



FEDERAL ENERGY REGULATORY COMMISSION

March 18, 2010

Commissioner Marc Spitzer

Docket Nos. EL10-22-000 & EL10-396-000

Item Nos. E-11 & E-12

Statement of Commissioner Marc Spitzer on Tres Amigas

"I support infrastructure to provide our nation's consumers a plentiful and reliable supply of energy. I also recognize the need to develop wind and other renewables as part of a larger portfolio of resources that consumers should be able to call on at just and reasonable rates. I commend Tres Amigas for proposing a truly novel project to address the evolving needs of the wholesale energy markets.

Tres Amigas seeks an order disclaiming jurisdiction over prospective transmission facilities that would interconnect with the Electric Reliability Council of Texas (ERCOT) grid. I agree that the Petitioners have not provided sufficient information to grant the request. To be clear, however, the Order does not reject the project nor find that it is not in the public interest. In addition, the Order should not be seen as a departure from our policies that support development of renewable resources and energy infrastructure. Instead, in the Federal Power Act Congress specified certain requirements the Commission must meet when ruling that connecting ERCOT to the national grid does not trigger FERC jurisdiction over ERCOT facilities. Today's Order on the Petition only finds that the Petitioners have not yet satisfied those requirements. Nothing in the Order precludes the Commission from finding in the future that facilities in ERCOT may connect to the project and remain outside of FERC's jurisdiction.

I also support the Order to grant Tres Amigas' application to sell transmission services at negotiated rates. This Order represents our ongoing commitment to innovative and flexible rate structures, which started with the *Zephyr* and *Chinook* orders, to foster the construction of needed transmission infrastructure while still ensuring just and reasonable rates for consumers. The Tres Amigas project is precisely the type of project that we sought to encourage in adopting flexible rates for merchant projects.

I want to thank the team that worked on the petition as well as the team that worked on the negotiated rate order. These filings raised thorny issues and I greatly appreciate the hard work of staff on both orders."