

136 FERC ¶ 61,240
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

September 30, 2011

In Reply Refer To:
Orlando Utilities Commission
Docket No. NJ11-15-000

Orlando Utilities Commission
Duncan, Weinberg, Genzer & Pembroke, P.C.
Attn: Derek A. Dyson, Esq.
1615 M Street, NW
Washington, DC 20036

Dear Mr. Dyson:

1. On July 29, 2011, the Orlando Utilities Commission (OUC) filed a petition for declaratory order (Petition) requesting that the Commission accept the revisions to its non-jurisdictional “safe harbor” open access transmission tariff (OATT).¹ OUC states that it has updated the charges for point-to-point transmission service under Schedules 7 and 8 of its OATT and updated its annual transmission revenue requirement for network integration transmission service under Attachment H of its OATT to reflect the use of the 2012 test year. OUC also states that the updated information is “commensurate with” the rates that it charges itself and requests that the revised tariff sheets become effective on October 1, 2011.² Additionally, OUC requests waiver of the Commission’s filing fees applicable to petitions for declaratory order.

¹ In Order No. 888, the Commission established a safe harbor procedure for the filing of reciprocity tariffs by non-public utilities. *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036, at 31,760, *order on reh’g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048, at 30,281-87, *order on reh’g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh’g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff’d in relevant part sub nom. Transmission Access Policy Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff’d sub nom. New York v. FERC*, 535 U.S. 1 (2002).

² OUC July 29, 2011 Transmittal Letter at 2 (OUC Transmittal).

2. Notice of this filing was published in the *Federal Register*, 76 Fed. Reg. 49,469 (2011) with interventions or protests due on or before August 19, 2011. None were filed.

3. The Commission has previously explained that the review standard for safe harbor reciprocity transmission tariff rates is that the non-public utility (here, OUC) must provide sufficient information for the Commission to conclude that the rates are comparable to the rates it charges itself.³ Though its tariff revisions will result in a rate increase, OUC has provided sufficient information for us to conclude that its revised rates are comparable to the rates it charges itself.⁴ Accordingly, we grant OUC's petition and we find that the proposed rates meet the standard for a reciprocity tariff.

4. Finally, we grant OUC's petition for waiver of the filing fee. Section 381.108 of the Commission's regulations provides that municipalities are exempt from the filing fees required in Part 381.⁵ OUC explains that it is a municipal utility owned by the city of Orlando, Florida.⁶ Therefore, we find that OUC is exempt from the filing fee required for a rate filing.

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ See, e.g., *Long Island Power Authority*, 84 FERC ¶ 61,280, at P 62,333 (1998); *Salt River Project Agricultural Improvement and Power District*, 83 FERC ¶ 61,280, at P 62,162 (1998).

⁴ OUC Transmittal at 2; OUC Aff. ¶ 3.

⁵ 18 C.F.R. § 381.108 (2011).

⁶ OUC Aff. ¶ 1.