

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
Nora Mead Brownell, Joseph T. Kelliher,  
and Suedeem G. Kelly.

Empire District Electric Company

Docket No. EL04-71-000

ORDER ON WAIVER

(Issued September 22, 2004)

1. On January 20, 2004, Empire District Electric Company (Empire) submitted a letter (January 20 Letter) stating that it was not submitting Order No. 2003<sup>1</sup> compliance filings, but instead was relying on the Southwest Power Pool, Inc.'s (SPP) Order No. 2003 compliance filing. This order benefits customers because it relieves Empire of the financial burden of complying with Order No. 2003 since Empire's customers have access to interconnection service through the SPP open access transmission tariff (SPP OATT).

**Background**

2. On July 24, 2003, the Commission issued Order No. 2003 requiring all public utilities that own, control, or operate interstate transmission facilities to adopt the *pro forma* Rule large generator interconnection procedures (LGIP) and agreement (LGIA).

3. On January 8, 2004, the Commission issued a notice clarifying compliance procedures (January 8 Notice).<sup>2</sup> The January 8 Notice clarified that for non-independence transmission providers that are members of regional transmission

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<sup>1</sup> Standardization of Generator Interconnection Agreements and Procedures, Order No. 2003, 68 Fed. Reg. 49,845 (August 19, 2003), Ferc Statutes and Regulations, ¶ 31,146 (2003) (Order No. 2003), *order on reh'g*, Order No. 2003-A, 106 FERC ¶ 61,220 (2004) (Order No. 2003-A), *reh'g pending*; *see also* Notice Clarifying Compliance Procedures, 106 FERC ¶ 61,009 (2004).

<sup>2</sup> Notice Clarifying Compliance Procedures, 106 FERC ¶ 61,009 (2004).

organizations (RTO) or independent system operators (ISO), the RTOs' or ISOs' Commission-approved standards and procedures shall govern the interconnections to its members' facilities that are under the operational control of the RTO or ISO.

4. Empire states that it is currently a transmission-owning member of the Southwest Power Pool, Inc. and all new transmission service using Empire's transmission facilities, including all new generation interconnection service, is provided subject to the rates, terms and conditions of the SPP OATT. SPP has filed revisions to its OATT in compliance with Order No. 2003,<sup>3</sup> and any new large generator requests to interconnect with Empire's transmission facilities will be subject to the SPP *pro forma* LGIP and LGIA. Accordingly, Empire states that it will not file individual large generator interconnection procedures or a large generator interconnection agreement.

5. The January 20 Letter was published in the *Federal Register*, 69 Fed. Reg. 6961 (2004), with comments, protests, interventions due on or before February 10, 2004. None was filed.

### **Discussion**

6. We are treating Empire's January 20 Letter as a request to waive the Commission's Order No. 2003 requirements to adopt LGIA and LGIP. We will grant this request for waiver. Under Order No. 2003-A, a non-independent transmission provider that belongs to an RTO or ISO and has turned over control of all of its transmission system to the RTO or ISO may request that the Commission waive Order No. 2003's requirements that it adopt the LGIA and LGIP.<sup>4</sup> Since Empire is a member of SPP, and all new transmission service using Empire's transmission facilities, including all new generation interconnection service, is provided subject to the rates, terms, and conditions of the SPP OATT, we find that waiver is appropriate and hereby granted. Accordingly, Empire is not required to file individual large generator interconnection procedures or a large generator interconnection agreement.

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<sup>3</sup> Southwest Power Pool, Inc., 107 FERC ¶ 61,286 (2004).

<sup>4</sup> Order No. 2003-A at P 55.

The Commission orders:

Empire's request for waiver is hereby granted, as discussed in the body of this order.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.