

142 FERC ¶ 61,084
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
Cheryl A. LaFleur, and Tony T. Clark.

Tri-State Generation and Transmission Association, Inc.

v. Docket Nos. EL13-11-000
RD13-1-000

Western Electricity Coordinating Council
North American Electric Reliability Corporation

ORDER DENYING COMPLAINT

(Issued February 1, 2013)

1. On October 18, 2012, Tri-State Generation and Transmission Association, Inc (Tri-State) filed a complaint (Complaint) against the Western Electricity Coordinating Council (WECC) and the North American Electric Reliability Corporation (NERC) (Respondents) alleging that WECC's implementation of Regional Reliability Standard IRO-006-WECC-1 conflicts with the curtailment provisions of the Commission's *pro forma* Open Access Transmission Tariff (OATT). In this order, as discussed below, the Commission denies Tri-State's Complaint without prejudice to Tri-State submitting a complaint alleging violations of the terms and conditions of a Commission-approved OATT.

I. Background

Tri-State

2. Tri-State is a cooperative corporation whose primary functions involve the generation, transmission, transformation and sale of wholesale electricity to its forty-four member distribution cooperatives within the states of Colorado, Nebraska, New Mexico, and Wyoming. The member systems serve approximately 1.4 million customers in the Western Interconnection. Tri-State has outstanding debt within the U.S. Department of Agriculture's Rural Utilities Service and therefore is not a "public utility" as that term is defined in section 201(e) of the FPA.

3. As a utility in the WECC region and a recipient of energy schedules within the Western Interconnection, Tri-State is required to implement and follow directions for transmission curtailments requested by Transmission Operators and Balancing Authorities, and approved by WECC, as the Reliability Coordinator, pursuant to certain WECC procedures under a Regional Reliability Standard, as described below. Due to Tri-State's expansive system topography required to serve rural loads, generating resources are typically located remotely, and thus Tri-State is dependent upon third party transmission service to meet its load obligations.

II. Complaint

4. On October 18, 2012, Tri-State filed, pursuant to FPA sections 206 and 215(d)(6), a complaint against Respondents. Tri-State alleges that "WECC's implementation of Regional Reliability Standard IRO-006-WECC-1 and its associated Unscheduled Flow Mitigation Plan (UFMP)," violates the curtailment priorities set forth in the Commission's *pro forma* OATT.¹ Specifically, in providing relief to overloaded transmission paths, Tri-State alleges that the UFMP results in the curtailment of firm transmission service prior to non-firm transmission service.

A. Western Interconnection Curtailment Procedures

5. To provide transmission loading relief to specific "Qualified Transfer Paths," the Western Interconnection uses Regional Reliability Standard IRO-006-WECC-1, titled "Qualified Transfer Path Unscheduled Flow Relief."² The standard has the stated purpose of "mitigat[ing] transmission overloads due to unscheduled flow on Qualified Transfer Paths."³ Regional Reliability Standard IRO-006-WECC-1 has two requirements. Requirement R1 provides that, upon receiving a request for curtailment from the Transmission Operator of a Qualified Transfer Path, the Reliability Coordinator

¹ Tri-State Complaint at 2. The UFMP provides procedures for relieving transmission overloads on Qualified Transfer Paths as a result of unscheduled flow with the WECC region. *See Southern California Edison Co.*, 73 FERC ¶ 61,219 (1995); *Western Systems Coordinating Council*, Docket No. ER01-3085 (Unpublished delegated letter order, issued Nov. 20, 2001) (approving WSCC's filing of changes to the UFMP).

² *Western Electric Coordinating Council Qualified Transfer Path Unscheduled Flow Relief Regional Reliability Standard*, Order No. 746, 134 FERC ¶ 61,199, at P 21 (2011).

³ A WECC Qualified Transfer Path must meet specified qualification requirements and is approved by the WECC Operations Committee.

shall approve or deny that request within five minutes. Requirement R2 provides that “[t]he Balancing Authorities shall approve curtailment request to the schedules as submitted, implement alternative actions, or a combination there of [sic] that collectively meets the Relief Requirement.”

6. To implement Regional Reliability Standard IRO-006-WECC-1, WECC has developed the UFMP as a method for determining the transmission schedules a Transmission Operator should request to curtail in order to provide the relief needed from Requirement R1. The UFMP identifies all tagged schedules that impact the overloaded transmission path and then separates those schedules into on-path and off-path schedules. This is accomplished by using the webSAS software system. On-path schedules are those across one of the elements of the overloaded Qualified Transfer Path, while off-path schedules are those that are not across the overloaded Qualified Transfer Path but result in loop-flows across that Qualified Transfer Path. The UFMP then assigns Transmission Distribution Factors (TDF) to the off-path schedules. The TDF is a representation of the amount of a given schedule’s loop-flow across the overloaded Qualified Transfer Path, with greater loop-flow resulting in a greater TDF. Tri-State asserts that this process is not consistent with the *pro forma* OATT because the TDF does not take into account the transmission schedule’s firm or non-firm curtailment priority.⁴

7. After the TDFs are determined for the off-path transmission schedules, the UFMP begins implementing a nine step process to relieve the transmission overload on the Qualified Transfer Path. Step one attempts to relieve the overload by use of controllable transmission elements, such as series capacitors and phase shifting transformers, that are part of the overloaded Qualified Transfer Path. Step two requires the Qualified Transfer Path Operator to accommodate some amount of unscheduled flow on the Qualified Transfer Path by reducing on-path schedules by the greater of 50 MW or five percent of the transfer limit for the Qualified Transfer Path. Step three requires coordinated use of qualified controllable transmission elements by the Qualified Transfer Path Operator and Transmission Operators that have controllable transmission elements that can assist in relieving the transmission overload on the Qualified Transfer Path. Steps four, five, seven, and nine require curtailment of off-path schedules, with greater curtailments required by off-path schedules with greater TDFs. Steps six and eight, similar to step two, further accommodates some amount of unscheduled flow on the Qualified Transfer Path by reducing on-path schedules by the greater of 75 MW or six percent of the transfer limit for the Qualified Transfer Path, and 100 MW or seven percent of the transfer limit for the Qualified Transfer Path, respectively.⁵ Tri-State notes that five of the six WECC

⁴ Tri-State Complaint at 17.

⁵ *Id.* at 19.

constrained “Qualified Paths” are located within Tri-State’s service territory. As a result, Tri-State asserts that virtually all WECC unscheduled flow events impact Tri-State’s ability to serve its firm load.⁶

B. Alleged Conflict Between the Curtailment Priorities of the *Pro Forma* OATT and Regional Reliability Standard IRO-006-WECC-1

8. Tri-State alleges that WECC’s Implementation of IRO-006-WECC-1 conflicts with the curtailment priorities of the Commission’s *pro forma* OATT. Specifically, Tri-State points to the Commission’s *pro forma* OATT sections 13.6 and 14.7, which state that “all Curtailments will be made on a non-discriminatory basis; however, Non-Firm Point-To-Point Transmission Service shall be subordinate to Firm Transmission Service.”⁷ Tri-State states that WECC’s curtailment methodology discriminates among transmission service based on whether they are provided on-path or off-path, and assigns curtailment priority irrespective of whether transmission services are provided on a firm or non-firm basis. Tri-State believes that the distinction between on-path and off-path results in undue preference for on-path schedules. Additionally, Tri-State states that there are no provisions for curtailment of non-firm, on-path schedules prior to firm, off-path schedules.

9. Tri-State asserts that the conflict created by the UFMP results in both reliability and economic concerns. Due to Tri-State’s widespread rural load, Tri-State asserts the curtailment of firm transmission schedules creates an imminent risk for loss of load events for Tri-State’s customers. Tri-State indicates that in 2012 it has experienced approximately 230 hours of UFMP curtailments of firm transmission schedules that have resulted in: (1) uneconomic dispatch of Tri-State’s generation resources; (2) use of firm transmission rights replaced with lower priority transmission service; (3) purchase of emergency energy to supply firm load; (4) uneconomic market purchases; and (5) uneconomic day ahead scheduling to avoid or minimize further UFMP curtailments.

10. Finally, Tri-State claims that WECC staff has unreasonably delayed resolution of this issue. Tri-State states that WECC created an Unscheduled Flow Task Force (USFTF) in 2008 to develop a methodology for the UFMP to make it consistent with the Commission’s *pro forma* OATT. The USFTF developed the Unscheduled Flow Reduction Guidelines (UFRG) to make the UFMP consistent with the Commission’s *pro forma* OATT. The UFRG is an addition to the UFMP, and is a part of the proposed

⁶ *Id.* at 5.

⁷ *Id.* at 15 (citing Order No. 890-B, 123 FERC ¶ 61,299, *Pro Forma* OATT § 13.6).

revised UFMP that WECC is including in its current standards revision process to update Regional Reliability Standard IRO-006-WECC-1 to IRO-006-WECC-2. Tri-State believes that WECC should have implemented the revised UFMP immediately and did not need to proceed with a revision of Regional Reliability Standard IRO-006-WECC-1. Additionally, Tri-State claims that WECC should work on developing the required tools to implement the revised UFMP in parallel with WECC's efforts to get Commission approval of the revised regional reliability standard.

C. Relief Requested by Tri-State

11. Tri-State requests that the Commission direct the WECC, as the “proponent and enforcer” of IRO-006-WECC-1, and NERC, as the Electric Reliability Organization (ERO) under whose authority IRO-006-WECC-1 is mandatory and enforceable,⁸ to conform WECC's implementation of IRO-006-WECC-1 to the curtailment priorities specified in the Commission's *pro forma* OATT.⁹ To accomplish this, Tri State requests that the Commission direct WECC to implement the UFRG by June 1, 2013.

12. Tri-State asserts in support of its request that “while NERC staff concluded that the standard revisions that WECC was proposing were too substantial for WECC to process as simple errata to IRO-006-WECC-1, NERC staff advised WECC staff to go forward with implementation of the new guideline methodology and not to wait for formal revision of the now IRO-006-WECC-2 to do so.”¹⁰

13. Additionally, Tri-State requests the following relief:

- Identify any deficiencies in the UFRG and require WECC to submit a revised guideline as a compliance filing;

⁸ Pursuant to section 215(d) of the FPA, NERC, as the Commission-certified ERO, develops reliability standards pertaining to the reliable operation of the nation's Bulk Power System. Likewise, a Regional Entity such as WECC can develop a proposed reliability standard that applies on a regional basis. Proposed reliability standards, national or regional, are submitted to the Commission and, if approved, become mandatory and subject to penalties for non-compliance.

⁹ Tri-State Complaint at 1-2.

¹⁰ *Id.* at 3 and 28.

- Require WECC to commence the software development to implement the UFRG immediately and to complete the necessary development and testing so that the UFRG will be implemented by June 1, 2013;
- Require WECC to provide regular updates on the software development needed to implement the UFRG; and
- Require all Path Operators to interrupt all forms of non-firm transactions occurring directly across a Qualified Path before the initial request for off-path curtailments in the current WECC curtailment process under Regional Reliability Standard IRO-006-WECC-1 and WECC's UFMP.

III. Notice of Filings and Responsive Pleadings

14. Notice of the Complaint was published in the *Federal Register*, 77 Fed. Reg. 65,545 (2012), with interventions and protests due on or before November 8, 2012. Powerex Corp (Powerex) and the Western Area Power Administration each filed timely motions to intervene. Portland Gas and Electric Company, and collectively the National Rural Electric Cooperative Association (NRECA) and the American Public Power Association (APPA) filed motions to intervene out of time.

15. Xcel Energy Services, Inc (Xcel) submitted a motion to intervene and comments in support of the Complaint. On November 8, 2012, Respondents submitted an answer to the Complaint.

16. On November 21, 2012, Tri-State and Powerex each filed an answer to Respondents' November 8, 2012 answer. On December 6, 2012, Respondents filed an answer to Tri-State's November 21, 2012 answer. On December 7, 2012, Tri-State filed an answer to Respondents' December 6, 2012 answer. On December 12, 2012, the NRECA and the APPA collectively filed an answer to Respondents' November 8, 2012 and December 6, 2012 answers. On January 14, 2013, WECC filed a motion for the Commission to designate Commission staff as non-decisional in this proceeding.

A. WECC and NERC's Answer to Complaint

17. Respondents answered Tri-State's complaint with both a procedural argument and an argument against the merits. Procedurally, Respondents argue that they are not public utilities as defined in the statute and, therefore, FPA section 206 is inapplicable.¹¹

¹¹ FPA section 201(e) defines the term "public utility" to mean "any person who owns or operates facilities subject to the jurisdiction of the Commission under this Part...." 16 U.S.C. § 824(e).

Respondents also argue that Tri-State lacks standing to file under FPA section 215(d)(6) because Tri-State is not a “Transmission Organization” as that term is defined by the statute. Section 215(d)(6) provides for the “fair process for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or order by the Commission applicable to a Transmission Organization.” The term “Transmission Organization” is defined as “regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.”¹²

18. On the merits, Respondents assert that there is no conflict between Regional Reliability Standard IRO-006-WECC-1 and the Commission’s *pro forma* OATT. Respondents explain that Qualified Path operators submit to the WECC Reliability Coordinator a curtailment request through WECC’s Security Analysis System, known as “webSAS,” which Respondents describe as a “proprietary tool used in the Western Interconnection to analyze, initiate, and communicate [unscheduled flow] events and implementation of the UFMP’s curtailment procedures.”¹³ According to Respondents, webSAS provides the amount of relief necessary from Balancing Authorities in megawatts to satisfy the reliability requirement and identifies a list of contributing schedules, “but does not issue a mandatory directive regarding which schedule must be curtailed.”¹⁴

19. Respondents also point to the Commission’s closure of the Transmission Loading Relief (TLR) Notice of Inquiry,¹⁵ which addressed similar issues to Tri-State’s complaint as evidence for the lack of conflict between IRO-006-WECC-1 and the Commission’s *pro forma* OATT. Respondents assert that the Commission has, on multiple occasions, approved of the UFMP in FERC-jurisdictional public utilities’ OATTs. Respondents also defend the standards revision process used to revise the UFMP, stating that revising the UFMP in conjunction with revisions to Regional Reliability Standard IRO-006-WECC-1 maintains due process rights and allows for meaningful participation by interested parties. In addition, Respondents state that they will work quickly to implement the revised

¹² See 16 U.S.C. § 824o(a)(6); 18 C.F.R. § 39.1 (2012).

¹³ Respondents’ Answer at 7.

¹⁴ *Id.*

¹⁵ *Id.* at 23 (citing *Transmission Loading Relief Reliability Standard and Curtailment Priorities*, 139 FERC ¶ 61,218, at P 9 (2012)).

WECC Reliability Standard and the revised UFMP and anticipate filing the revised UFMP with the Commission within the first quarter of 2013.¹⁶

20. In response to Tri-State's assertion that NERC had directed WECC to proceed with implementation of the revised UFMP, NERC avers that it did not direct or advise WECC to implement the revised UFMP immediately, without a formal revision to Regional Reliability Standard IRO-006-WECC-1.¹⁷

B. Comments

21. On November 8, 2012, Xcel commented in support of Tri-State's Complaint, and asked the Commission to direct WECC to implement the proposed Enhanced Curtailment Calculator (ECC) within 24 months. The ECC is a software tool that is separate from the UFMP, which would identify both tagged and untagged uses of the transmission system and assign the appropriate curtailment priority based on transmission rights.¹⁸

22. NRECA and APPA assert that they intervened for the limited purpose of commenting on the jurisdictional issues raised in the Complaint regarding section 215(d)(5). NRECA and APPA assert that section 215(d)(5) provides that the Commission may act upon its own motion and that the section contains no restriction that complaints may only be submitted by a Transmission Organization. They note that if the Commission were to adopt the expansive reading of section 215(d)(5) proposed by the Respondents, then APPA and NRECA's members would be unable to seek relief under section 215(d).

C. Answer to Answers

23. On November 21, 2012, Tri-State answered Respondents' comments, asserting that it is not necessary for Respondents to be a public utility for Tri-State to file an FPA section 206 complaint against them. Tri-State argues that it is sufficient that the WECC Regional Reliability Standard, IRO-006-WECC-1, constitutes a "rule, regulation, practice, or contract affecting such rate, charge, or classification [that] is unjust, unreasonable, unduly discriminatory or preferential" as set forth in FPA section 206.

¹⁶ Respondents' Answer at 3-4.

¹⁷ *Id.*, Exh. 3 Gugel Aff. at P 6.

¹⁸ The ECC would allow for system operators to have a more accurate view of the transmissions system, allowing for appropriate curtailment of untagged uses of the transmission system. The ECC could be used as a complement to the UFMP.

24. Tri-State further argues that FPA section 215(d)(6) is an “appropriate procedural vehicle” for the Complaint, noting that FPA section 215(d)(5) authorizes the Commission “upon its own motion or complaint” to direct the ERO to submit a new or modified reliability standard. According to Tri-State, one means for the Commission to resolve a conflict identified pursuant to FPA section 215(d)(6) is for the Commission to direct the ERO to develop a modified standard pursuant to FPA section 215(d)(5). Tri-State argues that, while section 39.6(a) of the Commission’s regulations appears to provide only for Transmission Organizations to submit a notice of conflict, nothing in the regulation precludes other entities, such as Tri-State, from raising conflict issues to the Commission. Further, according to Tri-State, nothing prevents the Commission from acting once such a conflict has been brought to its attention. Tri-State also argues that, under the narrow reading of section 39.6(a) put forth by Respondents, Tri-State’s (and the Commission’s) rights under FPA section 215(d)(5) would be circumscribed.

25. Tri-State disagrees with Respondents’ claim that, because the Commission approved IRO-006-WECC-1 and the UFMP in previous orders, the Commission has found the Regional Reliability Standard and UFMP to be consistent with the Commission’s *pro forma* OATT. Tri-State also argues that the Commission’s termination of the RM10-9-000 Notice of Inquiry in regards to the NERC Transmission Load Relief Reliability Standard IRO-006-4 is not relevant here as IRO-006-4 and IRO-006-WECC-1 are not the same reliability standard. In addition, Tri-State notes that WECC has been working to address the issue of a conflict between IRO-006-WECC-1 and the Commission’s *pro forma* OATT for four years.

26. On November 21, 2012, Powerex filed reply comments, arguing that accepting Respondents’ argument that Tri-State does not have legal standing to bring their complaint to the Commission could effectively cut off the rights of transmission customers or other entities outside of RTO or ISO regions to raise with the Commission conflicts between reliability standards and the Commission’s *pro forma* OATT. Additionally, Powerex points out that in Order No. 672 the Commission noted that “any interested person” perceiving a conflict between a reliability standard and a tariff may bring this to the Commission’s attention.¹⁹

¹⁹ Powerex November 21, 2012 Comments at 5, (citing *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval and Enforcement of Electric Reliability Standards*, Order No. 672, 114 FERC ¶ 61,104, at P 74 (2006)).

27. In response to Xcel's request that the Commission direct WECC to implement the ECC within 24 months, Powerex asks that the Commission not address Xcel's request in this proceeding as the Commission has not been provided with sufficient information to make a determination.

IV. Discussion

A. Procedural Matters

28. Pursuant to Rule 214 of the Commission's Rules of Practices and Procedure,²⁰ the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. Pursuant to Rule 214(d),²¹ the Commission will grant the late-filed motions to intervene filed by Portland Gas and Electric Company, and collectively the NRECA and APPA given their interest in the proceeding and the absence of undue prejudice or delay.

29. Rule 213(a)(2)²² prohibits an answer to a protest or to an answer unless otherwise ordered by the decisional authority. We will accept the answers filed on November 21, 2012 by Tri-State and Powerex because they have provided information that assisted us in our decision-making process and due to the absence of undue prejudice or delay. We reject the answers filed on December 6, 2012 by Respondents and on December 7, 2012 by Tri-State. The Commission denies WECC's January 14, 2013 motion for the designation of non-decisional Commission staff.

B. Commission Determination

30. For the reasons discussed below, the Commission denies Tri-State's Complaint without prejudice. Tri-State has not shown a conflict between the curtailment provisions of the Commission's *pro forma* OATT and the terms of WECC Regional Reliability Standard IRO-006-WECC-1. Our denial of the Complaint does not preclude Tri-State from submitting a new or revised complaint alleging that an entity with a Commission-approved OATT has violated the terms and conditions of that OATT as a result of the manner in which it complies with WECC Regional Reliability Standard IRO-006-WECC-1.

²⁰ 18 C.F.R. § 385.214 (2012).

²¹ 18 C.F.R. § 385.214(d) (2012).

²² 18 C.F.R. § 385.213(a)(2) (2012).

31. The purpose of Regional Reliability Standard IRO-006-WECC-1 is to mitigate transmission overloads due to unscheduled flow on Qualified Transfer Paths. Regional Reliability Standard IRO-006-WECC-1 has two requirements: Requirement R1 of the standard requires the Reliability Coordinator to approve or deny a request for curtailment from the Transmission Operator within five minutes of receipt. If the Reliability Coordinator approves a request, Requirement R2 requires Balancing Authorities to take one or more actions to provide the required relief:

R2. The Balancing Authorities shall approve curtailment request to the schedules as submitted, implement alternative actions, or a combination thereof that collectively meets the Relief Requirement.²³

32. Through Requirement R2, the Regional Reliability Standard allows for flexibility in regards to the schedules that are curtailed to meet the relief required in the standard. Under Requirement R1, the transmission provider initiates a curtailment request. Each transmission provider is responsible for making curtailment selections that comply with its OATT, using, if necessary, the ability to “implement alternative actions” provided in Requirement R2. As such, the conflict alleged by Tri-State may result from using only the UFMP to determine curtailments and not using the flexibility afforded by Requirement R2 of IRO-006-WECC-1 to implement alternative actions when the UFMP recommends curtailments that are not consistent with the curtailment priorities contained in their OATTs.

33. In Order No. 746, where the Commission approved Regional Reliability Standard IRO-006-WECC-1, WECC commented that the webSAS software used to implement the UFMP is configured to prescribe curtailments in accordance with the WECC Unscheduled Flow Reduction Procedures, and is only one of the methods used to determine which transactions should be curtailed.²⁴ The Commission stated in that order that it was satisfied with WECC’s explanation of webSAS, as well as its proposed use within the mitigation process established in Reliability Standard IRO-006-WECC-1.²⁵ While webSAS may identify curtailments that would address the Relief Requirement at issue, we agree with WECC’s comments in the instant and earlier proceedings that the curtailments ultimately implemented may include: (1) the webSAS-suggested curtailments; (2) alternative actions; or (3) a combination thereof. Accordingly, the Regional Reliability Standard provides flexibility to ensure conformance to the

²³ See IRO-006-WECC-1.

²⁴ Order No. 746, 134 FERC ¶ 61,199 at P 27.

²⁵ *Id.* at P 22

Commission's *pro forma* OATT curtailment priorities while providing the loading relief mandated in Requirement R2.²⁶

34. Tri-State has not alleged, and therefore we do not address, whether any particular public utility transmission provider has violated the OATT curtailment priorities through its implementation of the Regional Reliability Standard. To the extent Tri-State believes one or more public utility transmission providers curtailed Tri-State's transmission service in a manner inconsistent with a Commission-approved OATT, Tri-State may file a complaint against those entities. If such an entity is non-jurisdictional, Tri-State could file a petition under FPA section 211A to the extent that Tri-State believes the service provided to it is not comparable to that which the non-jurisdictional utility provides itself.²⁷

35. Notwithstanding that Tri-State has not alleged OATT violations by any particular public utility transmission provider, it asserts that the Commission nonetheless should address the Complaint because the UFMP is a practice affecting rates, and cites to an order involving the adoption of NERC's TLR procedures as an operating practice that affects tariff provisions.²⁸ However, in that proceeding, we found it appropriate to bring the complaint against a public utility provider under section 206, and we reach a similar conclusion here.²⁹

²⁶ *Id.* P 8 and P 27. The Commission similarly noted in the order closing the TLR Notice of Inquiry that, even if the curtailments provided by the curtailment tool used in the Eastern Interconnection do not comport with the curtailment priorities of the Commission's *pro forma* OATT, it is ultimately the transmission provider's responsibility to uphold its OATT curtailment priorities. *Transmission Loading Relief Reliability Standard and Curtailment Priorities*, 139 FERC ¶ 61,218, at P 9 (2012).

²⁷ 16 U.S.C. § 824j-1.

²⁸ Tri-State Reply Comments at 6 (citing *North Am. Elec. Reliability Council*, 85 FERC ¶ 61,353 (1998)).

²⁹ *See North Am. Elec. Reliability Council*, 85 FERC ¶ 61,353, at 62,356 (1998).

The Commission orders:

The Complaint of Tri-State Generation and Transmission Association, Inc. is hereby denied, without prejudice.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.