

126 FERC ¶ 61,220
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

March 13, 2009

In Reply Refer To:
Portland General Electric Company,
NorthWestern Corporation,
Avista Corporation,
PacifiCorp, and
Puget Sound Energy, Inc.
Docket No. ER09-533-000

Portland General Electric Company
121 SW. Salmon Street
Portland, OR 97204

Attention: Cece L. Coleman
Assistant General Counsel

Reference: Order Conditionally Accepting Agreement, Subject to
Further Compliance with Order No. 714

Dear Ms. Coleman:

1. On January 12, 2009, Portland General Electric Company (Portland) submitted a Revised Colstrip Project Transmission Agreement (Agreement) between Portland and The Montana Power Company, Puget Sound Power & Light Company, The Washington Water Power Company, and Pacific Power & Light Company, which includes two amendments¹ that were not previously filed with the Commission.² Portland requested waiver of the prior notice requirements to permit a January 13, 2009 effective date.

¹ Portland refers to these amendments as Revision No. 2 dated December 1, 1997, and Revision No. 4 dated April 27, 2000.

² Portland's filing is in response to the July 16, 2008 audit report in Docket No. PA06-9-000, which concluded that Portland should have previously filed the amendments made to this grandfathered contract in accordance with 18 C.F.R § 35.1(a) (2008) and 18 C.F.R § 35.3(a) (2008). *See Letter Order Issuing Final Audit Report for Portland General Electric Company* in Docket No. PA06-9-000 (2008). Portland is reminded that it must submit required filings on a timely basis or face possible sanctions by the Commission.

Waiver of the 60-day prior notice requirements pursuant to section 35.11 of the Commission's regulations (18 C.F.R. § 35.11 (2008))³ is granted and Portland's submittal is conditionally accepted for filing, effective January 13, 2009, subject to further compliance filings, as discussed below.

2. The filing was noticed on January 14, 2009, with comments due on February 2, 2009. No protests or adverse comments were received. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214 (2008)). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

3. In Order No. 614, the Commission stated in the preamble that "on joint services, each utility offering a service must file its own tariff sheets."⁴ The Commission determined in Order No. 714, that to reduce the burden to the filer, the staff, and the public in having multiple identical filings made on behalf of different companies, it will no longer require utilities to file multiple copies of a tariff and instead the joint filers can designate one filer to submit a single tariff for inclusion in its database that reflects the joint tariff along with the certificates of concurrence.⁵ In addition, the non-designated joint filers would include in their tariff database a tariff section consisting of a single page or section that would provide the appropriate name of the tariff and the identity of the utility designated as the filer of the tariff.

4. Portland states that it is the "designated filer" under Order No. 714,⁶ on behalf of Avista Corporation (Avista), NorthWestern Corporation (NorthWestern), PacifiCorp, and Puget Sound Energy, Inc. (Puget Sound) (collectively, Joint Filers),⁷ and that Certificates

³ *Central Hudson Gas and Electric Company, et al.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992), and *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified*, 65 FERC ¶ 61,081 (1993).

⁴ *Designation of Electric Rate Schedule Sheets*, Order No. 614, 65 Fed. Reg. 18,221 (Apr. 7, 2000), FERC Stats. & Regs., Regulations Preambles July 1996 – December 2000 ¶ 31,096 (2000).

⁵ *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

⁶ *Id.* at P 61-63.

⁷ Avista, PacifiCorp, and Puget Sound Energy, Inc. were formerly known as The Washington Water Power Company, Pacific Power & Light Company, and Puget Sound Power & Light Company, respectively. NorthWestern is the successor to the Montana Power Company.

of Concurrence have been executed by the Joint Filers and are included in Attachment H of Portland's submittal.

5. We find that Avista, NorthWestern, and PacifiCorp are not in satisfactory compliance with the procedures in Order No. 714 because these companies have failed to file a single tariff sheet or section referencing Portland's tariff, and these companies have not removed their respective rate schedules from their tariffs.⁸ Avista, NorthWestern, and PacifiCorp are required, within 30 days of the date of this order, to file a single page or section that would provide the appropriate name of the tariff and the identity of the utility designated as the filer of the tariff and remove their respective rate schedules from their tariffs. A new docket number will be assigned to each of these filings.

By direction of the Commission. Commissioner Kelliher is not participating.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

cc: Service List

⁸ On February 13, 2009, Puget Sound submitted in Docket No. ER09-722-000, a Colstrip Project Transmission Agreement, and a single tariff sheet with Portland as the designated filer for the Agreement. Puget Sound's submittal is currently pending action before the Commission.

Service List:

NorthWestern Corporation
40 East Broadway
Butte, Montana 59701

PacifiCorp
700 NE. Multnomah Street
Suite 550
Portland, Oregon 97232

Avista Corporation
1411 East Mission Avenue
MSC-23
Spokane, Washington 99202

Puget Sound Energy, Inc.
355 110th Avenue NE.
P.O. Box 97034
Bellevue, Washington 98009-9734