

145 FERC ¶ 61,120  
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.

Bonneville Power Administration

Docket No. NJ13-9-000

ORDER CONDITIONALLY APPROVING TARIFF REVISION, DISMISSING  
PETITION FOR DECLARATORY ORDER, AND DIRECTING A COMPLIANCE  
FILING

(Issued November 12, 2013)

1. On April 5, 2013, Bonneville Power Administration (Bonneville) filed with the Commission an amendment to its Open Access Transmission Tariff (Tariff), along with a petition for declaratory order requesting that the Commission find the amendment substantially conforms with or is superior to the Commission's *pro forma* tariff. Bonneville's petition also seeks a ruling that its Tariff satisfies the Commission's requirements for reciprocity status.<sup>1</sup> As discussed below, we find Bonneville's revision to section 13.2 (iv), to change the conditional reservation deadline for daily firm point-to-point transmission service to 1:00 AM of the Western Electric Coordinating Council (WECC) preschedule day substantially conforms with or is superior to the Commission's *pro forma* OATT. However, we do not accept the other proposed changes to this section, which remain under review by the Commission in separate proceedings. We also dismiss Bonneville's request for reciprocity status of its Tariff for the same reasons, i.e., proposed changes are under review by the Commission in separate proceedings.

**I. Background**

2. For reliability purposes, WECC requires its participants to preschedule energy by 3:00 PM at least one day prior to the flow day. Bonneville proposes to modify its Tariff to revise the conditional reservation deadline for daily firm point-to-point transmission

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<sup>1</sup> Also currently pending before the Commission, in Docket Nos. NJ12-7-000 and NJ12-13-000, are proposed Tariff revisions that Bonneville filed with the Commission on March 29, 2012 and September 4, 2012, respectively. In each docket, Bonneville also filed a petition for declaratory order seeking a ruling by the Commission on its reciprocity status.

service from 2:00 PM of the WECC preschedule day to 1:00 AM of the WECC preschedule day, in order to allow a customer additional time to effectively transact and serve load in the energy market should the customer's firm point-to-point transmission reservation be preempted.<sup>2</sup> According to Bonneville's Tariff, a transmission reservation is considered conditional up until the time the deadline is reached, and therefore, may be preempted by a higher priority transmission reservation (e.g., longer term point-to-point or network transmission service) if the transmission system becomes oversubscribed. Moving the deadline to 1:00 AM allows those transmission customers with preempted reservations more time to make alternative transmission arrangements if their request is preempted before the WECC energy market prescheduling deadline of 3:00 PM.

3. By way of example, Bonneville asserts that, under its proposal, if Customer A has a confirmed conditional daily firm point-to-point reservation transmission for firm service at 4:00 PM on June 20, and if before 1:00 AM on June 19 Customer B submits a daily network integration transmission service request, then Customer A is automatically preempted without the right of first refusal. In this instance, Customer A would then have from 1:00 AM until 3:00 PM (on June 19) to secure additional transmission to serve its customers.<sup>3</sup> In contrast, under the existing Tariff provisions, Customer A would only learn that its service was preempted less than an hour before WECC's energy market prescheduling deadline, requiring it to rush to make alternative arrangements.

## **II. Notice of Filing and Responsive Pleadings**

4. Notice of Bonneville's Filing was published in the *Federal Register*, 78 Fed. Reg. 22,540 (2013) with interventions and protests due on or before May 6, 2013. Timely motions to intervene were filed Invenergy Wind America LLC (Invenergy), Iberdrola Renewables, LLC (Iberdrola), M-S-R Public Power Agency, EDP Renewables North America LLC (EDP Renewables), PacifiCorp, Powerex Corporation, and Snohomish

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<sup>2</sup> Bonneville Filing at 1. Bonneville states that it has provided section 13 of its Tariff in its entirety, which includes other amendments it proposed in Docket Nos. NJ12-7-000 and NJ12-13-000, and that are currently pending in those proceedings.

<sup>3</sup> Bonneville explains that, for daily firm point-to-point transmission service that starts on Tuesday, Wednesday, Thursday, or Friday, the transmission reservation deadline for the WECC preschedule day is the day before the commencement of service. Bonneville states that these are the days where its reservation deadline is the same as the *pro forma* tariff. Conversely, Bonneville states that, if the start of transmission service falls on either Saturday, Sunday, or Monday, its reservation deadline is generally two to three days before the commencement of service. *Id.* at 3.

County Washington. Late-filed motions to intervene were filed by NextEra Energy Resources, LLC (NextEra) and Caithness Shepherds Flat, LLC. A joint protest was filed by Iberdrola, PacifiCorp, NextEra, Invenergy, and EDP Renewables (collectively, Iberdrola Group).<sup>4</sup> On May 21, 2013, Bonneville filed an answer to the protest.

5. The Iberdrola Group supports Bonneville's proposal to change the reservation deadline from 2:00 PM to 1:00 AM. However, the Iberdrola Group disputes Bonneville's more general request that the Commission find Bonneville's Tariff, as amended by this filing, substantially conforms with or is superior to the Commission's *pro forma* OATT, and disputes Bonneville's contention that its Tariff satisfies the requirements for reciprocity status. The Iberdrola Group notes that it has similarly protested other pending cases where Bonneville has requested reciprocity status.<sup>5</sup>

### **III. Discussion**

#### **A. Procedural Matters**

6. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2013), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. We will also allow the late-filed motions to intervene by Caithness and NextEra, given their interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.

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 are not persuaded to accept Bonneville's answer and, therefore, will reject it.

#### **B. Commission Determination**

8. The Commission finds that Bonneville's proposal to move the conditional reservation deadline for daily firm point-to-point transmission service to 1:00 AM of the

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<sup>4</sup> The Iberdrola Group is also a participant in other proceedings involving other proposed tariff revisions by Bonneville. The Iberdrola Group also filed a joint complaint against Bonneville in Docket No. EL11-44-000, as well as a joint protest and comments opposing Bonneville's Filing in Docket Nos. NJ12-7-000 and NJ12-7-001 and again in Docket No. NJ12-13-000, and a joint protest of a Bonneville Filing in Docket No. NJ13-1-000.

<sup>5</sup> Iberdrola Group Protest at 4.

WECC preschedule day, in section 13.2 (iv) of its Tariff, provides customers with greater flexibility to acquire substitute firm transmission should higher priority requests preempt their original transmission reservations. The proposed change substantially conforms with or is superior to the Commission's *pro forma* OATT.

9. Other revisions to section 13 of Bonneville's Tariff are currently under review by the Commission in separate proceedings. Thus, we find it beyond the scope of this filing to decide whether Bonneville's Tariff, in its entirety, substantially conforms with or is superior to the Commission's *pro forma* OATT. Likewise, we dismiss Bonneville's request for reciprocity status, as this determination hinges on our review of the other proposed revisions that Bonneville has made to its Tariff, which are pending in separate proceedings.

10. Bonneville should file, within 30 days of the date of this order, a compliance filing that includes only the limited change addressed in this order.<sup>6</sup>

The Commission orders:

(A) Bonneville's revision to section 13.2 (iv) of its Tariff, which moves the conditional reservation deadline for daily firm point-to-point transmission service to 1:00 AM of the WECC prescheduling day, substantially conforms with or is superior to the Commission's *pro forma* OATT.

(B) Bonneville's petition for a declaratory order is hereby dismissed.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>6</sup> Alternatively, Bonneville may make its compliance filing following the issuance of an order on its reciprocity tariff.