

126 FERC ¶ 61,072  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Market-Based Rates For Wholesale Sales of Electric  
Energy, Capacity, and Ancillary Services by Public  
Utilities

Docket No. RM04-7-006

ORDER GRANTING EXTENSION OF TIME TO COMPLY

(Issued January 28, 2009)

1. On December 19, 2008, the Commission issued Order No. 697-B, which, among other things, revised the tariff provision on mitigated sales to state that “if the Seller wants to sell at the metered boundary of a mitigated balancing authority area at market-based rates, then neither it nor its affiliates can sell into that mitigated balancing authority area from the outside.”<sup>1</sup>

2. Tampa Electric Company (Tampa Electric) submitted a motion for extension of time to comply with the revised mitigated sales tariff provision set forth in Order No. 697-B. Upon consideration of the concerns raised by Tampa Electric, the Commission will grant an extension of time to comply with the mitigated sales tariff provision set forth in Order No. 697-B until such time as the Commission issues an order on rehearing of Order No. 697-B. We clarify that affected entities must continue to comply with the mitigated sales tariff provision adopted in Order No. 697-A<sup>2</sup> until such time as the Commission acts on the requests for rehearing of Order No. 697-B.

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<sup>1</sup> *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697-B, 73 Fed. Reg. 79,610 (Dec. 30, 2008), FERC Stats. & Regs. ¶ 31,285 at Appendix C (2008).

<sup>2</sup> *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697-A, 73 Fed. Reg. 25,832 (May 7, 2008), FERC Stats. & Regs. ¶ 31,268, at Appendix C (2008).

The Commission orders:

The Commission hereby grants an extension of time for affected entities to comply with the tariff provision governing mitigated sales set forth in Order No. 697-B, as discussed in the body of this order.

By the Commission. Commissioner Kelliher is not participating.

( S E A L )

Kimberly D. Bose,  
Secretary.