

133 FERC ¶ 61,244  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

December 21, 2010

In Reply Refer To:  
Interstate Power and Light Company and  
ITC Midwest LLC  
Docket No. ER11-1978-000

Morgan, Lewis & Bockius LLP  
555 Eleventh St NW  
Suite 550  
Washington, DC 20004

Attention: Michael C. Griffen

Dear Mr. Griffen:

1. On November 1, 2010, Interstate Power and Light Company (IPL) and ITC Midwest LLC (together, Applicants) submitted to the Commission supplements to the Operating and Transmission Agreement among IPL, ITC Midwest LLC, and Central Iowa Power Cooperative (O&T Agreement). Applicants state that they made this filing to comply with the Commission's directive in the October 1, 2010 Order in Docket No. EL10-68-000.<sup>1</sup>

2. Notice of the submittal was published in the *Federal Register*, 75 Fed. Reg. 70,733 (2010), with interventions and comments due on or before November 22, 2010. Timely motions to intervene and comments or protests were submitted by Resale Power Group of Iowa and WPPI Energy (collectively, Resale Power Group/WPPI), Midwest Independent Transmission System Operator, Inc. and Central Iowa Power Cooperative. Central Iowa Power Cooperative also filed an answer to the protests.

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<sup>1</sup> *Resale Power Group of Iowa*, 133 FERC ¶ 61,006 (2010) (October 1, 2010 Order) (directing Applicants to file with the Commission within 30 days all appropriate changes to the O&T Agreement).

3. On December 6, 2010, Applicants submitted a letter requesting to withdraw their November 1, 2010 filing. Applicants state that prior to the filing of any interventions or comments, Commission staff advised them that the November 1, 2010 filing does not conform with the Commission's filing requirements under Order No. 714.<sup>2</sup> Applicants thus sought to withdraw their filing in order to make and submit revisions necessary to comply with Order No. 714. Applicants state that they expect to submit the new filing within thirty days.

4. On December 8, 2010, Resale Power Group/WPPI submitted a motion requesting a procedural order. Resale Power Group/WPPI state that they do not oppose Applicants' November 1, 2010 withdrawal request, but they request that the Commission require Applicants to submit a new filing no later than January 5, 2011. They also ask that the Commission instruct Applicants to include in the new filing a fully revised and restated O&T Agreement, consistent with the Commission's requirement that public utilities eliminate the use of supplements and include in their filings only effective provisions.<sup>3</sup> Finally, Resale Power Group/WPPI request that the Commission require Applicants to include in the new filing a marked version of the O&T Agreement's text that indicates the changes and deletions made since the agreement was last filed with Commission.<sup>4</sup>

5. Consistent with the Commission's requirement that public utilities eliminate the use of supplements and include in their filings only effective provisions, Applicants must submit in a new filing a fully revised and restated O&T Agreement and include a marked version of the O&T Agreement that compares it to the version of the O&T Agreement that was last filed with the Commission.<sup>5</sup> To allow them sufficient time to make the

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<sup>2</sup> *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008) (Order No. 714).

<sup>3</sup> Resale Power Group and WPPI December 8, 2010 Motion at 5 (citing Order No. 714, FERC Stats. & Regs. ¶ 21,276 at P 51, n. 37).

<sup>4</sup> *Id.* (citing 18 C.F.R. § 35.10 (2010)).

<sup>5</sup> Order No. 714, FERC Stats. & Regs. ¶ 31,276 at P 51, n.37; 18 C.F.R. § 35.10 (2010).

necessary revisions, we require Applicants to submit within 30 days of the date of this order a new filing to comply with the directives in the October 1, 2010 Order.<sup>6</sup>

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

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<sup>6</sup> Because the November 1, 2010 filing is being withdrawn, Docket No. ER11-1978-000 will be terminated. Applicant's new filing will receive a new docket, and interested persons may submit interventions and comments in response to the new filing in that docket.