

144 FERC ¶ 61,199
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Midcontinent Independent System Operator, Inc.	Docket Nos. ER13-868-001
Midwest Independent Transmission System Operator, Inc.	ER13-868-002

ORDER GRANTING CLARIFICATION AND CONDITIONALLY ACCEPTING
COMPLIANCE FILING

(Issued September 12, 2013)

1. On April 2, 2013, the Commission conditionally accepted proposed tariff revisions filed by Midwest Independent Transmission System Operator, Inc. (MISO)¹ to establish the procedures under which Load Serving Entities (LSE) that integrate into the MISO balancing authority must meet their resource adequacy requirements.² On May 2, 2013, MISO filed a request for rehearing or in the alternative, clarification (Request for Clarification) of the April 2 Order, as well as proposed revisions to its Open Access Transmission, Energy, and Operating Reserve Markets Tariff (Tariff) in compliance with the April 2 Order (Compliance Filing). As discussed further below, we grant MISO's Request for Clarification and conditionally accept the Compliance Filing.

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.*, 143 FERC ¶ 61,007 (2013) (April 2 Order).

I. Background

2. On June 11, 2012, the Commission conditionally accepted MISO's proposal for a new annual resource adequacy construct, as set forth in a new Module E-1 of the Tariff.³ Pursuant to Module E-1, MISO conducts an annual planning resource auction beginning three days before the last business day in March and ending on the last business day in March. During this period, market participants are required to submit their resource offers into the auction for the planning year that begins on June 1 and ends on May 31 of the following calendar year.⁴

3. Under Module E-1, an LSE can obtain resources to satisfy its resource adequacy requirements by either offering or self-scheduling resources (i.e., offering capacity at a price of \$0/MW and receiving the auction clearing price) in the annual auction or by submitting a fixed resource adequacy plan (FRAP), which demonstrates that it has procured sufficient resources for all or a portion of its planning reserve margin requirement. If an LSE is found to be resource deficient, it is assessed a deficiency charge. MISO further proposed to establish seven local resource zones as well as zonal resource adequacy requirements, for which separate auctions are to be conducted. Finally, under Module E-1, subject to some exceptions, LSEs are assessed a zonal deliverability charge when their resources are not located in the same zone as their load.

4. On September 28, 2012, the Commission rejected without prejudice MISO's initial attempt to establish resource adequacy requirements applicable to LSEs for new load within the MISO region that is served by transmission facilities that have been transferred to the functional control of MISO by their transmission owners. MISO had defined such LSEs as "New LSEs" under the Tariff.⁵ MISO proposed to bar New LSEs

³ *Midwest Indep. Transmission Sys. Operator, Inc.*, 139 FERC ¶ 61,199 (2012) (Resource Adequacy Order); *see also* MISO, Application, Docket No. ER11-4081-000 (filed July 20, 2011) (July 20, 2011 Filing).

⁴ Resource Adequacy Order, 139 FERC ¶ 61,199 at P 175; July 20, 2011 Filing, Doying Aff. at ¶¶ 82-91.

⁵ *See Midwest Indep. Transmission Sys. Operator, Inc.*, 140 FERC ¶ 61,254 (2012) (September 28 Order). MISO explained that the term "New LSE" includes any LSE within MISO's balancing authority area that is served by transmission facilities under MISO's control as a result of the transmission owner transferring functional control of the facilities to MISO, irrespective of whether the LSE is a new or an existing member. *See* Midcontinent Independent System Operator, Inc., FERC Electric Tariff, [1.454a, New LSE, 1.0.0](#).

that possess insufficient zonal resource credits from participating in MISO's energy and operating reserve markets and to deny them balancing authority area services. The Commission found that MISO failed to show why such a proposal was not unduly discriminatory against New LSEs.⁶ Furthermore, the Commission found that MISO's proposal failed to adequately incorporate locational market mechanisms previously required by the Commission.⁷

5. In response to the September 28 Order, MISO proposed revisions to the Tariff to establish resource adequacy requirement provisions for New LSEs in Module E-2 of the Tariff that largely mirrored the requirements of Module E-1. In the April 2 Order, the Commission conditionally accepted MISO's proposal.

II. Notice and Responsive Pleadings

6. Notice of the Compliance Filing was published in the *Federal Register*, 78 Fed. Reg. 27,961 (2013), with interventions, comments, and protests due on or before May 23, 2013. No interventions were filed. MidAmerican Energy Company (MidAmerican) filed comments addressing the Compliance Filing. On May 30, 2013, MISO filed an answer in response to MidAmerican's comments.

III. Discussion

A. Procedural Matters

7. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2013), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept MISO's answer because it has provided information that has assisted us in our decision-making process.

B. Substantive Matters

8. As discussed further below, we conditionally accept the Compliance Filing, to be effective April 3, 2013, as it satisfies the requirements of the April 2 Order. However, as described by MISO in the Request for Clarification, certain further revisions are appropriate. Accordingly, we direct MISO to file a further compliance filing within 30 days of the date of this order. Further, we grant MISO's Request for Clarification.

⁶ September 28 Order, 140 FERC ¶ 61,254 at P 17.

⁷ *Id.* PP 20-23.

1. Demonstrating Resource Adequacy

a. April 2 Order

9. In the April 2 Order, the Commission conditionally accepted MISO's proposal to require all New LSEs to meet their resource adequacy requirements through any combination of the following: (1) submitting a FRAP; (2) self-scheduling zonal resource credits; (3) purchasing zonal resource credits through a transitional planning resource auction; and/or (4) paying a deficiency charge.⁸ However, the Commission directed MISO to revise proposed section 69A.11.13 to state the following: (1) any portion of a New LSE's planning reserve margin requirement not covered by the FRAP may be purchased through the transitional planning resource auction; (2) a New LSE will be charged the applicable auction clearing price for any planning reserve margin requirement that is procured through the planning resource auction; (3) a New LSE that is capacity deficient will be assessed a deficiency charge in accordance with proposed section 69A.11.15; (4) to the extent that a New LSE designates zonal resource credits in a FRAP that are physically located in the same local resource zone as the New LSE's load to meet the New LSE's planning reserve margin requirement for such local resource zone, then the New LSE will not be subject to a zonal deliverability charge for such zonal resource credits; and (5) a New LSE that utilizes zonal resource credits from planning resources that are not physically located in the same local resource zone where the New LSE has load may be subject to a zonal deliverability charge.⁹ The Commission also directed MISO to revise section 69A.11.16 to permit New LSEs to procure zonal resource credits through the annual planning resource auction.¹⁰

b. Compliance Filing and Request for Clarification

10. In compliance with the April 2 Order, MISO proposes to revise section 69A.11.13 to make clear that: (1) any portion of a New LSE's planning reserve margin requirement not covered by the FRAP may be purchased through the transitional planning resource auction; (2) a New LSE will be charged the applicable auction clearing price for any planning reserve margin requirement that is procured through the planning resource auction; (3) a New LSE that is capacity deficient will be assessed a deficiency charge in accordance with proposed section 69A.11.15; (4) to the extent that a New LSE designates zonal resource credits in a FRAP that are physically located in the same local resource

⁸ See April 2 Order, 143 FERC ¶ 61,007 at PP 18, 29.

⁹ *Id.* P 32.

¹⁰ *Id.* P 33.

zone as the New LSE's load to meet the New LSE's planning reserve margin requirement for such local resource zone, then the New LSE will not be subject to a zonal deliverability charge for such zonal resource credits; and (5) a New LSE that utilizes zonal resource credits from planning resources that are not physically located in the same local resource zone where the New LSE has load may be subject to a zonal deliverability charge. Additionally, MISO proposes to revise section 69A.11.16 of the Tariff to make clear that New LSEs can purchase zonal resource credits through a transitional planning resource auction.¹¹

11. However, MISO contends that some of the compliance requirements set forth in the April 2 Order with respect to section 69A.11.13 are ambiguous, confusing, or otherwise incorrect.¹² For instance, MISO states that the April 2 Order appears to confuse zonal resource credits, which can be purchased either bilaterally or through an auction, with "a portion of a New LSE's planning reserve margin requirement."¹³ Additionally, MISO states that the April 2 Order appears to confuse an auction clearing price for zonal resource credits with "the price for any planning reserve margin requirement."¹⁴ MISO further asserts that the April 2 Order uses the term "deficiency charge," rather than the term "Capacity Deficiency Charge," which is defined in the Tariff.¹⁵ Consequently, MISO requests that the Commission clarify that MISO is permitted to propose modifications to section 69A.11.13 to reflect terminology that is consistent with the remainder of the Tariff and is consistent with the intent of the April 2 Order.¹⁶

12. Similarly, MISO argues that the April 2 Order is ambiguous with respect to the ability of New LSEs participate in transitional planning resource auctions.¹⁷ In particular, MISO claims that the April 2 Order may erroneously require that New LSEs be allowed to satisfy their resource adequacy requirements through both the annual

¹¹ Compliance Filing at 2-4.

¹² Request for Clarification at 2, 3-4.

¹³ *Id.* at 4.

¹⁴ *Id.* (quoting April 2 Order, 143 FERC ¶ 61,007 at P 32).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 5.

planning resource auction as well as the subsequent transitional auctions.¹⁸ MISO explains that, provided a New LSE meets the applicable timing requirements, New LSEs may participate in the annual planning resource auction in order to satisfy their resource adequacy obligations for the transitional period.¹⁹ In the event that New LSEs are unable to meet those timing requirements, MISO adds that such New LSEs would be able to satisfy their resource adequacy requirements through the transitional planning resource auction. Thus, according to MISO, a New LSE that participates in a transitional planning resource auction cannot participate in the annual auction due to timing. Moreover, MISO argues that section 69A.11.16 “specifically addresses the situation where a New LSE will be able to meet its [p]lanning [r]eserve [m]argin [r]equirements for a portion of the current [p]lanning [y]ear ‘prior to the completion of a [transitional planning resource auction].’”²⁰ MISO thus requests that the Commission clarify that a New LSE would not have the option of participating in both auctions for the same planning year and permit MISO to make appropriate modifications.²¹

c. Commission Determination

13. We will grant MISO’s Request for Clarification with respect to section 69A.11.13 of the Tariff and conditionally accept MISO’s proposed revisions. We agree that MISO should implement the compliance requirements imposed by the April 2 Order in a manner that is consistent with the remainder of the Tariff in order to avoid confusion. The Compliance Filing satisfies the requirements of the April 2 Order. However, as described by MISO in the Request for Clarification, certain further revisions are appropriate. Consequently we will subject our acceptance of the Compliance Filing to the condition that MISO submit an additional compliance filing within 30 days of the date of this order to remedy the inconsistencies identified by MISO in its Request for Clarification.

14. Additionally, we agree that sections 69A.11.9 and 69A.11.16 could cause confusion with respect to whether a New LSE that participates in the annual planning resource auction may subsequently participate in the transitional planning resource auction. As an initial matter, section 69A.11.9 makes clear that New LSEs that satisfy the pertinent timing requirements may participate in the annual planning resource auction

¹⁸ *Id.* at 5-6.

¹⁹ *Id.* at 5.

²⁰ *Id.*

²¹ *Id.*

and that New LSEs that fail to satisfy those timing requirements may only participate in the transitional planning resource auction. Indeed, section 69A.11.9.b provides that any New LSE that is unable to meet the applicable timing requirements “will not be able to participate in the annual [planning resource auction] until the following year,” though such a New LSE would be able to participate in a transitional planning resource auction. However, the Compliance Filing implements the requirements of the April 2 Order in such a way as to remain silent on the possibility that a New LSE may participate in both the annual and subsequent transitional planning resource auctions. Consequently, we will grant MISO’s Request for Clarification and subject our acceptance of the Compliance Filing to the requirement that MISO submit additional Tariff revisions to eliminate this ambiguity and direct MISO to propose corresponding Tariff revisions within 30 days of the date of this order.

2. Transitional Planning Resource Auction

a. Participation and Capacity Resources

i. April 2 Order

15. In the April 2 Order, the Commission conditionally accepted MISO’s proposal to conduct transitional planning resource auctions for New LSEs that do not satisfy the requirements to participate in the annual auction.²² However, the Commission expressed concern with MISO’s initial intent to only allow New LSEs to participate in the transitional planning resource auction.²³ The Commission explained that precluding other market participants from transitional auctions would deprive New LSEs of potential supply offers such that they may not be able to procure capacity at reasonable prices.²⁴ Accordingly, the Commission directed MISO to revise Module E-2 of the Tariff to allow market participants other than New LSEs to participate in the transitional planning resource auction.²⁵

²² April 2 Order, 143 FERC ¶ 61,007 at P 39.

²³ *Id.* P 40.

²⁴ *Id.*

²⁵ *Id.*

16. The Commission also directed MISO to revise the Tariff to ensure that only capacity resources that were not committed in the annual planning resource auction would be permitted to participate in the transitional auction.²⁶

ii. Compliance Filing and Request for Clarification

17. In its Compliance Filing, MISO proposes to revise section 69A.11.9.b to state that market participants may offer zonal resource credits into a transitional planning resource auction only if such resources are not otherwise committed during the relevant portion of the planning year.²⁷ MISO contends that this revision also addresses the Commission's directive that MISO revise Module E-2 to permit only uncommitted capacity resources to participate in the transitional planning resource auction.²⁸

18. In its Request for Clarification, MISO argues that the Commission should clarify that only New LSEs may acquire zonal resource credits in a transitional planning resource auction.²⁹ MISO contends that the Commission's prescribed use of the phrase, "participate in," is ambiguous and could be interpreted to mean that LSEs other than New LSEs may procure zonal resource credits in the transitional planning resource auction.³⁰ Accordingly, MISO seeks authorization to modify section 69A.11.9.b to clarify that any market participant may offer zonal resource credits into the transitional planning resource auction, but that only New LSEs may procure zonal resource credits through a transitional planning resource auction.³¹ MISO asserts that such a clarification would be consistent with the approved annual planning resource auction and prevent the potential exercise of market power by market participants that also offer zonal resource credits into a transitional planning resource auction.³²

²⁶ *Id.* P 41.

²⁷ Compliance Filing at 5.

²⁸ *Id.*

²⁹ Request for Clarification at 6-7.

³⁰ *Id.*

³¹ *Id.* at 7.

³² *Id.*

19. MISO also requests that the Commission clarify that only uncommitted zonal resource credits may be offered into the annual planning resource auction and transitional auction.³³ MISO states that the requirements of the April 2 Order are ambiguous in that they require MISO to only permit uncommitted resources to be offered into the transitional planning resource auction, but does not impose an analogous requirement with respect to the annual auction.³⁴ Therefore, MISO seeks authorization to modify section 69A.7 of the Tariff to clarify that only resources that are not otherwise committed for the remainder of the planning year should be permitted to participate in a planning resource auction.³⁵

iii. Commission Determination

20. MISO's Compliance Filing satisfies the requirements of the April 2 Order, allowing market participants other than New LSEs to participate in the transitional planning resource auction and ensuring that only uncommitted zonal resource credits are used to satisfy New LSEs' resource adequacy requirements. Consequently, we accept this aspect of MISO's proposal.

21. We additionally grant MISO's Request for Clarification with respect to the participation of market participants in transitional planning resource auctions. As MISO points out, it is unclear why a market participant, other than a New LSE, would want or need to acquire zonal resource credits through a transitional auction, especially in light of the fact that all LSEs that are not New LSEs are required to satisfy their resource adequacy requirements prior to the completion of the annual auction. While all LSEs that are not New LSEs should be entitled to offer zonal resource credits in transitional planning resource auctions, only New LSEs should be permitted to procure zonal resource credits through such an auction. As a result, we will further subject our acceptance of the Compliance Filing to the condition that MISO propose additional Tariff revisions within 30 days of the date of this order to make clear that only New LSEs may procure zonal resource credits in transitional auctions.

³³ *Id.* at 7-8. MISO also argues that a requirement to prevent "double counting" is unnecessary because MISO's Module E capacity tracking tool tracks the commitment of zonal resource credits that are used to satisfy a market participant's resource adequacy requirements.

³⁴ *Id.* at 8.

³⁵ *Id.*

22. Additionally, we agree with MISO that the Tariff should ensure that only uncommitted resources are utilized as capacity resources in both the annual and transitional planning resource auctions. As the Commission observed in the April 2 Order, the participation of previously committed resources would create the possibility that a single resource is relied upon by two different LSEs for capacity resource.³⁶ Thus, we will direct MISO to file the necessary Tariff provisions to avoid this result within 30 days of this order.³⁷

b. Resource Clearing Price

i. April 2 Order

23. In the April 2 Order, the Commission found that MISO's proposal was ambiguous with respect to the clearing price to be paid to capacity resources that clear in both the annual and transitional planning resource auctions.³⁸ In particular, the Commission explained that MISO's proposal merely stated that the auction procedures set forth in section 69A.7 of Module E-1 will apply; however, that provision refers only to the "Auction Clearing Price." Consequently, the Commission directed MISO to propose Tariff revisions to clarify that resources that clear in the transitional auction will receive the clearing price established in that auction, and conversely, that resources that clear in the annual auction will receive the clearing price established in the annual auction.

24. The Commission also observed that the Tariff defines "Auction Clearing Price" in terms of the price established at the annual planning resource auction, and makes no reference to the transitional auction.³⁹ However, in order to ensure that there is no confusion as to the applicable auction clearing price, especially for retail choice load that has purchased resources in the annual auction, the Commission further required MISO to clarify that only the capacity requirements for retail choice that are satisfied through a transitional planning resource auction will transfer at the auction clearing price of the

³⁶ April 2 Order, 143 FERC ¶ 61,007 at P 41.

³⁷ We note, however, that MISO should utilize the necessary terms to ensure that its proposed revisions are consistent with the remainder of the Tariff.

³⁸ April 2 Order, 143 FERC ¶ 61,007 at P 42.

³⁹ *Id.* P 44.

transitional planning auction.⁴⁰ Otherwise, the Commission held that the relevant auction clearing price for retail choice load is to be the annual auction clearing price.⁴¹

ii. **Compliance Filing and Request for Clarification**

25. MISO proposes to add subsection 1.662a to Module A of the Tariff, providing a new definition of “Transitional Auction Clearing Price,” which MISO defines as “[t]he auction clearing price resulting from a [t]ransitional [p]lanning [r]esource [a]uction pursuant to section 69A.11.9.b.” MISO also proposes to insert the word “transitional” before “Auction Clearing Price” in all appropriate sections in the Tariff to clarify which auction clearing price will apply to the transitional planning resource auction and which prices will apply to the annual planning resource auction.⁴² MISO also contends that such revisions will satisfy the Commission’s requirement that it clarify that only capacity requirements for retail choice load that are satisfied through a transitional planning resource auction will transfer at the auction clearing price for the transitional planning resource auction.⁴³

26. In its Request for Clarification, MISO argues that the Commission’s directive in the April 2 Order is unclear with respect to which capacity requirements for retail choice will transfer.⁴⁴ MISO requests that the Commission clarify that MISO should modify section 69A.7 to make clear that any load that is transferred in a retail choice state will be assessed a capacity requirement based upon either: (1) the auction clearing price of the transitional planning resource auction, if the retail load will be served by a New LSE; or (2) the annual planning resource auction clearing price, if the retail load will be served by an existing LSE or a New LSE that participates in the annual planning resource auction.⁴⁵

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Compliance Filing at 5-6.

⁴³ *Id.*

⁴⁴ Request for Clarification at 8-9.

⁴⁵ *Id.*

iii. Protest and Answer

27. MidAmerican observes that MISO's newly defined term, "Transitional Auction Clearing Price," is not used anywhere in MISO's proposed Tariff revisions, except where it is defined in section 1.662b. MidAmerican posits that the Compliance Filing omitted further Tariff revisions distinguishing the appropriate usage of transitional auction clearing price from the auction clearing price.⁴⁶

28. MISO, in its answer, agrees with MidAmerican that the newly-defined term is currently only used in the definition section. MISO contends, however, that the new term will be useful in future Tariff amendments to clarify the difference between auction clearing prices that result from the annual planning resource auction and auction clearing prices that result from the transitional planning resource auction. MISO contends that due to the prescriptive nature of the April 2 Order, MISO was unable to use the newly-defined term in the Compliance Filing. MISO explains that if the Commission grants MISO's Request for Clarification, MISO proposes to submit a compliance filing to modify section 69A.11.13 to distinguish between clearing prices established in the annual planning resource auction and the transitional planning resource auction.⁴⁷

iv. Commission Determination

29. While MISO has proposed a defined term that could be used to distinguish between auction clearing prices established at an annual auction and auction clearing prices established at a transitional auction, MISO has failed to adequately revise the Tariff to incorporate the newly-defined term. MISO's proposal also fails to meet the requirements of the April 2 Order. The Commission directed MISO to clarify that only the capacity requirements for retail choice load that are satisfied through a transitional planning resource auction should transfer at the auction clearing price for the transitional planning resource auction. As observed by MidAmerican, the proposed definition of transitional auction clearing price is not applied outside of the definition section of the Tariff. The language described in MISO's Request for Clarification would largely satisfy the requirements of the April 2 Order. Specifically, the language set forth in MISO's Request for Clarification makes clear that any load that transfers in a retail choice state will be assessed a capacity requirement based on the relevant annual or transitional auction clearing price.

⁴⁶ MidAmerican Comment at 1-2.

⁴⁷ MISO Answer at 3-4.

30. Thus, we subject our acceptance of the Compliance Filing to the condition that MISO propose Tariff revisions to section 69A.11.13 within 30 days of the date of this order to comply with the directives of the April 2 Order related to (1) distinguishing between auction clearing prices established in the annual and transitional planning resource auctions; and (2) clarifying that only capacity requirements for retail choice load that are satisfied through a transitional planning resource auction will transfer at the auction clearing price for the transitional planning resource auction. We also direct MISO to, if necessary, make all other revisions, consistent with its answer.

c. Must-Offer Obligations

i. April 2 Order

31. In the April 2 Order, the Commission found that the must-offer requirements of section 69A.5 of the Tariff should apply to New LSEs and existing LSEs alike.⁴⁸ Consequently, the Commission accepted MISO's commitment to address the issue in a compliance filing.

ii. Compliance Filing and Request for Clarification

32. In the Compliance Filing, MISO proposes to revise section 69A.5 to expressly state that the must-offer obligation extends to existing LSEs as well as to New LSEs.⁴⁹

33. However, in its Request for Clarification, MISO argues that section 69A.5 does not apply to the obligations of LSEs because must-offer requirements apply only to market participants that designate planning resources through the Module E capacity tracking tool.⁵⁰ As a result, MISO requests clarification that MISO may modify section 69A.5 to make clear that the must-offer obligations apply to market participants that designate planning resources for use in either the annual or transitional planning resource auction, as opposed to LSEs and New LSEs.

⁴⁸ April 2 Order, 143 FERC ¶ 61,007 at P 70.

⁴⁹ Compliance Filing at 8.

⁵⁰ Request for Clarification at 9.

iii. Commission Determination

34. MISO is correct in pointing out that section 69A.5 applies to market participants and not LSEs. The must-offer requirements must apply to all market participants with designated planning resources, including New LSEs and market participants with resources in New LSEs' footprints. Accordingly, the Tariff should be revised to make clear that the must-offer obligations apply to market participants that designate planning resources for use in either the transitional planning resource auction or in the annual planning resource auction. We require that MISO file this tariff revision within 30 days of the date of this order.

3. Other Compliance Provisions

a. April 2 Order

35. The April 2 Order determined that MISO's proposal was unclear as to whether Module D applies to all LSEs or only to New LSEs. Accordingly, the April 2 Order directed MISO to clarify that all market participants—such as suppliers to New LSEs—are subject to the market monitoring and mitigation provisions of Module D.⁵¹

36. The April 2 Order also determined that MISO's proposal did not contain a comparable section to section 68A.7 of Module E-1, which establishes the planning reserve margin requirement for each local resource zone and, therefore, required that MISO revise Module E-2 to either reference the calculation of the planning reserve margin requirement in section 68A.7 or propose similar language in Module E-2.⁵²

37. Finally, the April 2 Order included the following requirements: (1) MISO review its Tariff and propose revisions to reference Module E-2 where appropriate;⁵³ and (2) MISO clarify that Module E-1 applies to existing LSEs and that New LSEs are only subject to the provisions in Module E-2 of the Tariff.⁵⁴

⁵¹ April 2 Order, 143 FERC ¶ 61,007 at P 59.

⁵² *Id.* P 63.

⁵³ *Id.* P 68.

⁵⁴ *Id.* P 69.

b. Compliance Filing

38. In its Compliance Filing, MISO proposes Tariff language stating that all market participants, including but not limited to, suppliers to New LSEs, shall be subject to Module D.⁵⁵

39. With respect to the planning reserve margin, MISO in its compliance filing proposes Tariff language stating that the planning reserve margin requirement for New LSEs shall be calculated in accordance with section 68A.7.⁵⁶

40. Regarding references to Module E-2, MISO proposes in its Compliance Filing to replace references to Module E or Module E-1 with the defined term, “Resource Adequacy Requirements,” thereby eliminating any ambiguity regarding which sections of the Tariff apply to Module E, Module E-1 or Module E-2. MISO also proposes to revise its Tariff to state that the Tariff provisions in Module E-1 apply to existing LSEs and that New LSEs are only subject to the provisions of Module E-2, except to the extent that Module E-2 Tariff provisions incorporate Module E-1 requirements by reference.

c. Commission Determination

41. We accept the proposed revisions as compliant with the requirements of the April 2 Order.

4. Tariff Record Parent Identifier

42. The Module E-2 tariff records’ Tariff Record Parent Identifiers⁵⁷ reference a rejected tariff record as their parent. If this reference is left uncorrected, the Module E-2 tariff records accepted below will not appear as part of MISO’s effective tariff. Accordingly, we direct MISO, in its compliance filing due within 30 days of the date of this order, to correct this deficiency.

⁵⁵ Compliance Filing at 6.

⁵⁶ *Id.* at 6-7.

⁵⁷ See Office of the Secretary, Fed. Energy Regulatory Comm’n, *Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings* (2013) (defining data elements), <http://www.ferc.gov/docs-filing/etariff/implementation-guide.pdf>.

The Commission orders:

(A) MISO's Request for Clarification is hereby granted, as discussed in the body of this order.

(B) MISO's Compliance Filing is hereby conditionally accepted, effective April 3, 2013, as discussed in the body of this order.

(C) MISO is hereby directed to submit a compliance filing within 30 days of the date of this order, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.