

144 FERC ¶ 61,079
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

July 31, 2013

In Reply Refer To:
Midwest Independent Transmission
System Operator, Inc.
Docket No. ER12-1663-000

Midwest Independent Transmission System Operator, Inc.
Attention: Matthew R. Dorsett
720 City Center Drive
Carmel, IN 46032

Dear Mr. Dorsett:

1. On December 17, 2012, Midwest Independent Transmission System Operator, Inc. (MISO)¹ submitted a request for clarification and waiver in regards to the Commission order accepting MISO's proposal to become the central counterparty for market-related transactions and associated transmission usage charges under its Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff).²
2. Specifically, MISO requests clarification of the August 8, 2012 Order that MISO itself will not be subject to the regulations and requirements regarding market-based rate authorizations for the wholesale sale of electric energy,

¹ Effective April 26, 2013, MISO changed its name from "Midwest Independent Transmission System Operator, Inc." to "Midcontinent Independent System Operator, Inc."

² *Midwest Indep. Transmission Sys. Operator, Inc.*, 140 FERC ¶ 61,116 (2012) (August 8, 2012 Order).

capacity, and ancillary services at market-based rates.³ In support of its request, MISO states that it will have no discretion regarding which transactions clear the markets or the prices at which they clear pursuant to the MISO Tariff and will not be a market seller with discretion to sell at market-based rates as defined in the Commission's regulations. MISO also requests clarification that MISO will not be subject to annual charges under section 382.201 of the Commission's regulations beyond what is already assessed to MISO as a public utility.⁴ MISO asserts that additional reporting or annual charge obligations on MISO would result in unnecessarily burdensome duplication of reporting and payments. MISO also requests waiver of the Electric Quarterly Report (EQR) requirements due to its presence in the chain of title of transactions. According to MISO, EQR reporting would not provide any significant additional information beyond that already received by the Commission from the market participant sellers.⁵ MISO requests an effective date of January 1, 2013.

3. Notice of MISO's filing was published in the *Federal Register*, 78 Fed. Reg. 41,049-03 (2013), with interventions and protests due on or before July 8, 2013. None was filed.

4. The Commission clarifies that MISO will not be subject to the regulations and requirements regarding market-based rate authorizations for the wholesale sale of electric energy, capacity, and ancillary services at market-based rates in its role as central counterparty.⁶ The Commission also clarifies that MISO will not be subject to annual charges under section 382.201 of the Commission's regulations beyond what is already assessed to MISO as a public utility.⁷ The

³ MISO Transmittal at 2 & n.2. MISO notes that the Commission approved similar requests in *PJM Interconnection, L.L.C.*, 132 FERC ¶ 61,207, at P 57 (*PJM Interconnection*), *order on compliance*, 133 FERC ¶ 61,277 (2010); *ISO New England, Inc.*, 140 FERC ¶ 61,177, at P 31 (2012) (*ISO New England*).

⁴ MISO Transmittal at 2. MISO states that the Commission granted similar clarification to PJM and ISO New England. *Id.* at 2 n.4 (citing *PJM Interconnection*, 132 FERC ¶ 61,207 at P 55; *ISO New England*, 140 FERC ¶ 61,177 at P 34).

⁵ *Id.* at 2 n.5 (noting that the Commission granted waiver for the EQR requirements in *PJM Interconnection*, 132 FERC ¶ 61,207 at PP 60-61; *ISO New England*, 140 FERC ¶ 61,177 at P 32).

⁶ See *PJM Interconnection*, 132 FERC ¶ 61,207 at P 57; *ISO New England*, 140 FERC ¶ 61,177 at P 31.

⁷ See *PJM Interconnection*, 132 FERC ¶ 61,207 at P 55; *ISO New England*,

Commission also grants MISO's request for waiver of the EQR requirements due to its presence in the chain of title of transactions.⁸

By direction of the Commission .

Kimberly D. Bose,
Secretary.

140 FERC ¶ 61,177 at P 34.

⁸ See *PJM Interconnection*, 132 FERC ¶ 61,207 at PP 60-61; *ISO New England*, 140 FERC ¶ 61,177 at P 32.