

134 FERC ¶ 61,057
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.

ISO New England Inc. and the Participating
Transmission Owners Administrative Committee

Docket No. ER11-2216-000

ORDER ACCEPTING TARIFF REVISIONS

(Issued January 28, 2011)

1. On November 30, 2010, ISO New England Inc. (ISO-NE) and the Participating Transmission Owners Administrative Committee on behalf of the Participating Transmission Owners (collectively, Filing Parties) submitted revised tariff sheets pursuant to section 205 of the Federal Power Act (FPA)¹ implementing changes to sections I and II of the ISO-NE Transmission, Markets and Services Tariff (Tariff) to clarify a hierarchy of factors that ISO-NE utilizes to determine the Capability Network Resources (CNR) Capability² ratings of existing generating resources. As discussed below, the Commission accepts the revised tariff sheets, effective January 31, 2011, as requested.

I. Background

2. ISO-NE conducts an annual forward capacity auction as part of its Forward Capacity Market (FCM) to procure capacity equal to the Installed Capacity Requirement for New England. Capacity providers compete in this auction to supply capacity to the

¹ 16 U.S.C. § 824d (2006).

² The CNR Capability (expressed in MW) determines: (i) the CNR Interconnection Service rights that must be maintained for a generating resource; (ii) whether a new Interconnection Request is required for an increase in CNR Capability; and (iii) whether an Initial Interconnection Analysis is required under Forward Capacity Market qualification for a proposed increase in output from an existing generating capacity resource.

market approximately three years later and, if selected, are compensated by a clearing price set by the highest accepted offer.³

3. In 2009, the Commission accepted for filing revisions to the ISO-NE Tariff that integrated the FCM and the generator interconnection process and allocated interconnection rights and responsibilities (FCM/Queue Amendments).⁴ The FCM/Queue Amendments revised Schedules 22 and 23⁵ to provide that resources that qualify as Existing Generating Capacity Resources in the fourth Forward Capacity Auction, held in August 2010, would receive grandfathered treatment, be treated as CNRs and receive CNR Interconnection Service⁶ up to the generating resources' previously approved level of interconnection service.

4. The FCM/Queue Amendments specified the approval documents ISO-NE would utilize to identify the previously approved level of interconnection service. CNR Capability was identified as the summer and winter MW quantities expressed in the interconnection agreement, the generating resource's approval under section I.3.9 (or its predecessor provisions),⁷ or the historical capabilities of the generating resource as

³ See section III.13.1 of ISO-NE's Tariff (Market Rule 1). Section 13.1 addresses the rules and procedures associated with qualifying resources for participation in the FCM.

⁴ See *ISO New England Inc.*, 126 FERC ¶ 61,080 (2009) (accepting FCM/Queue Amendments).

⁵ Schedules 22 and 23 set forth in the Standard Large Generator Interconnection Procedures (LGIP) and the Standard Small Generator Interconnection Procedures (SGIP), respectively, in section II the ISO-NE Tariff.

⁶ CNR Interconnection Service is defined as the Interconnection Service selected by the Interconnection Customer to interconnect its Large Generating Facility with the Administered Transmission System in accordance with the Capacity Capability Interconnection Standard. An Interconnection Customer's CNR Interconnection Service does not in and of itself convey transmission service.

⁷ Section I.3.9 of the Tariff relates to Proposed Plan Applications (PPA) from market participants and transmission owners. PPAs detail any new or materially changed plans for additions or changes to any generation or demand response facilities. Within 60 to 90 days of receiving the section I.3.9 PPA, ISO-NE must respond in writing as to whether the proposed plan will have significant adverse effects on reliability of the transmission owner's facilities, on another transmission owner's facilities, or on the system of a market participant. If ISO-NE finds that the PPA will not have adverse effects, the market participant or transmission owner may proceed.

recorded in a summer and winter Claimed Capability Audit, or an ISO Forecast Report of Capacity, Energy, Loads, and Transmission (CELT Report).⁸

5. Prior to the fourth Forward Capacity Auction, PSEG Power Connecticut LLC (PSEG) filed a complaint with the Commission alleging that ISO-NE was violating its Tariff by effectively applying a cap on the CNR Capability ratings of its Bridgeport Harbor Unit Nos. 3 and 4, limiting those units' available qualified capacity eligible to participate in the FCM to the MW values specified in the interconnection agreements for these units rather than the higher historical MW values identified in certain CELT Reports. PSEG argued that, based on section 5.2.3 of Schedule 22, resources are provided with three, equally-available, alternative methods to establish the CNR Capability ratings. ISO-NE disagreed, contending that section 5.2.3 of Schedule 22 and section I.6.4.3 of Schedule 23 established a hierarchy of documentation, or methods, to establish CNR Capability ratings and that an entity could not choose which one of the three methods it wished to utilize to establish its CNR Capability ratings. The Commission granted PSEG's complaint, finding that section 5.2.3 was ambiguous. The Commission directed ISO-NE to use the Bridgeport Harbor Units' historical values for establishing their CNR Capability ratings to be used for the fourth Forward Capacity Auction. The Commission also noted that ISO-NE could make a section 205 filing to modify its Tariff language and establish a hierarchy procedure.⁹

II. Description of Filing

6. The Filing Parties state that the proposed revisions are necessary to clarify that a hierarchy exists among the documents and data listed in section 5.2.3 of Schedule 22 and section I.6.4.3 of Schedule 23 in determining the CNR Capability of an existing generation resource. ISO-NE proposes to use the following hierarchical order: First, the MW amount specified in the existing generator resource's interconnection agreement, either executed or filed in unexecuted form with the Commission; second, in the absence of an interconnection agreement with a specified MW amount, the MW amount specified in a section I.3.9 (or its predecessor provision) approval; and third, in the absence of both an interconnection agreement and a section I.3.9 approval, the MW amount determined by ISO-NE based on the documented historical capability of the generating facility. Further, where a resource has both an interconnection agreement and a section I.3.9 approval, the lower MW amount will govern. Finally, in the absence of an interconnection agreement or an approval pursuant to section I.3.9 (or its predecessor provision) that specifies a MW amount, the MW amount must be confirmed by an

⁸ Section 5.2.3 of Schedule 22 and section I.6.4.3 of Schedule 23.

⁹ *PSEG Power Connecticut LLC v. ISO New England Inc.*, 132 FERC ¶ 61,022, at P 35-40 & n.46 (2010) (July 9 Order).

affidavit executed by a corporate officer of the resource attesting that the resource does not have an interconnection agreement or approval pursuant to section I.3.9 of the Tariff (or its predecessor provision) specifying a MW amount.¹⁰ Filing Parties assert that these proposed revisions will clarify for owners of existing generating capacity resources the mechanisms that ISO-NE will utilize to determine the CNR Capability ratings.

7. Filing Parties contend that the proposal revises the definition of “interconnection agreement” in section I, to clarify that the definition includes interconnection agreements entered into prior to the adoption of the interconnection procedures set out in Schedules 22 and 23. The proposed revisions revise sections 5.2.3, 5.2.4, I.6.4.3, and I.6.4.4, in order to: (a) set forth the hierarchy of documents used to determine the CNR Capability and Network Resource (NR) Capability of Large and Small Generating Facilities treated as Existing Generating Capacity Resources in the fourth Forward Capacity Auction; (b) clarify that when a determinative document specifies a MW amount at an ambient temperature consistent with the definition of CNR or NR Capability, the CNR or NR Capability will be set to that amount; (c) clarify that when a determinative document does not specify an ambient temperature, the MW amount will be deemed to be at the value consistent with the definition of CNR or NR Capability; and (d) provide that if the application of the foregoing revisions results in a CNR Capability level different than previously identified, this revised level will be applied commencing with the next Forward Capacity Auction and will continue to govern until the resource completes the applicable processes for obtaining the higher MW amount.

8. Filing Parties also maintain that the proposed revisions will ensure equal access for existing and new resources (whether generating or demand response) to increases of output. Filing Parties state that clarifying sections I and II will prevent units with pre-Order No. 2003¹¹ interconnection agreements or with older section I.3.9 approvals specifying lower MW output levels than those that have been approved in previous FCM auctions from claiming a right to the higher MW ratings. Otherwise, Filing Parties state, such resources would be allowed to operate at higher levels than those specified in either the section I.3.9 approval or the interconnection agreement, resulting in Tariff violations.

¹⁰ Filing Parties’ Transmittal Letter at 9.

¹¹ *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, FERC Stats. & Regs. ¶ 31,146 (2003), *order on reh’g*, Order No. 2003-A, FERC Stats. & Regs. ¶ 31,160, *order on reh’g*, Order No. 2003-B, FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh’g*, Order No. 2003-C, FERC Stats. & Regs. ¶ 31,190 (2005), *aff’d sub nom. Nat’l Ass’n of Regulatory Util. Comm’rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007), *cert. denied*, 552 U.S. 1230 (2008).

9. Filing Parties assert that these Tariff clarifications will preserve the existing cost allocation principles for transmission upgrades reflected in the ISO-NE Tariff. Filing Parties argue that, in the absence of the proposed revisions, owners of generating resources may allege that they have interconnection service rights at higher levels than specified in their approvals or agreements. These higher levels were not studied pursuant to section I.3.9 or Schedules 22 and 23, under which the owners would have been subject to potential direct charges, resulting in regional loads rather than generating resource owners bearing the cost of necessary upgrades to the transmission system.

10. In addition, Filing Parties contend that the proposed revisions will protect reliable operations by ensuring accurate resource data used in planning studies and real-time operating guides. Filing Parties assert allowing for historical capabilities to be used rather than the value approved in an interconnection agreement would: (1) bypass requirements to comply with study provisions that ensure that changes or additions do not cause system violations; (2) introduce unstudied system conditions; (3) undermine the transmission planning process for meeting reliability objectives; and (4) conflict with North American Electric Reliability Corporation (NERC) compliance requirements to consistently represent system characteristics throughout the planning and operating spectrum.

11. Filing Parties add that ISO-NE intends to update the CELT Reports to reflect not only the approved levels of interconnection service that result from application of the proposed hierarchy, but also the controlling document used to establish capability ratings. They further state that ISO-NE intends to work with generator owners to review the documents and resolve any issues with its determination.

III. Notice of Filing and Responsive Pleadings

12. Notice of the Filing Parties' proposed Tariff revisions was published in the *Federal Register*, 75 Fed. Reg. 76,721 (2010), with protests and interventions due on or before December 21, 2010. Constellation;¹² Exelon Corporation; the New England Conference of Public Utilities Commissioners; NextEra Energy Resources, LLC; Northeast Utilities Service Company; and NRG Companies¹³ filed timely motions to intervene. The New England Power Pool Participants Committee (NEPOOL) filed a timely motion to intervene and comments. Dominion Resources Services, Inc.

¹² Constellation includes: Constellation Energy Commodities Group, Inc. and Constellation NewEnergy, Inc.

¹³ NRG Companies includes: NRG Power Marketing LLC, Connecticut Jet Power LLC, Devon Power LLC, Middleton Power LLC, Montville Power LLC, Norwalk Power LLC, and Somerset Power LLC.

(Dominion);¹⁴ the Massachusetts Municipal Wholesale Electric Company (MMWEC); and PSEG filed timely motions to intervene and protests. ISO-NE filed an answer to the protests. PSEG and MMWEC filed responses to ISO-NE's answer.

13. In its protest, PSEG requests clarification that the proposed revisions do not apply to PSEG. PSEG asserts that, in granting its complaint in the July 9 Order, the Commission established PSEG's CNR Capability ratings for its existing generating units. PSEG asserts that, in following the July 9 Order, ISO-NE notified stakeholders of its intent to develop revisions to clarify its hierarchy procedures and that neither the Transmission Owners Administrative Committee nor the Participants Committee supported the proposal. PSEG states that in October 2010 it contacted ISO-NE to update its interconnection agreement to add maximum capacity values (rather than only the boilerplate ratings) consistent with the July 9 Order.

14. PSEG states that it offered to forego the grandfathered status of the interconnection agreement and enter into a new, three-party interconnection agreement with United Illuminating and ISO-NE. PSEG asserts that ISO-NE refused the offer and informed PSEG that it must process the full CNR Capability ratings as a new interconnection request and submit the related application and study fees. PSEG argues that ISO-NE has taken the "exact same position on the treatment of [its generating facilities] that caused PSEG to file the complaint"¹⁵ addressed in the July 9 Order. PSEG argues that its CNR Capability ratings are already provided for in PSEG's transmission service agreements and historical operating levels.

15. PSEG argues that, with the proposed revisions, ISO-NE is effectively reversing the July 9 Order. PSEG requests that the Commission reject the joint filing as a collateral attack on the July 9 Order, pointing out that ISO-NE never sought rehearing of that order. PSEG argues that its CNR Capability ratings cannot be in violation of ISO-NE's Tariff since the Commission found the ratings to be just and reasonable under the Tariff. Furthermore, PSEG argues that ISO-NE's proposed Tariff revisions are unduly discriminatory and specifically target PSEG.

16. PSEG argues that the New England transmission system developed around the capacity of grandfathered generating units like PSEG's generators, which were not studied at the time they interconnected under a full deliverability requirement. Thus, to

¹⁴ Dominion includes: Dominion Energy Brayton Point, LLC; Dominion Energy Manchester Street, Inc.; Dominion Energy Marketing, Inc.; Dominion Energy New England, Inc.; Dominion Energy Salem Harbor, LLC; and Dominion Nuclear Connecticut, Inc.

¹⁵ PSEG Protest at 5.

achieve ISO-NE's goal of protecting reliability and cost allocation principles, all existing generators would need to be reviewed under the new standards.¹⁶

17. PSEG and Dominion both argue that the proposed revisions retroactively eliminate the grandfathered CNR Interconnection Service. Furthermore, PSEG argues that the ISO-NE Tariff provides for a "one-time" review, so that once a customer's resource qualifies for a level of CNR Interconnection Service, the level of interconnection service remains the status quo, and customers cannot be required to undertake additional studies to deliver capacity from the resource.¹⁷

18. Finally, PSEG proposes alternative language to section 5.2.3 that would preserve the grandfathered status of all Existing Generating Capacity Resources that participated in the fourth Forward Capacity Auction as well as the relief granted by the Commission in the July 9 Order.

19. MMWEC argues that ISO-NE has failed to justify utilizing the older approximation of MW values in the interconnection agreement over the more recent, proven values in ISO-NE's CELT Report. As an example, MMWEC states that the 1979 interconnection agreement for its Stony Brook facility explicitly stated an *approximate* total of 511 MWs. However, ISO-NE's 2010 CELT Report rated MMWEC's facility at 526.7 MW for winter Seasonal Claimed Capability for CNR purposes. MMWEC contends that its interconnection agreement provides that "the uses by MMWEC of the Substation and Electrical Interconnection provided for by this Agreement are limited to the delivery of the output from the Station" without reference to a specific number of megawatts.¹⁸ MMWEC further argues that regardless of the approximated value contained in the interconnection agreement, a CNR Capability rating at 526.7 MW is consistent with the three components of the proposed hierarchical structure. MMWEC asserts that, despite several discussions with ISO-NE, ISO-NE has so far been unwilling to agree to establish a capacity rating for the Stony Brook facility that is higher than 511 MW. MMWEC further states that, while MMWEC "perceives that progress has been made on this issue in recent discussions with the ISO, the matter remains unresolved."¹⁹

¹⁶ *Id.* at 14.

¹⁷ See ISO-NE Tariff, Schedule 22, Appendix 6, Standard Large Generator Interconnection Agreement, Article 4.5.

¹⁸ Section 12, MMWEC interconnection agreement.

¹⁹ MMWEC Protest at 3.

20. Dominion opposes ISO-NE's proposed revisions, arguing that they: (1) unreasonably elevate MW values set forth in pre-Order No. 2003 interconnection agreements over the demonstrated and acknowledged capability of an existing resource; and (2) require an existing resource to expend resources submitting a new interconnection request to ensure that its interconnection agreement reflects its documented and accepted capability.²⁰
21. NEPOOL states that it considered but ultimately did not support the proposed revisions. NEPOOL states that the proposed revisions achieved a 41.77 percent support of the Participants Committee. Finally, NEPOOL provides the individual sector votes on the proposed revisions.²¹
22. On January 5, 2011, ISO-NE submitted an answer stating that its proposed revisions are not targeting PSEG. ISO-NE states that other entities also have various documents indicating conflicting interconnection MW values. ISO-NE argues that the proposed clarifications will provide equitable treatment for all similarly situated entities and allow the owners to seek higher ratings in a clear, consistent, and transparent manner. ISO-NE states that, in this regard, ISO-NE and MMWEC are collaborating to arrive at an appropriate outcome consistent with the treatment of other owners of Existing Generating Capacity Resources. ISO-NE further notes that, in the same vein, PSEG is free to seek its desired ongoing level of CNR Interconnection Service pursuant to the requirements of the proposed revisions by submitting an Interconnection Request for processing under the LGIP in Schedule 22.
23. ISO-NE argues that the proposed revisions are consistent with the July 9 Order, in which the Commission stated that ISO-NE could provide Tariff clarifications through a section 205 filing. Furthermore, ISO-NE argues that the proposed revisions would not impact the fourth Forward Capacity Auction, which was the subject of the July 9 Order;²² therefore, ISO-NE asserts, the instant filing is not a collateral attack on that order.

²⁰ Dominion notes that, in light of the ISO-NE's previous interpretation of its Tariff and current proposal, Dominion has initiated the ISO-NE processes to ensure that its generation resources' actual documented capability is reflected in its interconnection agreements. However, Dominion states that it took these steps solely to ensure that its resources' CNR Capability ratings were not lowered in the event the Commission accepts the proposed Tariff revisions.

²¹ NEPOOL Comments at 3.

²² ISO-NE Answer at 10 (*citing* July 9 Order, 132 FERC ¶ 61,022 at P 40 (“[w]e therefore direct ISO-NE to use the historical capacity levels for BH-3 and BH-4 for the *fourth Forward Capacity Auction*” (emphasis added))).

24. ISO-NE argues that neither the language in the July 9 Order nor the existing version of section 5.2.3 of the LGIP guarantees that the particular CNR Interconnection Service ratings determined for Existing Generating Capacity Resources for the fourth Forward Capacity Auction are locked-in values or grandfathered for all future auctions. ISO-NE argues that the “one-time” review referred to in ISO-NE’s explanation of section 5.2.3 does not mean that the level of CNR Interconnection Service is made once and for all time and that, in context, it referred to a “one-time” identification of a population of resources to be treated as Existing Generating Capacity Resources.

25. With respect to PSEG’s MW levels specified in its transmission service agreements, ISO-NE states that such agreements are irrelevant here, because transmission service is not the same as interconnection service. ISO-NE adds that in Order No. 2003 the Commission stated that “Interconnection Service or an interconnection by itself does not confer any delivery rights from the Generating Facility to any points of delivery.”²³

26. Responding to MMWEC’s request that ISO-NE should use the MW ratings in the CELT Report, ISO-NE states that a “fair and consistent outcome can be achieved by MMWEC’s filing of an updated Section I.3.9 application reflecting the temperature levels utilized currently in the section I.3.9 process,” after which MMWEC would submit an interconnection request to convert the updated section I.3.9 output levels into CNR Interconnection Service levels to be reflected in a standard Large Generator Interconnection Agreement (LGIA).²⁴

27. PSEG responded to ISO-NE’s answer disagreeing with ISO-NE’s arguments. Additionally, MMWEC filed an answer stating that it “is uncertain why participation” in a section I.3.9 process is “necessary given MMWEC’s showing in this docket that MMWEC’s [Stony Brook interconnection agreement] justifies its requested CNR [Capability] rating for Stony Brook of 526.7 MW.”²⁵ MMWEC states that, if the Commission does not summarily affirm a rating of 526.7 MW, it should set for hearing the question of the appropriate CNR Capability ratings for Stony Brook and hold the hearing in abeyance for at least three months while MMWEC and ISO-NE continue their efforts to reach a resolution.

²³ Order No. 2003, FERC Stats. & Regs. ¶ 31,146 at P 23.

²⁴ ISO-NE Answer at 8 n.23.

²⁵ MMWEC Answer at 3.

IV. Commission Determination

A. Procedural Matters

28. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2010), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

29. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2010), prohibits an answer to a protest or to an answer unless otherwise ordered by the decisional authority. We will accept ISO-NE's, PSEG's, and MMWEC's answers because they have provided information that assisted us in our decision-making process.

B. Discussion

30. As discussed below, Filing Parties' proposed revisions are hereby accepted effective January 31, 2011, as requested. The Commission finds that ISO-NE has demonstrated that the proposed Tariff revisions protect reliable operations by ensuring the appropriate studies are completed to protect reliability and provide equal treatment for resources seeking to change capacity limits and obtain access to the New England transmission system. Further, we find that ISO-NE is not targeting, or discriminating against, PSEG. We agree with ISO-NE that other resources are similarly situated and will be similarly subject to the proposed clarifications, which, in any event, do not apply to the fourth Forward Capacity Auction.

31. Placing interconnection agreements first in the hierarchy also provides for equal treatment of resources, since any new generating unit or existing generating unit that seeks to increase its output must submit an interconnection request or section I.3.9 application to assess whether there would be any adverse impacts on the system that would necessitate system upgrades. If a generator owner asserts a higher output via documented historical capability (as opposed to, first, an interconnection agreement or, second, an approval under section I.3.9), then capacity on the transmission system available to new or expanding generating units is reduced, because MW amounts listed in interconnection agreements and section I.3.9 approvals are used in planning studies and real-time operating guides. Using the interconnection agreements first in the hierarchy to determine CNR Capability ratings provides equal footing for all resources.

32. The FCM/Queue Amendments, which first implemented section 5.2.3, specify that generating facilities that qualify as Existing Generating Capacity Resources in the fourth Forward Capacity Auction can be considered CNRs and *obtain* CNR Interconnection

Service.²⁶ The FCM/Queue Amendments did not contemplate obtaining this service and then continuing such service at a particular level for all future Forward Capacity Auctions. In addition, in the July 9 Order, the Commission allowed PSEG to obtain the CNR Capability ratings it wanted for the fourth Forward Capacity Auction; the Commission did not grant CNR Capability ratings for all future Forward Capacity Auctions. In fact, the Commission specifically specified that such relief sought by PSEG was granted for the *fourth* Forward Capacity Auction²⁷ and then expressly provided that ISO-NE could file Tariff revisions if it wanted to establish a hierarchy procedure.

33. We disagree with PSEG's argument that ISO-NE's "one-time" language²⁸ refers to a one-time ability to set the ratings for all future Forward Capacity Auctions. The Tariff is clear in that it refers to a one-time identification period. Furthermore, in addressing CNR Capability ratings in the current context, section 5.2.3 of the LGIP does not state that the CNR Interconnection Service must serve as a baseline or that it establishes the CNR Capability *ratings*. Therefore, we find that the proposed revisions are not a collateral attack on the July 9 Order since the Commission limited its effect to the fourth Forward Capacity Auction only.

34. MMWEC argues that the MW ratings listed in the CELT Report should be used for the CNR Capability rating for its Stony Brook facility rather than the value listed in its pre-Order No. 2003 interconnection agreement. ISO-NE has persuasively explained that interconnection agreements are a more reliable means of determining the CNR Capability ratings. In any event, ISO-NE commits to updating the CELT Report to reflect not only the generating facility's approved levels of interconnection service that result from the hierarchy, but also the governing or controlling document used to establish the ratings.

35. Lastly, we decline to establish hearing procedures concerning the CNR Capability rating for MMWEC's Stony Brook facility. Aside from arguing that the MW ratings listed in the CELT Report, rather than the value listed in the its pre-Order No. 2003 interconnection agreement, should be used for determining the CNR Capability rating for its Stony Brook facility, MMWEC raises no disputed issues of material fact that are appropriate for a trial-type evidentiary hearing. Instead, MMWEC merely asserts that the

²⁶ FCM/Queue Amendments at 47.

²⁷ July 9 Order, 132 FERC ¶ 61,022 at P 40.

²⁸ PSEG Protest at 9-12.

higher rating should be used over the lower rating, a result that is not precluded by our acceptance of the tariff revisions proposed here but, nevertheless, must be determined using the LGIP procedures set forth in ISO-NE's Tariff.²⁹

The Commission orders:

ISO-NE and the Participating Transmission Owners Administrative Committee's proposed tariff revisions are hereby accepted, as discussed in the body of this order, to become effective January 31, 2011, as requested.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.

²⁹ In its answer, ISO-NE also commits to working with MMWEC to follow the procedures in the Tariff.