

112 FERC 61,267
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

Midwest Independent Transmission System Operator, Inc.	Docket Nos. ER05-6-029 ER05-6-031
Midwest Independent Transmission System Operator, Inc., PJM Interconnection, LLC, <i>et al.</i>	Docket Nos. EL04-135-031 EL04-135-033
Midwest Independent Transmission System Operator, Inc., PJM Interconnection, LLC, <i>et al.</i>	Docket Nos. EL02-111-049 EL02-111-051
Ameren Services Company, <i>et al.</i>	Docket Nos. EL03-212-045 EL03-212-047

ORDER ACCEPTING COMPLIANCE FILINGS, ESTABLISHING HEARING
PROCEDURES, AND CONSOLIDATING PROCEEDINGS

(Issued September 12, 2005)

1. In this order, the Commission accepts for filing an errata submitted on behalf of American Electric Power Service Corporation (AEP), Exelon Corporation, Dayton Power and Light Company (Dayton), and Dominion Virginia Power (collectively Applicants) and a corresponding revised compliance filing submitted by Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and Midwest ISO Transmission Owners. Additionally, the Commission accepts for filing proposed tariff revisions submitted by Midwest ISO filed in compliance with the Commission's June 10, 2005 Order.¹ Consistent with the Going Forward Principles and Procedures settlement and prior Commission orders,² we suspend them for a nominal period, to become effective on various dates, subject to refund and surcharge as appropriate, establish hearing

¹ *Midwest Independent Transmission System Operator, Inc.*, 111 FERC ¶ 61,387 (2005) (June 10 Order).

² *See infra* notes 3, 5.

procedures and consolidate this proceeding with the proceeding currently ongoing in Docket No. ER05-6-001, *et al.*

I. Background

2. On November 18, 2004, the Commission adopted a new long-term transmission pricing structure, effective December 1, 2004, across the Midwest ISO and PJM Interconnection, L.L.C. (PJM) regions, that eliminates rate pancaking for transmission service under open access transmission tariffs (OATTs) for delivery to load in the Midwest ISO-PJM region.³ In addition, Midwest ISO, PJM, and their transmission owners were directed to make compliance filings implementing the Seams Elimination Charge/Cost Adjustment/Assignment (SECA) methodology adopted in the November 18 Order on or before November 24, 2004.

3. On February 10, 2005, the Commission accepted for filing the compliance filings that PJM and the PJM Transmission Owners, the Midwest ISO and the Midwest ISO Transmission Owners, and AEP, Commonwealth Edison Company (ComEd), and Dayton filed in November, December, and January, suspended them for a nominal period, to become effective December 1, 2004, subject to refund and surcharge as appropriate, and established hearing procedures.⁴

4. On June 10, 2005, the Commission conditionally granted Nordic Marketing LLC and Nordic Marketing of Michigan, LLC (Nordic) interim relief with respect to the implementation of SECA rates applicable to Nordic. In that order, the Commission provided that Nordic would pay, for transmission to its load in the Michigan Electric Transmission Company (METC) and International Transmission Company (ITC) zones, the effective as-filed SECA rate applicable to Consumers Energy Company and Detroit Edison Company, respectively, until the SECA rate is finalized, subject to and conditioned upon refunds or surcharges, with interest, based on the outcome of the SECA rate compliance proceeding.

5. On June 16, 2005, the Commission accepted for filing further compliance filings that PJM and the PJM Transmission Owners, the Midwest ISO and the Midwest ISO Transmission Owners, and AEP, ComEd, and Dayton filed in February, March, April, and May, suspended them for a nominal period, to become effective on various dates,

³ *Midwest Independent Transmission System Operator, Inc.*, 109 FERC ¶ 61,168 (2004) (November 18 Order), *reh'g pending*.

⁴ *Midwest Independent Transmission System Operator, Inc.*, 110 FERC ¶ 61,107 (2005) (February 10 Order).

subject to refund and surcharge as appropriate, established hearing procedures and consolidated that proceeding with the ongoing proceedings discussed above.⁵

II. Description of Filings

6. On June 13, 2005, in Docket No. ER05-6-029, Applicants filed an errata to the previous SECA compliance filings submitted on April 20 and 29, 2005. Applicants state that this filing makes minor SECA rate changes. Additionally Applicants state that the errata correct typographical errors regarding lost revenues in Attachment R to PJM's OATT. Applicants request the changes be made effective May 1, 2005. In response to Applicants' filing, on June 24, 2005 Midwest ISO and the Midwest ISO Transmission Owners submitted a revised compliance filing revising its Attachment A of Schedule 22 to reflect Applicants' lost revenues revision.

7. On June 30, 2005, in Docket No. ER05-6-031, Midwest ISO filed proposed tariff revisions to implement the SECA rate relief granted Nordic in the Commission's June 10 Order and requests an April 1, 2005 effective date.

III. Notice and Filing

8. Notice of Applicants' June 13, 2005 filing in Docket No. ER05-6-029 was published in the *Federal Register*, 70 Fed. Reg. 36,932 (2005), with protests and interventions due on or before July 5, 2005. Notice of Midwest ISO's June 24, 2005 filing in Docket No. ER05-6-029 was published in the *Federal Register*, 70 Fed. Reg. 38,906 (2005), with protests and interventions due on or before July 15, 2005. Notice of Midwest ISO's June 30, 2005 filing in Docket No. ER05-6-031 was published in the *Federal Register*, 70 Fed. Reg. 41,217 (2005), with protests and interventions due on or before July 21, 2005. None were filed.

IV. Discussion

9. All three compliance filings raise issues of material fact that cannot be resolved based on the record before us and are more appropriately addressed in the hearing and procedures ordered below.

⁵ *Midwest Independent Transmission System Operator, Inc.*, 111 FERC ¶ 61,409 (2005) (June 16 Order).

10. Our preliminary analysis indicates that the compliance filings have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Therefore, consistent with the Going Forward Principles and Procedures settlement and prior orders,⁶ we will accept the compliance filings for filing, suspend them for a nominal period and make them subject to refund and surcharge as appropriate, and set them for hearing. Furthermore, as requested, Applicants' and Midwest ISO's filings in Docket No. ER05-6-029 will be made effective May 1, 2005, and Midwest ISO's filing in Docket No. ER05-6-031 will be made effective April 1, 2005.

11. Given common issues of law and fact, we will consolidate this proceeding with the proceeding currently ongoing in Docket No. ER05-6-001, *et al.*, for purposes of hearing and decision.

The Commission orders:

(A) The errata and revised compliance filing submitted in Docket No. ER05-6-029 are hereby accepted for filing and suspended for a nominal period, to become effective May 1, 2005, as requested, subject to refund or surcharge, as discussed in the body of this order.

(B) The compliance filing submitted in Docket No. ER05-6-031 is hereby accepted for filing and suspended for a nominal period to become effective April 1, 2005, as requested, subject to refund or surcharge, as discussed in the body of this order.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred on the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held concerning the errata and compliance filings, as discussed in the body of this order.

(D) Docket Nos. ER05-6-029 and ER05-6-031 are hereby consolidated with Docket Nos. ER05-6-001, *et al.* for purposes of hearing and decision.

⁶ See *supra* notes 3, 5.

(E) The presiding administrative law judge designated to preside in the proceeding ongoing in Docket No. ER05-6-001, *et al.* shall determine the procedures best suited to accommodate consolidation.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.