

120 FERC ¶ 61,222  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

Preventing Undue Discrimination and Preference in Transmission Service	Docket Nos. RM05-17-000 RM05-17-002 RM05-25-000 RM05-25-002
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NOTICE GRANTING EXTENSION OF EFFECTIVE DATE

(Issued September 7, 2007)

1. On February 16, 2007, the Commission issued Order No. 890, which reformed the *pro forma* open access transmission tariff (OATT) to clarify and expand the obligations of transmission providers to ensure that transmission service is provided on a non-discriminatory basis.<sup>1</sup> Among other things, the Commission established a minimum lead time for the undesignation of network resources in order for network customers to make firm, third-party sales out of those resources. Specifically, the Commission amended section 30.3 of the *pro forma* OATT to require that terminations of a network resource designation be provided to the transmission provider as soon as reasonably practicable, “but not later than the firm scheduling deadline for the period of termination.”

2. The revised tariff language became effective on July 13, 2007, and has been adopted by a number of transmission providers in compliance filings submitted on or around that date. Several commenters have raised concerns regarding the effect of the minimum lead-time requirement in requests for rehearing and/or clarification of Order No. 890, at a technical conference convened regarding this issue on July 30, 2007, and in comments received following that technical conference.

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<sup>1</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 Fed. Reg. 12,266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007) (Order No. 890).

3. Upon consideration of these concerns, the Commission grants an extension of the effective date of the minimum lead time for undesignating network resources adopted in Order No. 890 and, thus, defers the effectiveness of that particular tariff language. Specifically, the phrase "..., but not later than the firm scheduling deadline for the period of termination" in section 30.3 of the *pro forma* OATT shall not be deemed effective, notwithstanding incorporation of that phrase in a previously-submitted compliance filing, pending a further order in this proceeding.<sup>2</sup> Transmission providers do not need to resubmit or otherwise amend their pending compliance filings to reflect this extension. The Commission will address the appropriate effective date for that tariff language, or any modifications thereto, in a future order to be issued in this proceeding.

The Commission orders:

The Commission hereby defers the effective date of the tariff provisions adopted in Order No. 890 that establish a minimum lead-time for undesignating network resources, as discussed in the body of this order, pending a further order in this proceeding.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>2</sup> During this extension, the *pro forma* OATT will not specify the time by which network customers are required to terminate their network resources. To the extent a transmission provider wishes to establish a minimum lead-time for undesignating network resources, it would be reasonable in this instance for the transmission provider to specify that deadline in its business practices, pending a further order in this proceeding.