

134 FERC ¶ 61,016
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.

Midwest Independent Transmission
System Operator, Inc.

Docket No. ER11-2104-000

ORDER ACCEPTING ATTACHMENT O FILING

(Issued January 11, 2011)

1. On November 12, 2010 (November 12 Filing), as supplemented December 7, 2010 (December 7 Supplement), and pursuant to section 205 of the Federal Power Act (FPA)¹ and Part 35 of the Commission's Regulations,² Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and Ameren Transmission Company of Illinois (ATXI) (together, Applicants) filed ATXI's proposed Attachment O (Attachment O-ATXI) under Midwest ISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff). The filings would establish a formula rate for ATXI to recover its transmission revenue requirement in Midwest ISO's Ameren Illinois Pricing Zone (AMIL Pricing Zone)³ for a new, approximately 28-mile transmission line from the Ameren Illinois switchyard near Baldwin, Illinois, to the state line at the Mississippi

¹ 16 U.S.C. § 824d (2006).

² 18 C.F.R. Part 35 (2010).

³ The AMIL Pricing Zone is the geographic area containing the transmission facilities of the Ameren Illinois Company (Ameren Illinois). Formerly, these transmission facilities belonged to three wholly-owned subsidiaries of Ameren Corporation (Ameren): Illinois Power Company, Central Illinois Public Service Company, and Central Illinois Light Company. On October 1, 2010, in accordance with Commission authorization in Docket No. EC10-52-000, Illinois Power Company and Central Illinois Light Company were merged with and into Central Illinois Public Service Company, as the survivor, which then changed its name to Ameren Illinois Company. *Ameren Corp.*, 131 FERC ¶ 61,240 (2010).

River (Baldwin Line). For the reasons described below, we will accept for filing Attachment O-ATXI, without suspension or hearing, to be effective January 12, 2011, sixty days after filing.

Background

2. Midwest ISO is a Commission-approved Regional Transmission Organization (RTO) that provides transmission service under the Midwest ISO Tariff on file with the Commission. Midwest ISO began commercial operations on December 15, 2001 and began providing Point-to-Point Transmission Service and Network Integration Transmission Service under the Midwest ISO Tariff on February 1, 2002.

3. ATXI, a transmission-only subsidiary of Ameren and an affiliate of Ameren Illinois, was formed in 2010 to invest in electric transmission infrastructure in Illinois and to operate as a transmission-owning member of Midwest ISO. It does not engage in wholesale or retail power sales.

4. Midwest ISO and the Midwest ISO Transmission Owners⁴ developed Attachment O to the Tariff as a formula rate template that may be used by the Midwest ISO transmission owners to calculate their transmission revenue requirements to be recovered through the Tariff. As part of the annual formula rate update process specified in Attachment O, transmission owners submit the updated formula template, based on data contained in the previous year's FERC Form No. 1, to Midwest ISO by May 1 for review. Midwest ISO reviews each formula rate template and the appropriate publicly available data, e.g., FERC Form No. 1, for accuracy and may request additional supporting data or information.

Proposed Attachment O-ATXI

5. ATXI proposes a new Attachment O-ATXI template, which reflects the Attachment O formula with some variances in data input. ATXI states that, as a new transmission owner, it has yet to file a FERC Form No. 1 from which the data can be extracted. Accordingly, ATXI seeks Commission approval of minor variations to the standard Attachment O formula template related to plant in service, capital structure and cost of debt. Specifically, ATXI requests waiver of the requirement to fill in the template using data from a FERC Form No. 1 filed with the Commission, as provided under the

⁴ The Midwest ISO Transmission Owners are a group of investor-owned transmission owners, stand-alone transmission owners, cooperatives, and municipals that own transmission facilities over which the Midwest ISO provides transmission service.

annual update process protocol for Attachment O. Instead, ATXI proposes to fill in the template using proxy FERC Form No. 1 data. ATXI states that the Commission has granted similar variances and waivers in the past.⁵

6. ATXI proposes to use \$50.96 million for its transmission plant in service for rates effective January 1, 2011, which is the amount that has been invested in construction of the Baldwin Line as of October 31, 2010. ATXI explains that, since the final, total cost of the Baldwin Line is anticipated to be approximately \$54 million, the amount that it is proposing initially to include as transmission plant in service actually understates its transmission investment. For the June 1, 2011 formula rate update, ATXI proposes to use its FERC Form No. 1 amount of approximately \$54 million for its transmission plant in service figure. The only proxy amounts that will be used will be the capital structure and cost of debt.

7. ATXI explains that it is currently in the process of acquiring the funds needed to finance its business from its parent, Ameren. ATXI states that Ameren will provide funding through a combination of debt and equity. ATXI also states that it will ultimately need \$54 million, and that Ameren will infuse approximately \$30.2 million as equity (approximately 56 percent of the project cost) and approximately \$23.8 million as debt (approximately 44 percent of the project cost).⁶ With the necessary capital in place, ATXI expects to maintain a capital structure of approximately 56 percent equity and 44 percent debt.⁷ ATXI notes that these percentages are the same as those currently used in the Attachment O template of ATXI's affiliate, Ameren Illinois. Because it is unable to strictly conform to the requirements for capital structure inputs to the Attachment O template, ATXI proposes to use a proxy capital structure and cost components of approximately 56 percent equity and 44 percent debt, based on Ameren Illinois's currently effective Attachment O.

8. ATXI states that it proposes to use the cost of debt used in Ameren Illinois's Attachment O reduced by 100 basis points (from 7.99 percent to 6.99 percent) in order to support the overall reasonableness of the proposed rate and thereby facilitate the Commission's acceptance of the proposed rate without suspension or hearing. ATXI

⁵ November 12 Filing, Transmittal Letter (Transmittal Letter) at 3 (citing *Mich. Elec. Transmission Co., LLC*, 117 FERC ¶ 61,314 (2006), *reh'g denied*, 118 FERC ¶ 61,139 (2007)).

⁶ December 7 Supplement, Ex. No. ATXI-5, Testimony of Darrell E. Hughes (Hughes Testimony) at 3.

⁷ November 12 Filing, Ex. No. ATXI-1, Testimony of Greg M. Gudeman (Gudeman Testimony) at 5.

provides testimony that compares the actual long-term debt cost of 8.875 percent for Ameren, which will be providing funding to ATXI, to the proposed 6.99 percent and concludes that the proposed 6.99 percent cost of debt is “very generous” and understates ATXI’s actual cost of debt.⁸ ATXI explains that while it will eventually have its own long-term debt, it will not have any in place at the end of 2010. Therefore, ATXI seeks approval to continue using the capital structure of Ameren Illinois and a cost of debt 100 basis points lower than used by Ameren Illinois in its Attachment O template until the annual Attachment O formula rate update that takes place on June 1, 2012, at which time ATXI will reflect its capital structure and cost of long-term debt as shown in its 2011 FERC Form No. 1.⁹

9. Apart from the variances to the Attachment O-ATXI inputs above, ATXI states it will use the 12.38 percent rate of return on equity that the Commission approved for transmission owners in the Midwest ISO in Docket No. ER02-485-000, and will use placeholders of zero for all other inputs into the formula rate template until June 1, 2011. ATXI states that it will file a FERC Form No. 1 for 2010 and will calculate a revenue requirement effective June 1, 2011, the normal date for updating revenue requirement calculations based on the standard Midwest ISO Attachment O template with the exception of the capital structure and cost of debt as discussed above.¹⁰

10. ATXI requests waiver of the Commission’s 60-day prior notice requirement set forth in section 35.3 of the Commission’s Regulations¹¹ to permit an effective date of January 1, 2011 for its proposed Attachment O-ATXI. ATXI states that waiver is appropriate since the Baldwin Line will be in service, and therefore used and useful, by December 31, 2010. In addition, ATXI states that because Midwest ISO’s billing and collection cycle is based on the calendar month, if it cannot begin recovering its revenue requirements January 1, 2011, it will have to wait until February 1, 2011, to do so. ATXI also requests waiver of the requirements in section 35.13(d) of the Commission’s Regulations¹² to the extent necessary to permit ATXI to begin recovering its transmission revenue requirement as part of the AMIL Pricing Zone.¹³

⁸ Transmittal Letter at 5; Hughes Testimony at 4.

⁹ Gudeman Testimony at 8.

¹⁰ *Id.* at 4.

¹¹ 18 C.F.R. § 35.3 (2010).

¹² 18 C.F.R. § 35.13(d) (2010).

¹³ Transmittal Letter at 6.

Notice and Responsive Filings

11. Notice of Applicants' filing was published in the *Federal Register*, 75 Fed. Reg. 71,109 (2010), with interventions or protests due on or before December 3, 2010. The Illinois Commerce Commission (Illinois Commission) filed a notice of intervention and comments (Illinois Commission Comments). The Illinois Municipal Electric Agency (Illinois Municipal) filed a motion to intervene and protest (Illinois Municipal Protest). Also filing motions to intervene were: ATXI, American Municipal Power, Inc., Consumers Energy Company, Duke Energy Corporation, and the Midwest ISO Transmission Owners.¹⁴ On December 14, 2010, ATXI filed a motion for leave to answer and an answer to the Illinois Commission Comments and the Illinois Municipal Protest (ATXI Answer).

Parties' Positions

A. Illinois Municipal and Illinois Commission

12. Illinois Municipal protests that the simple annual update process which ATXI proposes to implement has not been shown to be just and reasonable, and may be unjust and unreasonable. Therefore, Illinois Municipal argues that the proposed filing be set for a full evidentiary hearing.

13. Illinois Municipal also contends that ATXI has failed to show why its proposed hypothetical capital structure is just and reasonable. It states that while ATXI makes no incentive rate proposal in the November 12 Filing, the proposed hypothetical capital structure is the same as proposed in a pending Ameren incentive rate request petition

¹⁴ For purposes of this proceeding, the Midwest ISO Transmission Owners consist of: American Transmission Company LLC; American Transmission Systems, Inc.; City Water, Light & Power (Springfield, IL); Dairyland Power Cooperative; Duke Energy Corp. for Duke Energy Ohio, Inc., Duke Energy Indiana, Inc., and Duke Energy Kentucky, Inc.; Great River Energy; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; International Transmission Company; ITC Midwest LLC; Michigan Electric Transmission Company, LLC; Michigan Public Power Agency; MidAmerican Energy Company; Minnesota Power and its subsidiary Superior Water, L&P; Montana-Dakota Utilities Co.; Northern Indiana Public Service Company; Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation; Northwestern Wisconsin Electric Company; Otter Tail Power Company; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Company; Southern Minnesota Municipal Power Agency; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.

(Ameren Petition),¹⁵ and argues that the Commission should not permit its adoption in this proceeding as part of a Midwest ISO Attachment O formula rate.

14. Illinois Municipal further asserts that ATXI provides no factual basis for its proposed capital structure except to point to the combined capital structure of Ameren's three Illinois utility operating companies as of December 31, 2009.¹⁶ It states that ATXI ignores that the ratio of the three affiliates at the end of 2008 was 49 percent equity and 51 percent debt. Illinois Municipal also notes that ATXI used as a proxy only the combined capital structure of the three Illinois affiliates as opposed to using Ameren's Missouri affiliate as well.¹⁷

15. Illinois Municipal states that, as a general matter, the Commission has allowed start-up transmission companies an initial 50/50 debt/equity ratio, and that precedent should be followed in this proceeding.

16. Illinois Commission states that ATXI does not explain the relationship between its formula rate proposal here and the request in the Ameren Petition that the Commission approve the use of "a formula rate based on projected test year costs with a true-up mechanism to reflect actual costs." It adds that proposed Attachment O-ATXI does not appear to be based on projected year test costs with a true-up mechanism to reflect actual costs.

17. Both Illinois Municipal and Illinois Commission argue that ATXI should be required to file comprehensive rate formula protocols. Additionally, Illinois Municipal is concerned that, should ATXI incur any part of the estimated \$1.3 billion in construction costs of the transmission projects described in the Ameren Petition, these costs will automatically be flowed through to customers through the Attachment O-ATXI without any effective review.¹⁸ Illinois Commission requests that the Commission require ATXI to work with it and other interested parties to develop and file a meaningful and

¹⁵ On August 2, 2010, in Docket No. EL10-80-000, Ameren Services Company filed a Petition for Declaratory Order on behalf of Ameren affiliates for incentive rate treatment for Phase I of the Grand Rivers portfolio, consisting of four 345-KV transmission projects and the necessary underbuild to support the projects, estimated to cost approximately \$1.3 billion. This application is currently pending before the Commission.

¹⁶ *See supra* note 3.

¹⁷ Illinois Municipal Protest at 5.

¹⁸ *Id.* at 6.

comprehensive formula rate protocol that: (1) commits ATXI to submit its annual update of inputs to the formula rate as an annual informational filing to the Commission; (2) requires ATXI to provide sufficient information in the annual filing for interested parties to confirm the formula rate calculations and understand changes made since the previous year's filing; (3) allows interested parties to serve information requests on ATXI and its affiliates to enable thorough analysis; (4) creates a process for interested parties to challenge the input data and the prudence of costs to be input into the formula; and (5) establishes a resolution process for disputes between interested parties and ATXI. In addition, Illinois Commission recommends that this rate formula update protocol be in place no later than the date when ATXI supplies the updated data to Midwest ISO for the transmission rate that will be in place for the year beginning June 1, 2011.¹⁹

18. Illinois Commission states that while the inputs to the formula rate will be available for viewing, there will be no meaningful review of that data and no opportunity for interested parties to evaluate or challenge the data. Additionally, while the transmission revenue requirement ATXI seeks to recover for the Baldwin Line is significant and would raise rates by 7.33 percent in the AMIL Pricing Zone, a further concern is the magnitude of the future transmission rate increases associated with the \$1.378 billion in transmission investment proposed by Ameren in Docket No. EL10-80-000.²⁰

19. Illinois Commission argues that while the Commission may have considered the Midwest ISO "bare bones" Attachment O update process to be just and reasonable for the relatively small level of transmission costs in the current transmission revenue requirement for the AMIL Pricing Zone, circumstances may change dramatically in the future and the update process must be revisited to incorporate a meaningful and comprehensive protocol.²¹

B. ATXI Answer

20. In its answer, ATXI requests that the Commission reject requests for additional formula rate update protocols. ATXI explains that the November 12 Filing is unrelated to the Ameren Petition. It states that Ameren filed the Ameren Petition to obtain incentive rate treatments for approximately \$1.3 billion of specific proposed transmission projects, whereas the November 12 Filing only pertains to ATXI's recovery through the proposed Attachment O-ATXI of the costs associated with ATXI's sole asset, the

¹⁹ Illinois Commission Comments at 9-10.

²⁰ *Id.* at 5-6

²¹ *Id.* at 6-7.

Baldwin Line. ATXI adds that the Baldwin Line was not one of the transmission projects included as part of the Ameren Petition. In fact, ATXI states that the planning and construction of the recently completed Baldwin Line predates the Ameren Petition.²²

21. In response to Illinois Commission's claim that ATXI's proposed Attachment O-ATXI is forward-looking, ATXI explains that Ameren did commit to file a forward-looking Attachment O in the Ameren Petition, but states that Attachment O-ATXI is not the forward-looking Attachment O referenced in the Ameren Petition. In fact, ATXI states, Attachment O-ATXI is not forward-looking at all. Thus, according to ATXI, no explanation is required, as Illinois Commission suggests, because there is no relationship between the two filings other than the consistent use of the 2009 year-end combined capital structure of Ameren's three Illinois operating companies in both.

22. ATXI also states that the \$1.3 billion of costs for the proposed transmission projects that are the subject of the Ameren Petition will not be flowed through to customers through proposed Attachment O-ATXI, as Illinois Municipal asserts. ATXI claims that while it is true that it will own some of the transmission projects that are the subject of the Ameren Petition, those projects are unrelated to the November 12 Filing. ATXI reiterates that once the Commission rules on the Ameren Petition, Ameren will file the appropriate Attachment O for the incentivized transmission projects.

23. ATXI also argues that the Commission has approved Attachment O and the use of FERC Form No. 1 data in completing Attachment O in a manner similar to that proposed by ATXI, and asks the Commission to do so here, consistent with its precedent. ATXI further notes that Illinois Commission has made almost identical arguments with respect to Attachment O formula rate update protocols in previous proceedings and the Commission found those arguments to be unpersuasive.²³ Furthermore, ATXI observes that Illinois Commission provides no cases in the Midwest ISO region to support its request for comprehensive formula rate protocols because the precedent in the Midwest ISO region is to allow a transmission owner to use FERC Form No. 1 data to complete the Attachment O consistent with ATXI's proposal in the November 12 filing.²⁴

24. Similarly, ATXI argues that Illinois Municipal's claim that the proposed Attachment O-ATXI and annual update process may be unjust and unreasonable is unsupported speculation and an impermissible collateral attack on prior Commission

²² ATXI Answer at 4.

²³ *Id.* at 7-8 & n.21 (citing *Midwest Indep. Transmission Sys. Operator, Inc.*, 128 FERC ¶ 61,047 at P 32 (2009) (*Midwest ISO*)).

²⁴ ATXI Answer at 7.

findings and orders and that the Commission should summarily reject Illinois Municipal's arguments. Moreover, ATXI contends, if Illinois Municipal were to succeed in imposing extensive update protocols on ATXI's proposed Attachment O-ATXI, this would result in ATXI being unduly disadvantaged in relation to all other Midwest ISO transmission owners that have been allowed to implement the same annual update process that ATXI proposes.

25. Regarding its capital structure, ATXI argues that Illinois Municipal's contention that ATXI is proposing a "hypothetical capital structure" for use in the proposed Attachment O-ATXI and thereby attempting to bootstrap a rate incentive is incorrect. ATXI states that Illinois Municipal's argument misses the difference between a hypothetical capital structure, such as may be proposed as an incentive rate treatment, and the proxy figure that ATXI proposes to use. Notwithstanding the similarity, ATXI clarifies that the proxy figure for use in the proposed Attachment O-ATXI is not an incentive rate treatment, but only a proxy for ATXI's capital structure based on Ameren Illinois's 2009 year-end capital structure. ATXI explains that in June 2011, when both Ameren Illinois and ATXI update the figures used in their respective Attachment O templates, ATXI will adjust its capital structure to be consistent with any changes in the Ameren Illinois capital structure. ATXI adds that the proxy figures used were chosen because they are the figures currently in the Ameren Illinois Attachment O and because they approximate management's expected actual long-term capital structure for ATXI.

26. ATXI also states that Illinois Municipal's claims that Attachment O-ATXI may be unjust and unreasonable because of the proxy capital structure also fail to acknowledge that the proposed rate, overall, is just and reasonable because it utilizes Ameren Illinois proxy figures with a discounted cost of debt. ATXI explains that if the Baldwin Line had been transferred to Ameren Illinois and included in the Ameren Illinois Attachment O, the costs to consumers would be higher because the Ameren Illinois Attachment O does not include the discounted cost of debt.²⁵

27. ATXI also states that the proposed ATXI-Attachment O does not include expenses present in the Ameren Illinois Attachment O. ATXI cites operations and maintenance costs, administrative and general costs, and two months of construction work in progress, all of which it chose not to include, which further supports the reasonableness of the proposed rate. Moreover, ATXI states, it could have proposed a forward-looking test year and included numerous other categories of costs in the Attachment O template, but it chose not to. Finally, ATXI points out that the formula in Attachment O is the rate, and the formula in the Attachment O-ATXI is identical to the formula filed and approved for Ameren Illinois's Attachment O. ATXI reasons that since it proposes to use lower inputs in its Attachment O-ATXI than are used in the Ameren Illinois Attachment O, its formula

²⁵ *Id.* at 10.

rate produces lower rates than if the same facilities were included in the Ameren Illinois Attachment O. ATXI concludes that because the rate is lower than the rate that would result from the on-file and approved Ameren Illinois Attachment O, the proposed Attachment O-ATXI is just and reasonable.²⁶

Discussion

A. Procedural Matters

28. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,²⁷ Illinois Commission's notice of intervention and the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure²⁸ prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept ATXI's answer because it has provided information that assisted us in our decision-making process.

B. Attachment O-ATXI

29. We will accept ATXI's proposed Attachment O-ATXI formula rate proposal for the Baldwin Line. We find it consistent with the Midwest ISO Attachment O formula rate template and, as such, just and reasonable, notwithstanding the temporary variances to the data inputs that ATXI proposes. In fact, as ATXI has demonstrated, these variances result in lower costs for customers in the AMIL Pricing Zone when compared to the costs that would result if Ameren Illinois filed to include the cost of the Baldwin Line in its Attachment O revenue requirement, beginning January 1, 2011, based on the reduced cost of debt and the exclusion of certain costs in the initial rates.

30. Concerning Illinois Municipal's objections to ATXI's proposed capital structure, we agree with ATXI that the proposed capital structure is not a hypothetical capital structure associated with an incentive rate request; rather, it is a proxy that is based on Ameren Illinois's actual capital structure, which, in turn, is based on the combined year-end 2009 capital structures of Ameren's three Illinois operating utility companies. In *Michigan Electric Transmission Company, LLC*,²⁹ the Commission approved a similar proposal for the Trans-Elect Inc. affiliate, Michigan Electric Transmission Company

²⁶ *Id.* at 11.

²⁷ 18 C.F.R. § 385.214 (2010).

²⁸ 18 C.F.R. § 385.213(a)(2) (2010).

²⁹ 105 FERC ¶ 61,214, at P 20 (2003).

LLC, to use a target capital structure for a limited period of time. Additionally, the Commission has stated that, “to the maximum extent possible, the Commission bases capital structure on real entities, the pipeline or a company associated with the pipeline that obtains financing for the pipeline.”³⁰ Here, ATXI is acquiring the funds needed to finance its business from its parent, Ameren, and expects to maintain the capital structure of its affiliate, Ameren Illinois.³¹ Further, it will use the proxy capital structure only until June 2012 when it will update its capital structure to reflect its actual 2011 FERC Form No. 1 capital structure and cost of long-term debt.³² Based on these considerations, we conclude that the proposed proxy capital structure for ATXI is reasonable until the June 2012 annual update.

31. We reject Illinois Commission’s and Illinois Municipal’s requests to require ATXI to develop additional formula rate protocols. We are satisfied that the proposed ATXI Attachment O is not a forward-looking formula rate that would necessitate additional review protocols. We find that, unlike forward-looking formula rates that leave discretion for projecting costs, ATXI has specified and supported the inputs that deviate from FERC Form No. 1 data. Further, once ATXI files its FERC Form No. 1, in June 2011, the formula and inputs (with the exception of the discounted cost of debt and proxy capital structure) will conform to the standard Midwest ISO Attachment O template. Where the formula conforms to the existing formula rate template, the Commission has found the existing protocols to be sufficient.³³

32. Lastly, we deny ATXI’s request for waiver of the Commission’s 60-day prior notice requirement. We do not agree with ATXI that the fact that the Baldwin Line is used and useful as of December 31, 2010 constitutes good cause, nor can we find that missing the Midwest ISO January billing cycle is sufficient justification.³⁴ We will, however, grant ATXI’s request for any necessary waivers of section 35.13(d) of the

³⁰ *Enbridge Pipelines*, 100 FERC ¶ 61,260, at P 185 (2002), *order on reh’g*, 102 FERC ¶ 61,310 (2003), *remanded*, *Missouri Public Serv. Comm. v. FERC*, 337 F.3d 1066 (D.C. Cir. 2003), *order on remand*, 109 FERC ¶ 61,042 (2004).

³¹ Because ATXI expects to maintain the capital structure of the affiliate that would have owned the Baldwin Line, we find it unnecessary for ATXI to include the capital structure of its Missouri affiliate.

³² Gudeman Testimony at 5-9.

³³ *See supra* note 23, *Midwest ISO*, 128 FERC ¶ 61,047 at P 32.

³⁴ *See Central Hudson Gas & Elec. Corp.*, 60 FERC ¶ 61,106, *reh’g denied*, 61 FERC ¶ 61,089 (1992).

Commission's Regulations, including waivers of the requirements to submit full Period I and Period II data and workpapers and cost of service statements except for the requirement for attestation, which ATXI has included in the November 12 Filing.³⁵ The Commission has granted waivers of the requirements to provide such data previously in a series of cases involving transmission formula rates.³⁶

The Commission orders:

Midwest ISO's proposed tariff revisions are hereby accepted for filing to become effective on January 12, 2011, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

³⁵ November 12 Filing, Attachment 3.

³⁶ *E.g. PPL Elec. Utils. Corp.*, 125 FERC ¶ 61,121, at P 40-41 (2008); *Pub Serv. Elec. & Gas Co.*, 124 FERC ¶ 61,303, at P 23 (2008); *Oklahoma Gas & Elec. Co.*, 122 FERC ¶ 61,071 (2008); *Commonwealth Edison Co.*, 119 FERC ¶ 61,238, at P 94 (2007), *order on reh'g*, 122 FERC ¶ 61,037, *order on reh'g*, 124 FERC ¶ 61,231 (2008).