

134 FERC ¶ 61,092  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

February 9, 2011

In Reply Refer To:  
Mid-Continent Area Power Pool  
Docket No. ER11-2343-000

Morgan, Lewis & Bockius LLP  
Attention: Joseph W. Lowell  
1111 Pennsylvania Ave., NW  
Washington, DC 20004-2541

Dear Mr. Lowell:

1. On December 10, 2010, the Mid-Continent Area Power Pool (MAPP) filed a request for waiver of certain North American Energy Standards Board (NAESB) Wholesale Electric Quadrant (WEQ) business practice standards adopted by the Commission in Order No. 676-E<sup>1</sup> and Modeling, Data and Analysis (MOD) Reliability Standards approved by the Commission in Order No. 729.<sup>2</sup> In this order, the Commission grants the requested waiver, as discussed below.

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<sup>1</sup> *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676-E, FERC Stats. & Regs. ¶ 31,299 (2009), *order on reh'g*, 130 FERC ¶ 61,116.

<sup>2</sup> *Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System*, Order No. 729, 129 FERC ¶ 61,155 (2009), *order on reh'g*, Order No. 729-A, 75 Fed. Reg. 26,057 (May 11, 2010), 131 FERC ¶ 61,109, *order on reh'g*, Order No. 729-B, 75 Fed. Reg. 43,059 (July 23, 2010), 132 FERC ¶ 61,027 (2010).

2. On April 25, 2006, the Commission issued Order No. 676,<sup>3</sup> which amended the Commission's regulations under the Federal Power Act to incorporate by reference certain standards promulgated by NAESB's WEQ.<sup>4</sup> As an alternative to complying with the standards, Order No. 676 gave public utilities the option of applying for a waiver of some or all of the standards by filing a request explaining the reasons why the waiver should be granted.

3. On November 24, 2009, the Commission issued Order No. 676-E, which revised its regulations to incorporate by reference the latest version (Version 002.1) of the business practice standards (Version 002.1 Standards) adopted by the WEQ of NAESB. NAESB's Version 002.1 Standards include revised standards adopted by NAESB in response to Order Nos. 890, 890-A, and 890-B.<sup>5</sup> The revisions contained in the Version 002.1 Standards modify NAESB's Commercial Timing Table (WEQ-004 Appendix D) and Transmission Loading Relief Standards (WEQ-008) to provide clarity, align NAESB's business practice standards with the reliability standards adopted by the North American Electric Reliability Corporation (NERC), and amend certain ancillary services definitions appearing in the Open Access Same-Time Information Systems Standards (WEQ-001) relating to the inclusion of demand response resources as potential providers of ancillary services. As in Order No. 676, Order No. 676-E contained provisions for an entity to seek a waiver from its requirements.<sup>6</sup> The Commission directed public utilities to file tariff revisions to incorporate the Version 002.1 Standards at least 90 days before the effective date of the six MOD Reliability Standards submitted by NERC to the

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<sup>3</sup> *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676, FERC Stats. & Regs. ¶ 31,216 (2006), *reh'g denied*, Order No. 676-A, 116 FERC ¶ 61,255 (2006), *amended*, Order No. 676-B, FERC Stats. & Regs. ¶ 31,246 (2007), *amended*, Order No. 676-C, FERC Stats. & Regs. ¶ 31,274 (2008), *order on reh'g*, Order No. 676-D, 124 FERC ¶ 61,317 (2008), *amended*, Order No. 676-E, FERC Stats. & Regs. ¶ 31,299.

<sup>4</sup> Order No. 676, FERC Stats. & Regs. ¶ 31,216 at P 1, 19.

<sup>5</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009), *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

<sup>6</sup> Order No. 676-E, FERC Stats. & Regs. ¶ 31,299 at P 107, 130.

Commission and approved in Order No. 729, which was issued concurrently with Order No. 676-E.<sup>7</sup>

4. In its request for waiver, MAPP requests that the Commission grant waiver of the requirements to submit, in advance of the effective dates of Order No. 676-E and Order No. 729, any revisions to Attachment C necessitated by the MOD Reliability Standards and the Version 002.1 Standards and any revisions to Schedule F to incorporate by reference the Version 002.1 Standards. MAPP explains that it provides open access transmission services under Schedule F of the MAPP Restated Agreement and that Attachment C to Schedule F concerns the calculation of available transfer capability (ATC) related to Schedule F transmission service. MAPP states that it is currently in the process of winding-down transmission service under Schedule F. In particular, MAPP states that the last of the existing service agreements for transmission service will expire no later than midnight on March 31, 2011, that there will no longer be any Schedule F transmission service after that date, and that it intends to file a notice of cancellation of Schedule F that will be effective on April 1, 2011.<sup>8</sup> Therefore, MAPP argues that good cause exists to grant the requested waiver because Schedule F will no longer be in effect on April 1, 2011 and it would be unduly burdensome to implement revisions to Schedule F to facilitate compliance with these standards when they will be inapplicable to MAPP.

5. Notice of MAPP's filing was issued, with comments, protests, and interventions, due on January 3, 2011. None was filed.

6. We find that good cause exists to grant MAPP's request for waiver because MAPP will no longer be providing service under Schedule F after March 31, 2011. Our decision to grant waiver is subject to the outcome of the proceedings in Docket No. ER11-2651-000. In the event that we reject MAPP's notice of cancellation such that MAPP must continue to provide transmission service under Schedule F, we will provide further

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<sup>7</sup> In Order No. 729-B, the Commission clarified that the effective date for the MOD Reliability Standards and the Version 002.1 Standards is April 1, 2011. Thus, the compliance deadline for the filing required by Order No. 676-E is 90 days prior to April 1, 2011 (i.e., January 3, 2011). Order No. 729-B, 132 FERC ¶ 61,027 at P 15.

<sup>8</sup> On January 6, 2011, MAPP filed a notice of cancellation of Schedule F with the Commission and requested an effective date of April 1, 2011. *See* Mid-Continent Area Power Pool, Notice of Cancellation, Docket No. ER11-2651-000 (filed Jan. 6, 2011).

guidance about how to comply with the requirements of Order No. 676-E and Order No. 729 in that proceeding.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary.