

131 FERC ¶ 61,285  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Marc Spitzer, Philip D. Moeller,  
and John R. Norris.

Midwest Independent Transmission  
System Operator, Inc.

Docket Nos. ER08-1169-003  
ER08-1169-004  
ER08-1169-005

ORDER ACCEPTING COMPLIANCE FILINGS

(Issued June 29, 2010)

1. This order addresses three compliance filings by the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) in proceedings that revise the Midwest ISO Tariff<sup>1</sup> to remedy backlogs in the interconnection queuing process. On July 24, 2009, Midwest ISO filed two compliance revisions, one treating refund of unused portions of study deposits (Refund Filing) and the other treating various provisions in tariff sections 5.1.1.1 and 11.5 (Combined Filing). On September 23, 2009, Midwest ISO filed compliance revisions treating quarterly operating limits for temporary Generator Interconnection Agreements<sup>2</sup> (Operating Limits Filing). For the reasons described below, we will accept each filing.

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<sup>1</sup> As of January 6, 2009, Midwest ISO's Open Access Transmission and Energy Markets Tariff (TEMT) became the Open Access Transmission, Energy, and Operating Reserve Markets Tariff (ASM Tariff). *See Midwest Indep. Transmission Sys. Operator, Inc.*, 127 FERC ¶ 61,294 (2009). This order uses "Tariff" to mean the TEMT or the ASM Tariff, whichever is in effect at the time written about. *See infra* note 13.

<sup>2</sup> A temporary Generator Interconnection Agreement conditionally permits a project that is ready to proceed to use available transmission capacity, prior to issuance of an ordinary, i.e., non-temporary, Generator Interconnection Agreement, based upon the

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## **Background**

2. Concerned about delays and backlogs in processing interconnection queues, the Commission, on March 20, 2008, directed Midwest ISO and other Regional Transmission Organizations and Independent System Operators to report on their efforts to improve their queue processing procedures.<sup>3</sup> Midwest ISO did so<sup>4</sup> and, after consultation with its stakeholders, proposed revisions to Attachment X, “Generator Interconnection Procedures,” (Attachment X) on June 26, 2008. The Commission conditionally accepted these tariff revisions on August 25, 2008.<sup>5</sup> One revision that needed further compliance was the introduction of new section 11.5, Special Considerations, which provides for temporary Generator Interconnection Agreements (section 11.5).<sup>6</sup>

3. Complying with the Queue Reform Order’s directives, Midwest ISO filed, on September 24, 2008, proposed tariff revisions (2008 Compliance Filing) that the Commission accepted in part and rejected in part on June 25, 2009.<sup>7</sup> In compliance with that order, Midwest ISO filed the Combined Filing on July 24, 2009, and the Operating Limits Filing on September 23, 2009. Separately, on June 25, 2009, when acting on rehearing of the Queue Reform Order, the Commission granted rehearing, in part, concerning refund of unused study deposits, and required a compliance filing.<sup>8</sup> Midwest ISO complied by submitting the Refund Filing on July 24, 2009.

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results of specified available studies. Although currently such agreements are called provisional Generator Interconnection Agreements, this order will use “temporary” rather than “provisional” to be consistent with previous orders in these proceedings.

<sup>3</sup> *Interconnection Queuing Practices*, 122 FERC ¶ 61,252 (2008).

<sup>4</sup> Midwest ISO filed its compliance report on April 21, 2008, in Docket No. AD08-2-000.

<sup>5</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 124 FERC ¶ 61,183 (2008) (Queue Reform Order).

<sup>6</sup> *Id.* P 124-131.

<sup>7</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 127 FERC ¶ 61,295 (2009) (Compliance Order).

<sup>8</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 127 FERC ¶ 61,294 (2009) (Rehearing Order).

### **Notices and Responsive Filings**

4. Notice of the Refund Filing was published in the *Federal Register*, 74 Fed. Reg. 38,609 (2009), with interventions and protests due on or before August 14, 2009. None were filed.

5. Notice of the Combined Filing was published in the *Federal Register*, 74 Fed. Reg. 40,177 (2009), with interventions and protests due on or before August 14, 2009. None were filed.

6. Notice of the Operating Limits Filing was published in the *Federal Register*, 74 Fed. Reg. 51,145 (2009), with interventions and protests due on or before October 14, 2009. NextEra Energy Resources, LLC (NextEra)<sup>9</sup> filed a protest (Protest). On October 29, 2009, Midwest ISO filed an answer to NextEra's protest (Answer).<sup>10</sup>

### **Discussion**

#### **A. Operating Limits for Temporary Generator Interconnection Agreements**

##### **1. Commission Requirement**

7. The Compliance Order required Midwest ISO to clarify further the methodology it uses to set operational limits for temporary Generator Interconnection Agreements with Energy Resources Integration Service (ERIS),<sup>11</sup> and to file revised tariff language, as applicable. Additionally, the Commission found the 2008 Compliance Filing unclear as to the study assumptions that Midwest ISO would use for a customer seeking temporary ERIS. Thus, it directed Midwest ISO to explain the specific assumptions regarding the conditions used when determining operational limits for

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<sup>9</sup> Prior to January 7, 2009, NextEra was known as FPL Energy, LLC (FPL Energy), which intervened in the Docket No. ER08-1169-000 proceeding.

<sup>10</sup> Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2009), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept Midwest ISO's answer because it has provided information that has assisted us in our decision-making process.

<sup>11</sup> Under ERIS, the generator utilizes the existing firm or non-firm capacity of the transmission system on an as-available basis. *See* Midwest ISO Tariff, Fourth Revised Volume, Definitions, section 1.197.

temporary ERIS. The explanation was to include how Midwest ISO incorporated peak and non-peak conditions into the power flow model. The Commission directed Midwest ISO to show that the study methodology is consistent with ERIS insofar as the Interconnection Customer would use the Transmission System on an “as available” basis.<sup>12</sup> Midwest ISO complied in the Operating Limits Filing.<sup>13</sup>

## 2. Midwest ISO’s Filing

8. With respect to the setting of operational limits for temporary Generator Interconnection Agreements, Midwest ISO states that it will start its analysis with the base cases used as the genesis for the Available Flowgate Capability (AFC) calculations. It will use only the system topology and basic dispatch, not the “worse-case” dispatch from Attachment C, “Methodology To Assess Available Transfer Capability,” of the ASM Tariff. The topology, states Midwest ISO, represents the expected state of the system for the time period under study. The only adjustment to the dispatch that Midwest ISO will make will be to review generators of the same fuel type as the generator under study and to verify that these generators are dispatched, or to adjust the base case so that they are dispatched.<sup>14</sup> This adjustment is made to reflect the fact that when economic and/or weather conditions are ripe for operation of the unit with the temporary Generator Interconnection Agreement, these conditions should also be ripe for operation of nearby generation of the same fuel type with ordinary, i.e., non-temporary, Generator Interconnection Agreements.<sup>15</sup>

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<sup>12</sup> Compliance Order, 127 FERC ¶ 61,295 at P 16-17.

<sup>13</sup> Midwest ISO’s proposed tariff revisions apply to its ASM Tariff and also to the predecessor EMT Tariff because the revisions to Attachment X became operational under the TEMT before being carried forward into the ASM Tariff. Thus, Midwest ISO must amend both tariffs so that temporary Generator Interconnection Agreements executed under the TEMT and those executed under the ASM Tariff are treated on the same basis.

<sup>14</sup> Operating Limits Filing at 4.

<sup>15</sup> *Id.* at 4-5 & n.11. Midwest ISO states that it is logical to assume that during time periods when it is windy enough for one wind farm to operate, it is windy enough for other nearby wind farms to operate. However, it does not logically follow to assume that a diesel generator and wind turbine would be simultaneously running, because the diesel generator operates in high load emergencies and the wind generator operates during windy conditions, which usually reduces the load. The use of a general assumption that a diesel generator and wind turbine would be simultaneously running in all cases would be an example of the worst-case conditions the Commission directed the

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9. Once the base case is established, Midwest ISO will conduct a first contingency transfer study to determine the output limit where the source of the transfer is the generator under study, and the sink is all load in the Midwest ISO Energy Market (reduced on a pro rata basis). The transfer limit becomes the operational limit for that quarter.

10. Midwest ISO states that its methodology incorporates “peak and non-peak” conditions into the power flow model because the methodology uses the expected state of the system rather than the worst-case (i.e., peak) conditions used for calculating AFC in Attachment C.<sup>16</sup> Midwest ISO contends that not only does this methodology inherently model seasonal load variations but that it also accounts for use of the Transmission System by an Interconnection Customer with a temporary Generator Interconnection Agreement on an “as available” basis by computing the capacity available for the upcoming season and permitting the temporary Interconnection Customer to use it.<sup>17</sup>

11. With respect to an Interconnection Customer taking temporary ERIS, Midwest ISO proposes changes to section 11.5 that will require Midwest ISO to evaluate the unit under study in a manner commensurate with an ERIS study. Midwest ISO explains that the temporary Generator Interconnection Agreement studies cover the next 12 months as compared with ERIS studies which cover a period in the future when projects higher in the interconnection queue are connected and operating.<sup>18</sup>

### **3. Protest and Answer**

12. NextEra protests that the Operating Limits Filing dismisses the proposals that NextEra advanced in the stakeholder process, i.e., adoption of operational limits that are more reflective of economic dispatch. NextEra contends that this could be achieved by establishing an operating limit equal to the nameplate capacity of the generator holding a temporary Generator Interconnection Agreement, and then limiting the output of the facility based on Midwest ISO’s instructions, based, in turn, on real-time system conditions. Alternatively, NextEra suggests that Midwest ISO define several operational limits for the facility according to system load conditions, e.g. peak, off-peak and weekend load, so as to take advantage of the dynamic character of the transmission

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Midwest ISO to avoid (citing 2009 Compliance Order, 127 FERC ¶ 61,295 at P 17).

<sup>16</sup> Operating Limits Filing at 5.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 6.

system and to recognize that loading of certain facilities can vary according to load and generation dispatch. NextEra objects to the Operating Limits Filing's rejection of both proposals on the basis that the proposals are inconsistent with mandatory North American Electric Reliability Corporation (NERC) Reliability Standards.<sup>19</sup> NextEra asserts that it does not challenge the established need to perform needed reliability studies before allowing operation under a temporary Generator Interconnection Agreement. However, NextEra states, its past experience with Midwest ISO's calculation of operating limits has been discouraging. On several occasions, Midwest ISO used a methodology that returned a zero incremental injection limit. Unless Midwest ISO is using a worst case scenario, NextEra doubts that across all hours in the next calendar quarter, not one MW could be injected in a single hour without violating reliability standards.

13. NextEra refers to the Commission's findings that the operational limit to be applied to temporary Generator Interconnection Agreements cannot be based on worst case assumptions or be overly restrictive, and that Midwest ISO need not set operational limits based on day-ahead or real-time conditions. NextEra then acknowledges that, regardless of the designated operational limit, Midwest ISO still must manage its system in the real-time to maintain reliability and the generation-load balance. In doing so, states NextEra, Midwest ISO may order manual curtailments of generators, including wind energy facilities, consistent with its Tariff. Thus, contends NextEra, a higher operating limit would in no way compromise Midwest ISO's ability to apply its rules to curtail a wind energy facility when conditions require.

14. NextEra faults the Operating Limits Filing's proposals as overly simplified. NextEra states that they fail to take into account peak and non-peak differences within a season, and that they rely on 100 percent dispatch of network resources regardless of resource type. NextEra asserts that there are significant peak and off-peak differences "within a season, both within the week, and within the day." It states that calculating two separate operating limits, for peak and off-peak conditions within each season should be manageable for Midwest ISO and would lead to more efficient use of the transmission system.<sup>20</sup> NextEra refers to Midwest ISO's statement that its base case relies on a model where all Network Resources are dispatched to derive the transfer limit that becomes the operational limit for a generator with a temporary Generator Interconnecting Agreement. NextEra states that this inaccurately represents the system because Network Resources include peaking and intermediate units that are not dispatched identically to base load

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<sup>19</sup> NERC Reliability Standards define the reliability requirements for planning and operating the North American bulk power system.

<sup>20</sup> Protest at 8.

units. NextEra urges that Midwest ISO's base case would be more accurate if it relied on economic-based generation dispatch for the load level that is under study.<sup>21</sup>

15. Midwest ISO answers NextEra's proposal, that the operating limit of a generator with a temporary Generator Interconnection Agreement be set as equal to the nameplate capacity while basing the actual limitation of the facility's output on real-time system conditions, by pointing out that the Commission has already found it appropriate for Midwest ISO to set operating limits for generators with temporary Generator Interconnection Agreements on a quarterly basis.<sup>22</sup> Similarly, Midwest ISO urges, NextEra's request for smaller increments of peak and off-peak limits within a quarter should be rejected as inconsistent with the Commission's finding.

16. Midwest ISO criticizes NextEra's proposals as ignoring the Reliability Standards that place responsibilities on Midwest ISO for assessing reliability when generation facilities are integrated into the Transmission System. Midwest ISO notes, for example, that section 11.5 provides that the studies must show that facilities meeting the applicable NERC and Regional Entity requirements will be in place "prior to commencement of generation from the Generating Facility."<sup>23</sup> Midwest ISO explains that among these reliability requirements are Reliability Standard FAC-002-0<sup>24</sup> and

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<sup>21</sup> *Id.* at 8-9.

<sup>22</sup> Compliance Order, 127 FERC ¶ 61,295 at P 16.

<sup>23</sup> *See* section 11.5 of the ASM Tariff at Second Revised Sheet No. 3095.

<sup>24</sup> Reliability Standard FAC-002-0 provides, in part:

R1. The Generator Owner, Transmission Owner, Distribution Provider, and Load-Serving Entity seeking to integrate generation facilities, transmission facilities, and electricity end-user facilities shall each coordinate and cooperate on its assessments with its Transmission Planner and Planning Authority. The assessment shall include: . . . R1.2 Ensurance of compliance with NERC Reliability Standards and applicable Regional, subregional, Power Pool, and individual system planning criteria and facility connection requirements. . . . R1.4 Evidence that the assessment included steady-state, short-circuit, and dynamics studies as necessary to evaluate system performance in accordance with Reliability Standard TPL-001-0.

Transmission Planning Reliability Standards, such as Reliability Standards TPL-001 through TPL-003.<sup>25</sup>

17. Midwest ISO explains that the Reliability Standards require that the transmission system be *planned* to operate reliably at all times, as well as managed to operate reliably on a real-time basis. Reliability Standard FAC-002 requires that the new facility be found reliable under a planning study. Midwest ISO states that NextEra's proposals would permit a project with only a temporary Generator Interconnection Agreement to connect and generate even when the study shows that the connection cannot operate reliably at all times.<sup>26</sup>

18. Midwest ISO addresses NextEra's concern that Midwest ISO's calculations of operating limits has resulted, in specific instances, in a zero incremental injection limit. Midwest ISO states that the instances about which NextEra complains concerned studies that included thermal, stability and short-circuit analyses, and are equivalent to a regular System Impact Study. The studies to be performed pursuant to section 11.5 for a temporary Generator Interconnection Agreement are just thermal studies, provided that a stability analysis allows for a positive injection limit.<sup>27</sup> Midwest ISO requires these

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<sup>25</sup> Reliability Standard TPL-001-0.1 provides, in part:

B. Requirements; R1. The Planning Authority and Transmission Planner shall each demonstrate through a valid assessment that its portion of the interconnected transmission system is planned such that, with all transmission facilities in service and with normal (pre-contingency) operating procedures in effect, the Network can be operated to supply projected customer demands and projected Firm (non-recallable reserved) Transmission Services at all Demand levels over the range of forecast system demands, under [defined conditions].

Related TPL-002 and TPL-003 Reliability Standards provide for similar requirements for first contingency operation (Category B) and multiple contingency operation (Category C) events. Table I of TPL-001-0.1 provides that in the event of certain listed contingencies, the system must be stable and both Thermal and Voltage Limits must be within the Applicable Rating.

<sup>26</sup> Answer at 4-9.

<sup>27</sup> Answer at 9-10.

studies prior to executing a temporary Generator Interconnection Agreement to demonstrate compliance with NERC Reliability Standards.<sup>28</sup>

#### 4. Commission Response

19. The purpose of a compliance filing is to make the modifications directed by the Commission. The Commission reviews compliance filings to ascertain whether the modifications are appropriate.<sup>29</sup> We have examined the Operating Limits Filing and are satisfied that it fulfills the directives of the Queue Reform Order. We find that Midwest ISO has sufficiently explained how it will determine quarterly operating limits for Interconnection Customers taking service under a temporary Generator Interconnection Agreement. We note that the Operating Limits Filing includes, for informational purposes, a detailed methodology whitepaper.<sup>30</sup>

20. We address NextEra's recommendation that, in this compliance proceeding, the Commission mandate peak and off-peak limits for temporary Generator Interconnection Agreements within each seasonal quarter.<sup>31</sup> Midwest ISO's opposes this recommendation, stating that use of peak and off-peak ranges to set operating limits for temporary Generator Interconnection Agreements would not provide a valid assessment that the transmission system can be operated at all demand levels consistent with requirements under NERC standards.<sup>32</sup> Midwest ISO adds that because the Commission has already found, in the Queue Reform Order, that quarterly updates are appropriate, this compliance proceeding need not address whether any more narrow update should be attempted. Quarterly dispatch, it states, reflects the expected state of the transmission system for each seasonal period and accounts for the variety of fuel types.<sup>33</sup>

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<sup>28</sup> *Id.* at 10.

<sup>29</sup> *See Cal. Indep. Sys. Operator Corp.*, 125 FERC ¶ 61,339, at P 37 (2008) (citing *AES Huntington Beach, LLC*, 111 FERC ¶ 61,079, at P 60 (2005)).

<sup>30</sup> Additionally, Midwest ISO has revised section 11.5 to remove references to Midwest ISO's footprint. This satisfies the Compliance Order's requirement that Midwest ISO clarify its use of the term "footprint." *See* Compliance Order, 127 FERC ¶ 61,295 at P 18.

<sup>31</sup> *See supra*, P 12.

<sup>32</sup> Answer at 12.

<sup>33</sup> *Id.*

21. In the Queue Reform Order, the Commission directed Midwest ISO to modify its original proposal for a single annual limit for temporary interconnections to provide seasonal updates.<sup>34</sup> While adopting NextEra's request for more than one annual operating limit, a request supported by Midwest ISO, the Commission did not adopt NextEra's additional request for operational limits that reflect the day-ahead or real-time available transmission capacity.<sup>35</sup> We find that NextEra's request, that we require peak and off-peak operating limits within each seasonal quarter, exceeds the Commission's directive and is inappropriate in this compliance proceeding.

22. We find that the Operating Limits Filing satisfies the Compliance Order's requirement that Midwest ISO clarify the methodology that it will use to set operational limits for temporary Generator Interconnection Agreements with ERIS. Midwest ISO's base case for these purposes begins with an expected state of the system rather than worst case or peak conditions. Midwest ISO then analyzes this base case for purposes of meeting a first contingency emergency. Midwest ISO has also revised section 11.5 to evaluate the unit under study for a temporary Generator Interconnection Agreement in a manner consistent with that used for ERIS studies.

23. We turn to NextEra's concern that Midwest ISO's methodology has resulted in determinations of zero incremental injection limit in particular instances. We are satisfied with Midwest ISO's explanation that the instances NextEra references<sup>36</sup> did not result from the process of determining quarterly operating limits for temporary Generator Interconnection Agreement, the subject of this proceeding.

24. We will accept the Operational Limits Filing, as submitted, to be effective August 25, 2008 for the EMT Tariff, and January 6, 2009 for the ASM Tariff, as Midwest ISO has requested.

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<sup>34</sup> Queue Reform Order, 124 FERC ¶ 61,183 at P 129-131.

<sup>35</sup> See FPL Energy July 17, 2008 Protest in Docket No. ER08-1169-000 at 26-28.

<sup>36</sup> Protest at 7. NextEra has given no details of the instances except for stating that the requested interconnections were at bulk transmission substations with multiple transmission line outlets.

**B. Study Deposit Refunds****1. Commission Requirement**

25. In the Rehearing Order, the Commission granted rehearing of proposals governing when Midwest ISO will return unused deposit money to Interconnection Customers that withdraw their projects from the interconnection process. The Commission found that it is not just and reasonable for Midwest ISO to retain deposit money beyond that which is necessary to conduct studies for the project and any necessary restudies caused by project withdrawal, and that refund to withdrawing Interconnection Customers should be governed by the Commission's traditional cost causation policy – costs are born by those who cause them.<sup>37</sup> Consequently, the Commission required Midwest ISO to revise section 13.3, Obligation for Study Costs, of Attachment X (section 13.3), within 30 days, to provide for customer refunds of any unused portion of the study deposit paid to enter the Definitive Planning Phase after Midwest ISO has accounted for the study costs associated with the withdrawing project and restudy costs associated with any affected lower-queued customers. The Commission also required Midwest ISO to apply this same refund policy to situations where the Interconnection Customer terminates or suspends the interconnection project.<sup>38</sup>

**2. Midwest ISO's Refund Filing**

26. In the Refund Filing, Midwest ISO proposes to revise section 13.3 to refund the withdrawing Interconnection Customer with any unused portion of the study deposit paid to enter the Definitive Planning Phase after Midwest ISO has accounted for study and restudy costs associated with project withdrawal. Additionally, Midwest ISO further revises section 13.3 to provide that refund of study deposits not used for studies or restudies applies also to the situation where the Interconnection Customer terminates or suspends the project.

**3. Commission Determination**

27. We will accept Midwest ISO's proposed revisions to section 13.3. We will make these tariff revisions effective August 25, 2008 for the TEMT and January 6, 2009 for the ASM Tariff.

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<sup>37</sup> Rehearing Order, 127 FERC ¶ 61,294 at P 13.

<sup>38</sup> *Id.* P 14.

### C. Combined Filing

#### 1. Commission Requirement

28. In the Compliance Order, the Commission directed Midwest ISO to clarify various tariff provisions and to correct certain errors in the 2008 Compliance Filing. Concerning section 11.5, it directed Midwest ISO to revise the section as follows: (1) clarify the term “facilities”; (2) clarify the phrase “At a minimum, studies must be performed and Interconnection Customer must demonstrate that facilities . . .”; (3) replace the term “installation” with “interconnection”; (4) clarify, with stated text, that available studies are used to demonstrate that existing facilities are sufficient for the new generator and that only where available studies indicate that such is not the case is the Interconnection Facilities Study required;<sup>39</sup> (5) adopt a clarification agreed to by Midwest ISO, regarding the criteria that Midwest ISO uses when it evaluates whether to provide a temporary Generator Interconnection Agreement;<sup>40</sup> (6) remove language addressing the effect of missing a milestone in the Generator Interconnection Procedures or otherwise breaching a non-temporary Generator Interconnection Agreement;<sup>41</sup> and (7) remove language requiring the Interconnection Customer to install equipment that automatically disconnects the generating facility from the transmission system if the facility’s output exceeds the operational limit.<sup>42</sup>

29. In addition to directing the above substantive changes in section 11.5, the Compliance Order directed Midwest ISO to make minor changes to sections 3.6, 4.1, 5.1.1.1, and 8.2 of Attachment X.<sup>43</sup> It also directed removal of the terms “Regional Reliability Council” and “Regional Reliability Organization” from Midwest ISO’s ASM Tariff where these terms are undefined.<sup>44</sup>

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<sup>39</sup> Compliance Order, 127 FERC ¶ 61,295 at P 28-29.

<sup>40</sup> *Id.* P 32.

<sup>41</sup> *Id.* P 35.

<sup>42</sup> *Id.* P 38.

<sup>43</sup> *Id.* P 44, P 47-48, P 57.

<sup>44</sup> *Id.* P 61.

**2. Midwest ISO's Filing**

30. In the Combined Filing, Midwest ISO makes the substantive changes to section 11.5 and the minor changes to sections 3.6, 4.1, 5.1.1.1, and 8.2 of Attachment X required by the Compliance Order.

**3. Commission Determination**

31. We find that Midwest ISO's proposed revisions to sections 3.6, 4.1, 5.1.1.1, 8.2, and 11.5 of Attachment X comply with the directives in the Compliance Order. Therefore, we will therefore accept them and make them effective August 25, 2008 for the TEMT and January 6, 2009 for the ASM Tariff.

The Commission orders:

The Operational Limits Filing, the Refund Filing, and the Combined Filing are hereby accepted, to be effective August 25, 2008, and January 6, 2009, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.