

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

United States Department of Energy  
Bonneville Power Administration

Docket No. NJ06-2-000

ORDER GRANTING PETITION FOR DECLARATORY ORDER AND GRANTING  
EXEMPTION FROM FILING FEE

(Issued March 2, 2006)

1. On January 4, 2006, Bonneville Power Administration (BPA) filed a petition for a declaratory order requesting the Commission to approve its revised Open Access Transmission Tariff (OATT), as filed to comply with Order Nos. 661 and 661-A.<sup>1</sup> BPA requests that the Commission find that its revised OATT is consistent with or superior<sup>2</sup> to the *pro forma* OATT and that BPA will continue to maintain its reciprocity status. In this order, the Commission grants BPA's petition and finds that BPA's proposed OATT substantially conforms or is superior to the *pro forma* OATT and that BPA will continue to maintain its reciprocity status. In addition, we will exempt BPA from paying the filing fee required by 18 C.F.R. § 381.302 (2005).

**Background**

2. BPA is not a public utility within the Commission's jurisdiction under sections 205 and 206 of the Federal Power Act.<sup>3</sup> It is therefore not subject to the open

---

<sup>1</sup> *Interconnection for Wind Energy*, Order No. 661, 70 Fed. Reg. 34,993 (June 16, 2005), FERC Stats. & Regs. ¶ 31,186, *order on reh'g and clarification*, Order No. 661-A, 113 FERC ¶ 61,254 (2005).

<sup>2</sup> BPA requests that the Commission review its proposed revisions under the "consistent with or superior" standard. However, the Commission evaluates revisions to a safe harbor tariff against the "substantially conform or superior to" standard, and that is the standard we apply here.

<sup>3</sup> 16 U.S.C. §§ 824d, 824e (2000).

access requirements of Order No. 888<sup>4</sup> applicable to public utilities, although it may voluntarily file an OATT with the Commission.

3. In Order No. 888, the Commission required a non-public utility that owns, operates, or controls transmission facilities, as a condition of receiving open access transmission service under its OATT, to provide reciprocal transmission service on comparable terms. As one method of satisfying this reciprocity requirement, the Commission allowed non-public utilities to file OATTs with the Commission under the voluntary safe harbor provision. Under this provision, the Commission could issue a declaratory order finding that a non-public utility's proposed OATT is an acceptable reciprocity tariff if its provisions "substantially conform" or are superior to the *pro forma* OATT. BPA currently has an OATT on file with the Commission.<sup>5</sup>

4. In Order No. 2003,<sup>6</sup> the Commission required all public utilities that own, control, or operate facilities for transmitting electric energy in interstate commerce to append the *pro forma* Large Generator Interconnection Agreement (LGIA) and Large Generation Interconnection Procedures (LGIP) to their OATTs. Order No. 2003 states that a non-public utility that has a safe harbor tariff may add to its tariff an interconnection agreement and interconnection procedures that substantially conform or are superior to the *pro forma* LGIA and LGIP, if it wishes to continue to qualify for safe harbor

---

<sup>4</sup> See *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (1997), *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 Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

<sup>5</sup> The Commission has accepted BPA's OATT as an acceptable reciprocity tariff. See *United States Department of Energy- Bonneville Power Administration*, 94 FERC ¶ 61,317 (2001).

<sup>6</sup> See *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 68 Fed. Reg. 49,845 (Aug. 19, 2003), FERC Stats. & Regs. ¶ 31,146 at P 826 (2003), *order on reh'g*, Order No. 2003-A, 69 Fed. Reg. 15,932 (Mar. 26, 2004), FERC Stats. & Regs. ¶ 31,160 (2004), *order on reh'g*, Order No. 2003-B, 70 Fed. Reg. 265 (Jan. 4, 2005), FERC Stats. & Regs. ¶ 31,171 (2005), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005); see also *Notice Clarifying Compliance Procedures*, 106 FERC ¶ 61,009 (2004).

treatment. BPA filed a modified OATT that included a proposed LGIA and LGIP, which the Commission found substantially conforms or is superior to the *pro forma* LGIP and LGIA.<sup>7</sup>

5. In Order Nos. 661 and 661-A, the Commission required all public utilities that own, control, or operate facilities for transmitting electric energy in interstate commerce to append to the LGIP and LGIA in their OATTs, the Final Rule Appendix G, which provides Interconnection Requirements for a Wind Generating Plant (Wind Requirements) and Interconnection Procedures for a Wind Generating Plant (Wind Procedures).

6. BPA proposes to adopt the *pro forma* tariff language set forth in Order Nos. 661 and 661-A. BPA also proposes minor non-substantive changes to its OATT Attachment L to reflect the addition of Order Nos. 661 and 661-A. These proposed changes include: (1) adding Appendix 7 to the LGIP table of contents; (2) revising the title of the LGIA Appendix G in the LGIA table of contents; and (3) replacing the placeholder page originally in the LGIA Appendix G to provide the correct title and add the first page of the Wind Requirements text. BPA requests an effective date of January 18, 2006.

### **Notice of Filing and Responsive Pleadings**

7. Notice of BPA's January 4, 2006 filing was published in the *Federal Register*, 71 Fed. Reg. 2,200 (2006), with interventions, comments, and protests due on or before January 25, 2006. None was filed.

### **Discussion**

8. We find that BPA's proposed revised OATT, with the addition of the Wind Requirements and Wind Procedures, substantially conforms to or is superior to the requirements of the *pro forma* OATT. We also find that BPA continues to maintain its reciprocity status.

9. BPA requests an exemption from the filing fee for its petition for a declaratory order because, as an agency of the United States Department of Energy, engaged in the official business of the federal government, it states that it is exempt from filing fees.<sup>8</sup> We agree and, accordingly, grant BPA's petition for an exemption from the filing fee.

---

<sup>7</sup> *United States Department of Energy- Bonneville Power Administration*, 112 FERC ¶ 61,195, *order on reh'g*, 113 FERC ¶ 61,005 (2005).

<sup>8</sup> *See* 18 C.F.R. §§ 381.108(a), 381.302 (2005).

The Commission orders:

(A) BPA's petition for declaratory order is granted and its OATT is hereby deemed to be an acceptable reciprocity tariff consistent with the discussion in the body of this order.

(B) BPA's request for exemption of the filing fee is granted.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.