Inc.
505 9th Street, NW Suite 100
Washington, DC 20004

Attention: Michael L. Kessler

Reference: Compliance Filing

Dear Mr. Kessler:

1. On January 22, 2009, Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted revisions to its Open Access Transmission Energy and Operating Reserve Markets Tariff¹ (Tariff) to comply with the Commission's directives in an order issued in this proceeding on December 18, 2008.² As discussed below, the Commission will conditionally accept Midwest ISO's compliance filing and require a further compliance filing.

2. In the December 18 Order, the Commission conditionally accepted a clean-up filing submitted by Midwest ISO, in Docket No. ER09-15-000, to replace in its entirety Midwest ISO's Open Access Transmission and Energy Markets Tariff.³ Among other

¹ Midwest ISO, FERC Electric Tariff, Fourth Revised Vol. No. 1.

² *Midwest Independent Transmission System Operator, Inc.*, 125 FERC ¶ 61,321 (2008) (December 18 Order).

³ Midwest ISO, FERC Electric Tariff, Third Revised Vol. No. 1. Also in the December 18 Order, the Commission accepted additional tariff revisions filed by

(continued...)

things, the Tariff converged existing tariff provisions with those that have been revised and amended as part of the ancillary services market proceeding.⁴

3. In the December 18 Order, the Commission acknowledged the willingness of Midwest ISO and the Midwest ISO Transmission Owners to work together to resolve discrepancies in the Tariff and directed Midwest ISO to submit a compliance filing indicating the specific changes required to the Tariff to which it and the Midwest ISO Transmission Owners have agreed and the reasons for such changes.⁵

4. In addition, the Commission directed Midwest ISO to submit a compliance filing addressing other issues related to the Tariff. Specifically, the Commission directed Midwest ISO to explain the reason for its proposed revision to tariff language concerning the Business Practices Manuals. Midwest ISO's proposed revision to section 69.2.3 required self-schedules or offers for energy and contingency reserves to be submitted for capacity resources consistent with the requirements specified in sections 39 and 40 of the Tariff and in the Business Practices Manuals. The Commission noted that it had previously accepted more specific language, i.e., "Business Practices Manuals *for Resource Adequacy*."⁶

5. Last, the Commission directed Midwest ISO to correct typographical errors and/or discrepancies in Attachment Q, Schedule 18 and Attachment KK.⁷ With respect to Attachment Q (NERC Transmission Loading Relief Procedures Reference), the Commission directed Midwest ISO to correct typographical errors on Sheet No. 2891A, specifying that "WEQ-011" should replace "WEQ-001" and "012-0.1" should replace

Midwest ISO in Docket No. ER09-97-000, which reinstated language regarding inadvertent energy and its associated definition that were inadvertently deleted in the Tariff.

⁴ See, e.g., *Midwest Independent Transmission System Operator, Inc.*, 122 FERC ¶ 61,172 (2008) (conditionally accepting Midwest ISO's ancillary services market proposal).

⁵ December 18 Order, 125 FERC ¶ 61,321 at P 23. The Commission also directed Midwest ISO to submit a compliance filing within 30 days of the date of the order. On January 12, 2009, Midwest ISO filed a request for a one-day extension of time to submit its compliance filing. This request was granted.

⁶ *Id.* P 34 (emphasis in original).

⁷ *Id.* P 37, 41.

“012.0-1.” With respect to Schedule 18, the Commission directed Midwest ISO to revise the Tariff by renumbering the sheets so that there is only one sheet number 2077. With respect to Attachment KK, the Commission noted that it was listed in the Table of Contents as “Form of Service Agreement for Reliability Coordination Service” but that the Tariff contains an Attachment KK-1 with this title. The Commission also noted that Attachment KK-2 is included in the Tariff as “Form of Service Agreement Interconnected Operations and Congestion Management Service” but is not included in the Table of Contents.

6. In Midwest ISO’s January 22, 2009 compliance filing, Midwest ISO submitted revised tariff sheets as well as a list of discrepancies (Discrepancy List) that were identified by Midwest ISO and the Midwest ISO Transmission Owners as required by the December 18 Order. With respect to the Discrepancy List, Midwest ISO states that it will incorporate all such changes in the Tariff as the Commission may direct.

7. Midwest ISO proposes tariff revisions to section 69.2.3 to provide that the Self Schedules or Offers for Energy must be made consistent with requirements specified in sections 39 and 40 of the Tariff as well as in the Business Practice Manual for Resource Adequacy and the Business Practice Manual for Energy and Operating Reserves Market.

8. Midwest ISO’s proposed revisions to Sheet No. 2891 of Attachment Q include deleting the first six items, which Midwest ISO states represents old North American Energy Standards Board (NAESB) Business Practices, and adjusting the paragraph numbers of the currently effective NAESB Business Practices in the retained portion of the list. Midwest ISO states that the reference to “012-0.1” has been corrected to “012.0-1.”

9. Midwest ISO’s proposed revised tariff sheets include renumbering the two sheet numbers 2077 so that there is only one sheet number 2077 and correcting the Table of Contents to refer to Attachments KK-1, KK-2 and KK-3.

10. Notice of Midwest ISO’s January 22, 2009 filing was published in the *Federal Register*, 74 Fed. Reg. 6150 (2009), with interventions or protests due on or before February 12, 2009. None was filed.

11. The Commission will conditionally accept Midwest ISO’s compliance filing and require a further compliance filing, as discussed below. We find that Midwest ISO’s proposed tariff revisions are mostly in compliance with the Commission’s directives in the December 18 Order and we will conditionally accept them, effective January 6, 2009, as requested. As an initial matter, we note that Midwest ISO’s Discrepancy List includes some items that have been addressed in proceedings subsequent to the January 22, 2009

filing.⁸ With regard to the other discrepancies identified on the list (i.e., those not addressed in subsequent proceedings), Midwest ISO is directed to submit a compliance filing, within 30 days of the date of this order, revising its Tariff to correct the remaining discrepancies.⁹

12. We note that the discrepancies agreed upon by Midwest ISO and the Midwest ISO Transmission Owners include references to the defined term “Transmission Provider Commitment Period”¹⁰ on certain tariff sheets.¹¹ However, we note that the mere deletion of this term may leave the tariff provisions incomplete.¹² We direct Midwest ISO to submit, within 30 days of the date of this order, clear and complete revisions to the tariff provisions on these sheets.

13. With regard to the revisions that pertain to Attachment Q, we find that Midwest ISO has not complied with the Commission’s directive to correct the typographical errors found on Sheet No. 2891A. Specifically, Midwest ISO did not replace “WEQ-001” with “WEQ-011” and “012.0-1” with “012-0.1” as required by the December 18 Order.

⁸ See, e.g., *Midwest Independent Transmission System Operator, Inc.*, Docket No. ER08-634-007 (Jan. 29, 2010) (delegated letter order) (accepting tariff revisions, e.g., Midwest ISO, FERC Electric Tariff, Fourth Revised Volume No. 1, First Revised Sheet No. 80 (superseding Original Sheet No. 80)).

⁹ These discrepancies, as identified by Midwest ISO, are on tariff sheet numbers 156, 177, 149, 1198, 1354, 1355, 1364, 1372, 1423, 1438, and 2528. Additionally, Midwest ISO identifies discrepancies with respect to the definitions for Regulation Deployment Instruction, Spinning Reserve, and Supplemental Reserve.

¹⁰ *Midwest Independent Transmission System Operator, Inc.* 122 FERC ¶ 61,172 (2008) (accepting Midwest ISO’s proposed deletion of this defined term from its FERC Electric Tariff, Third Revised Vol. No. 1).

¹¹ Tariff sheets referencing “Transmission Provider Commitment Period” are found on Sheet Nos. 1168 and 2203-2207.

¹² As an example, simply deleting the term would result in the following incomplete tariff language at Original Sheet No. 2203:

The pay output shall be derived in the same way for Generation Resources, Demand Response Resources – Type II and External Asynchronous Resources for each Hour in the contiguous ~~Transmission Provider Commitment Period~~.

Accordingly, Midwest ISO is directed to submit a compliance filing, within 30 days of the date of this order, to include a revised tariff sheet correcting these typographical errors found on Sheet No. 2891A.

By direction of the Commission

Kimberly D. Bose,
Secretary.