

144 FERC ¶ 61,214
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 No. ER13-2299-000

ORDER GRANTING PARTIAL WAIVER

(Issued September 17, 2013)

1. On August 30, 2013, Midcontinent Independent System Operator, Inc. (MISO) filed a request for partial waiver of section 69A.11.7 of its Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff). Specifically, MISO requests waiver of the requirement that load serving entities that integrate into the MISO Balancing Authority (New LSE) provide MISO with available coincident peak demand forecasts at least 60 days prior to the date that MISO conducts a Transitional Planning Resource Auction. In this order, we grant the partial waiver, as discussed below.

I. Background and Request for Waiver

2. On April 2, 2013, the Commission conditionally accepted the resource adequacy requirements governing LSEs that integrate into the MISO Balancing Authority.¹ These LSEs are defined as New LSEs under the Tariff.²

3. Pursuant to section 69A.11.9.b of the Tariff, MISO conducts a Transitional Planning Resource Auction at least 30 calendar days prior to the date that a New LSE integrates into the MISO Balancing Authority. Pursuant to section 69A.11.7 of the Tariff, 60 days prior to the Transitional Planning Resource Auction, New LSEs are required to provide MISO with the most recent coincident peak demand forecasts available.

4. MISO states that New LSEs are scheduled to integrate into the MISO Balancing Authority on December 19, 2013, and therefore, the Transitional Planning Resource

¹ *Midwest Indep. Transmission Sys. Operator, Inc.*, 143 FERC ¶ 61,007 (2013).

² See *Midcontinent Independent System Operator, Inc.*, FERC Electric Tariff, Module E-1, 1.454a, New LSE, 1.0.0.6

Auction will be conducted on November 19, 2013.³ MISO, however, explains that the pertinent New LSEs will be unable to calculate their 2013 coincident peak demand forecasts by the 60-day deadline of September 19, 2013.

5. Consequently, MISO requests waiver of the 60-day requirement in section 69A.11.7 of the Tariff.⁴ MISO contends that granting the requested waiver will allow the New LSEs to provide MISO with the most accurate and up-to-date coincident peak demand forecasts in anticipation of the upcoming Transitional Planning Resource Auction. According to MISO, the 2013 forecasts will be available by October 18, 2013. MISO states that if it receives the 2013 forecast information from the New LSEs by that date, MISO would be able to conduct the Transitional Planning Resource Auction on schedule. Moreover, MISO asserts that the upcoming Transitional Planning Resource Auction “will be more accurate and successful” if it is based on 2013 coincident peak demand forecasts.⁵ However, MISO states that if such a waiver is not granted, the New LSEs would be left with no alternative but to provide MISO with 2012 coincident peak demand forecasts by the September 19, 2013 date required in the Tariff. Accordingly, MISO requests that the Commission issue an expedited decision no later than September 18, 2013 granting the requested partial waiver of the Section 69A.11.7 requirement to provide coincident peak demand forecasts, as discussed above.

II. Notice of Filing and Responsive Pleadings

6. Notice of MISO’s filing was published in the *Federal Register*, 78 Fed. Reg. 55,248 (2013), with interventions and protests due on or before September 9, 2013. Wisconsin Electric Power Company filed a motion to intervene.

III. Discussion

A. Procedural Matters

7. Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2013), the timely, unopposed motion to intervene serves to make Wisconsin Electric Power Company a party to this proceeding.

³ MISO Request for Partial Waiver at 2-3.

⁴ *Id.* at 1, 3.

⁵ *Id.* at 3.

B. Substantive Matters

8. As discussed further below, we grant the partial waiver of section 69A.11.7 of the Tariff requested by MISO.

9. Although not the only basis for a grant of waiver, the Commission has previously granted waiver of tariff provisions when: (1) the waiver is of limited scope; (2) a concrete problem needs to be remedied; and (3) the waiver does not have undesirable consequences, such as harming third parties.⁶

10. In this case, we find that MISO has justified its request for partial waiver of section 69A.11.7 of the Tariff. First, we find that the waiver requested by MISO is of limited scope, applying only to those New LSEs that are scheduled to integrate into the MISO Balancing Authority on December 19, 2013 and would otherwise be required to provide MISO with coincident peak demand forecasts by September 19, 2013.

11. Second, we find that the requested waiver remedies a concrete problem. Section 69A.11.7 of the Tariff establishes a specific deadline for the submission of coincident peak demand forecasts. However, more current and more accurate information will be available shortly after the applicable deadline. Waiver of the 60-day deadline, thereby permitting New LSEs to submit 2013 coincident peak demand forecasts to MISO by October 18, 2013, will enable MISO to utilize more current and more accurate data in the upcoming Transitional Planning Resource Auction.

12. Third, there is no evidence that granting the requested waiver, and thereby facilitating MISO's use of the most current coincident peak demand forecasts available, will have undesirable consequences or harm third parties.

⁶ See, e.g., *PJM Interconnection, L.L.C.*, 141 FERC ¶ 61,103, at P 8 (2012); *Demand Response Partners, Inc.*, 140 FERC ¶ 61,093 (2012); *N.Y. Power Auth.*, 139 FERC ¶ 61,157 (2012); *ISO New England, Inc.*, 134 FERC ¶ 61,182 (2011); *N.Y. Indep. Sys. Operator, Inc.*, 122 FERC ¶ 61,119 (2008); *ISO New England, Inc.*, 117 FERC ¶ 61,171 (2006); *N.Y. Indep. Sys. Operator, Inc.*, 112 FERC ¶ 61,347 (2005).

The Commission orders:

MISO's request for waiver of the 60-day deadline provided in section 69A.11.7 of the Tariff is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.