

132 FERC ¶ 61,174
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Midwest Independent Transmission
System Operator, Inc. and
Dairyland Power Cooperative

Docket No. ER10-990-001

ORDER ACCEPTING COMPLIANCE FILING

(Issued August 26, 2010)

1. On June 28, 2010, Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and Dairyland Power Cooperative (Dairyland) (collectively, Applicants) submitted a filing in compliance with the Commission's May 28, 2010 order.¹ The compliance filing clarifies which, if any, Dairyland transmission projects are subject to regional cost allocations contained in Attachment FF and Schedule 26 to the Midwest ISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff), once Dairyland integrates into Midwest ISO. We will accept Applicants' compliance filing, as clarified and modified.

I. Background

2. On April 1, 2010, Applicants filed proposed revisions to Schedule 7 (Long-Term Firm and Short-Term Firm Point-to-Point Transmission Service), Schedule 8 (Non-Firm Point-to-Point Transmission Service), Schedule 9 (Network Integration Transmission Service), and Schedule 26 (Network Upgrade Charge From Transmission Expansion Plan) of the Tariff to reflect the addition of Dairyland as a pricing zone in connection with Dairyland joining Midwest ISO as a transmission-owning member on June 1, 2010. In the May 28 Order, the Commission conditionally accepted the revisions to Schedules 7, 8, 9, and 26 of the Tariff, subject to a compliance filing. Specifically, the Commission

¹ *Midwest Indep. Transmission Sys. Operator, Inc., et al.*, 131 FERC ¶ 61,187 (2010) (May 28 Order).

required a compliance filing to clarify how Dairyland's transmission projects will be integrated into Midwest ISO's regional planning process.² The Commission directed Dairyland and Midwest ISO to clarify which Dairyland projects would be subject to regional cost allocation set out in Attachment FF and Schedule 26 of the Tariff.³

II. Compliance Filing

3. Applicants' filing lists Dairyland's current projects and indicates that all are presently excluded from the Midwest ISO Transmission Expansion Plan (MTEP) and that none of Dairyland's proposed or conceptual projects are expected to be included in the MTEP for 2011. Applicants also state that Dairyland's project list will be posted on Midwest ISO's website to inform stakeholders of any future Dairyland projects that will be included in the Midwest ISO planning process.

III. Notice of Filing and Responsive Pleadings

4. Notice of Applicants' filing was published in the *Federal Register*, 75 Fed. Reg. 39,226 (2010), with interventions and protests due on or before July 19, 2010.

5. Midwest ISO Transmission Owners⁴ filed a timely protest. Midwest ISO filed an answer to Midwest ISO Transmission Owners' protest.

² May 28 Order, 131 FERC ¶ 61,187 at P 14.

³ *Id.*

⁴ Midwest ISO Transmission Owners for purposes of this filing consist of: Ameren Services Company, as agent for Union Electric Company, Central Illinois Public Service Company, Central Illinois Light Co., and Illinois Power Company; American Transmission Company LLC; City of Columbia Water and Light Department (Columbia, Missouri); City Water, Light & Power (Springfield, Illinois); Duke Energy Corporation for Duke Energy Ohio, Inc., Duke Energy Indiana, Inc., and Duke Energy Kentucky, Inc.; Great River Energy; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; International Transmission Company; ITC Midwest LLC; Michigan Electric Transmission Company, LLC; Michigan Public Power Agency; MidAmerican Energy Company (MidAmerican); Minnesota Power (and its subsidiary Superior Water, L&P); Montana-Dakota Utilities Co.; Northern Indiana Public Service Company; Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, subsidiaries of Xcel Energy Inc.; Northwestern Wisconsin Electric Company; Otter Tail Power Company; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric
(continued...)

IV. Discussion

A. Procedural Matter

6. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2010), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept Midwest ISO's answer because it provided information that assisted us in our decision-making process.

B. Substantive Matters

1. Comments

7. Midwest ISO Transmission Owners assert that the information in the compliance filing is incomplete and requires clarification. Specifically, they state that Dairyland is a participant in the Transmission Capacity Expansion Initiative by the Year 2020 (CapX2020) project initiative, but the compliance filing does not mention Dairyland's involvement in the CapX2020 Hampton-Rochester-La Crosse 345 kV transmission project.⁵ According to Midwest ISO Transmission Owners, failure to include this project in the compliance filing can be interpreted to mean that Dairyland's investment in this project will not be subject to regional cost allocation contained in Attachment FF and cost recovery set out in Schedule 26 of the Tariff. Midwest ISO Transmission Owners request that Applicants specifically confirm that this CapX2020 project will not be subject to regional cost allocation and cost recovery under Attachment FF and Schedule 26, respectively. They also request that Applicants be required to indicate whether there are any projects excluded from the compliance filing, and to clarify whether those projects are subject to regional cost allocation pursuant to Attachment FF and Schedule 26 of the Tariff.

2. Midwest ISO's Answer

8. Midwest ISO states that Dairyland's investment in the CapX2020 project will not be subject to cost allocation under Attachment FF and cost recovery under Schedule 26 of

Company; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative.

⁵ Midwest ISO TOs Comments at 4 (*citing* http://www.capx2020.com/Projects/pdf/HRL_project_update_04.30.2010.pdf and http://www.dairynet.com/power_delivery/twincities_lacrosse.php).

the Tariff.⁶ In addition, Midwest ISO states that no other planned or proposed Dairyland projects are eligible for regional cost allocation and cost recovery unless those projects are submitted during future MTEP planning cycles.

3. Commission Determination

9. Applicants' compliance filing, as clarified and modified in Midwest ISO's answer, clarifies that, as of August 3, 2010, none of Dairyland's planned or proposed projects are subject to regional cost allocation pursuant to Attachment FF and cost recovery under Schedule 26 of the Tariff. Midwest ISO's answer provides Midwest ISO Transmission Owners' requested confirmations and therefore addresses their concerns. Accordingly, we will accept Applicants' compliance filing, as clarified and modified in Midwest ISO's answer, because it complies with the requirements of the May 28 Order.

The Commission orders:

Applicants' compliance filing, as clarified and modified, is hereby accepted, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

⁶ Midwest ISO also updated the table listing Dairyland's projects that was included in the June 28 compliance filing and attached it to its answer.