

145 FERC ¶ 61,249  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Midcontinent Independent System Operator, Inc.

Docket No. ER14-148-000

ORDER ACCEPTING NOTICE OF SUCCESSION

(Issued December 18, 2013)

1. On October 21, 2013, pursuant to section 205 of the Federal Power Act (FPA)<sup>1</sup> and Part 35 of the regulations of the Federal Energy Regulatory Commission (FERC or Commission),<sup>2</sup> the Midcontinent Independent System Operator, Inc. (MISO) filed a Notice of Succession for certain Transmission Service Agreements entered into by and between Entergy Services, Inc. (Entergy Services) and the Entergy Operating Companies<sup>3</sup> (collectively, Entergy) and various transmission customers (Transmission Service Agreements).<sup>4</sup> As discussed further below, we accept the Notice of Succession for filing.

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<sup>1</sup> 16 U.S.C. § 824d (2012).

<sup>2</sup> 18 C.F.R. Part 35 (2013).

<sup>3</sup> The Entergy Operating Companies are Entergy Arkansas, Inc. (Entergy Arkansas), Entergy Gulf States Louisiana, L.L.C. (Entergy Gulf States Louisiana), Entergy Louisiana, LLC (Entergy Louisiana), Entergy Mississippi, Inc. (Entergy Mississippi), Entergy New Orleans, Inc. (Entergy New Orleans), and Entergy Texas, Inc. (Entergy Texas).

<sup>4</sup> Midcontinent Independent System Operator, Inc. Notice of Succession of Certain Transmission Service Agreements, Docket No. ER14-148-000 (Oct. 21, 2013) (Notice of Succession Filing). MISO states that the Notice of Succession evidences those ongoing transactions that are being transferred from the Entergy Open Access Transmission Tariff (Entergy OATT) to the MISO Open Access Transmission, Energy and Operating Reserve

(continued...)

## **I. Background and Summary of Filing**

2. In April 2011, the Entergy Operating Companies announced their decision to join MISO. Since that time, the Entergy Operating Companies have submitted multiple filings with the Commission to accomplish the integration.<sup>5</sup> Currently, the target date for integrating the Entergy Operating Companies into MISO is December 19, 2013.

3. In the Notice of Succession Filing, MISO requests authorization to take assignment of certain Transmission Service Agreements that are ongoing under the Entergy OATT. MISO explains that taking assignment of the agreements will obligate it

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Markets Tariff (MISO Tariff) and is filed in accordance with 18 C.F.R. § 36.16 (2013). *Id.* at 2.

<sup>5</sup> The Commission addressed some of these filings in *ITC Holdings, Inc.*, 143 FERC ¶ 61,257 (2013) (Entergy-ITC Rates Order). In that order, the Commission addressed filings related to the integration and a proposed transaction pursuant to which the transmission assets of the Entergy Operating Companies would be transferred to certain subsidiaries of ITC Holdings Corp. (ITC) (New ITC Operating Companies) (Entergy-ITC Transaction). Among the issues addressed in the Entergy-ITC Rates Order was a proposal to establish four transmission pricing zones for the Entergy Operating Companies (the Entergy Transmission Pricing Zones), and proposed formula rate templates under Attachment O of the MISO Tariff for the Entergy Operating Companies and certain ITC operating companies. The filings addressed in the Entergy-ITC Rates Order were submitted in Docket Nos. ER12-2681-000, ER13-948-000, and ER13-782-000; that order consolidated those dockets. We refer to the consolidated proceedings as the Entergy-ITC Rates Proceeding. In the Entergy-ITC Rates Proceeding, the Commission accepted the proposed Entergy Transmission Pricing Zones and ruled on the rates for both the New ITC Operating Companies, in event of the merger, and the Entergy Operating Companies, upon joining MISO. The Entergy Transmission Pricing Zones and the formula rate templates for the Entergy Operating Companies will go into effect on December 19, 2013, and the formula rate templates for the New ITC Operating Companies would have gone into effect upon closing of the transaction. We note that on December 13, 2013, the New ITC Operating Companies filed a motion to withdraw the filings in Docket Nos. ER12-2681-00 and ER13-782-000. Motion to Withdraw Filings of ITC Holdings Corp., ITC Arkansas LLC, ITC Texas LLC, ITC Louisiana LLC and ITC Mississippi, LLC, Docket Nos. ER12-2681-000 and ER13-782-000 (consolidated) (Dec. 13, 2013). Further, Entergy Services and ITC filed a notice of termination of the proposed transaction on the same day. Notice of Termination of Transaction, Docket No. EC12-145-000 (Dec. 13, 2013).

to provide transmission service pursuant to the MISO Tariff. According to MISO, at 12:00 am on December 19, 2013, the Entergy Operating Companies will become fully-integrated transmission-owning members of MISO. MISO states that at that time, succession of the Transmission Service Agreements to the MISO Tariff will occur, and MISO will have completed a transfer of functional control and a transfer of contractual arrangements to provide transmission service for the Entergy Operating Companies and its former customers. MISO states that as a result of the succession, transmission-related services previously available from Entergy under the Entergy OATT will become available pursuant to the MISO Tariff.<sup>6</sup>

4. According to MISO, the agreements that are the subject of the Notice of Succession consist of those Transmission Service Agreements under the Entergy OATT that are ongoing i.e., those service agreements that commence on or continue through December 19, 2013. MISO explains that these agreements must be transferred to the MISO Tariff effective December 19, 2013 in order to ensure that the customers who are parties to the agreements will continue to be served under the MISO Tariff.<sup>7</sup>

5. The Notice of Succession, which is included in Tab A of the Notice of Succession Filing, states that the notice is intended to transfer only the provisions and obligations of transmission service from the Entergy Operating Companies to MISO. The Notice of Succession states that it is not intended to affect, impair, or alter the contractual obligations, if applicable, of the Entergy Operating Companies to provide certain ancillary services or contractual right to receive revenues from Transmission Customers for such ancillary services. The Notice of Succession states that any revenues received by MISO for transmission service under the transferred Transmission Service Agreements and Network Integration Transmission Service Agreements, excluding amounts pursuant to Schedule 10 (ISO Cost Recovery Adder), Schedule 16 (Financial Transmission Rights Administrative Service Cost Recovery), and Schedule 17 (Energy Market Support Administrative Service Cost Recovery) (collectively, these excluded amounts are referred to as MISO Administrative Costs), will be owned by the Entergy Operating Companies and held by MISO as the custodial trustee for the Entergy Operating Companies and will be received by MISO solely as agent for the Entergy Operating Companies consistent with Appendix C of the Agreement of Transmission Facilities Owners to Organize the Midcontinent Independent System Operator, Inc., A Delaware Non-Stock Corporation (MISO Transmission Owners Agreement). Under the Notice of Succession, except for the MISO Administrative Costs, MISO will hold no legal, equitable, or contractual title to, or rights or interest in, such revenues received

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<sup>6</sup> Notice of Succession Filing, Transmittal Letter at 2.

<sup>7</sup> *Id.*

from the transferred Transmission Service Agreements and Network Integration Transmission Service Agreements.

6. Finally, MISO requests that the Commission waive any regulations that it may deem applicable to the Notice of Succession Filing that have not been specifically addressed in that filing.<sup>8</sup>

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

7. Notice of the filing by MISO was published in the *Federal Register* 78 Fed. Reg. 64,491, with interventions and comments due on or before November 12, 2013.

8. The NRG Companies,<sup>9</sup> Ameren Services Company,<sup>10</sup> South Mississippi Electric Power Association, and the ITC Companies<sup>11</sup> filed timely motions to intervene. Entergy Services filed, on behalf of the Entergy Operating Companies, a motion to intervene out of time.

9. Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company (individually, KCP&L Greater Missouri) (together, Kansas City Power & Light), The Empire District Electric Company (Empire), and Associated Electric Cooperative, Inc. (Associated Electric) filed motions to intervene and protest. Missouri Joint Municipal Electric Utility Commission (MJMEUC) filed a motion to intervene and comments.

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<sup>8</sup> *Id.* at 5.

<sup>9</sup> For purposes of their intervention in this proceeding, the NRG Companies are Louisiana Generating LLC; NRG Power Marketing LLC; GenOn Energy Management, LLC; Bayou Cove Peaking Power LLC; Big Cajun 1 Peaking Power LLC; NRG Sterlington Power LLC; Cottonwood Energy Company LP; and NRG Wholesale Generation LP.

<sup>10</sup> Ameren Services Company files on behalf of its affiliated public utility operating companies, Ameren Illinois Company and Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) (collectively, Ameren).

<sup>11</sup> The ITC Companies consist of International Transmission Company d/b/a ITCTransmission; Michigan Electric Transmission Company, LLC; and ITC Midwest LLC.

10. On November 22, 2013, MISO and Entergy filed a joint motion for leave to answer and answer. On December 5, 2013, Associated Electric and Kansas City Power & Light filed answers.<sup>12</sup>

### **III. Discussion**

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

11. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,<sup>13</sup> the timely, unopposed motions to intervene serve to make the entities that filed them parties to these proceedings. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure,<sup>14</sup> we will grant the late-filed motion to intervene given Entergy's interest in this proceeding, the early stages of the proceeding, and the absence of undue prejudice or delay.

12. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure<sup>15</sup> prohibit an answer to a protest or answer unless otherwise ordered by the decisional authority. We will accept the answer filed in this proceeding because it has provided information that assisted us in our decision-making process.

#### **B. Substantive Matters**

##### **1. Comments and Protests**

13. Kansas City Power & Light states that one of the Transmission Service Agreements that is subject to the Notice of Succession is an agreement pursuant to which Entergy provides transmission service to KCP&L Greater Missouri, the Crossroads Transmission Service Agreement (Crossroads TSA). According to Kansas City Power & Light, assignment of the Crossroads TSA to MISO should not be approved because it will

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<sup>12</sup> In addition to filing its answer in this proceeding, Associated Electric filed its answer in Docket Nos. ER14-89-000, ER14-114-000, and ER14-115-000 (regarding filings by Entergy and MISO proposing alternative transmission arrangements for certain transmission facilities owned by Entergy Arkansas located in Missouri); and ER14-107-000 (filing by MISO to, among other things, revise references to the Entergy Transmission Pricing Zones in the MISO Tariff).

<sup>13</sup> 18 C.F.R. § 385.214 (2013).

<sup>14</sup> 18 C.F.R. § 385.214(d) (2013).

<sup>15</sup> 18 C.F.R. § 385.213(a)(2) (2013).

result in an unjust and unreasonable rate increase. Kansas City Power & Light states that the current rate under the Crossroads TSA is an approved cost of service rate, but that once under the MISO Tariff, KCP&L Greater Missouri's rate for the same service will increase.<sup>16</sup> Kansas City Power & Light alleges that a Notice of Succession is not the appropriate filing for requesting authorization to assign jurisdictional contracts where that assignment will result in a substantial increase in rates,<sup>17</sup> and that MISO and Entergy have not made any attempt to justify the requested assignment or the resultant substantial rate increase in this or any other docket.<sup>18</sup> In particular, Kansas City Power & Light faults Entergy and MISO for failing to seek proper approval under sections 203 and 205 of the Federal Power Act.<sup>19</sup> According to Kansas City Power & Light, because neither Entergy nor MISO has made the requisite showing to effectuate an increase in rates or assignment of a jurisdictional contract, the Commission should either (1) reject the Notice of Succession Filing, or (2) accept the Notice of Succession Filing, suspend the rate increase under the Crossroads TSA for five months, and establish settlement judge and hearing procedures.<sup>20</sup>

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<sup>16</sup> Motion to Intervene and Protest of Kansas City Power & Light Company and KPC&L Greater Missouri Operations Company at 7-11, Docket No. ER14-148-000 (Kansas City Power & Light Protest).

<sup>17</sup> *Id.* at 11-13 (citing *Guidance on Regional Transmission Organization and Independent System Operator Filing Requirements under the Federal Power Act*, 104 FERC ¶ 61,248, at P 3, n.1 (2003) (RTO Guidance Order); *Midwest Indep. Transmission Sys. Operator, Inc.*, 113 FERC ¶ 61,208, at P 11 (2005); *Midwest Indep. Transmission Sys. Operator, Inc.*, 108 FERC ¶ 61,008, at P 17 (2004); and *Midwest Indep. Transmission Sys. Operator, Inc.*, 99 FERC ¶ 61,117, at 61,502-3 (2002)).

<sup>18</sup> *Id.* at 2 (cross-referencing pleading filed in Docket No. ER14-107-000 raising the same argument). In Docket No. ER14-107-000, MISO submitted revisions to the MISO Tariff to reference several transmission pricing zones and the transmission owners in those zones.

<sup>19</sup> 16 U.S.C. § 824b and 824e (2012). Kansas City Power & Light asserts that to comply with FPA section 205, Entergy and MISO must make a proper showing under section 35.13 of the Commission's regulations, which sets out the filing requirements for rates; to comply with FPA section 203, Entergy and MISO must, among other things, demonstrate that the transfer has no adverse effect on rates. Kansas City Power & Light Protest at 13.

<sup>20</sup> Kansas City Power & Light Protest at 2, 13.

14. Empire echoes Kansas City Power & Light's arguments, asserting that by using a Notice of Succession to transfer transmission service from the Entergy OATT to the MISO Tariff, MISO has side-stepped the requirements of FPA section 205 and the Commission's regulations to show that the proposed substantial rate change is just and reasonable, and not unduly discriminatory.<sup>21</sup> Empire argues that, due to the application of the MISO through-and-out rate under Schedule 7 of the MISO Tariff (RTOR) to its service, the change in transmission provider will result in an over 70 percent increase in its long term point-to-point transmission service costs despite receiving similar services on the same Entergy transmission facilities.<sup>22</sup> Empire asserts that this increase will provide a windfall for Entergy. Empire claims that the Notice of Succession Filing departs from the typical notice of succession filing, which is a type of ministerial filing, and includes substantive changes.<sup>23</sup> Empire argues that the Commission should reject the Notice of Succession Filing and direct MISO to resubmit a filing under FPA section 205 and section 35.15 of the Commission's regulations to convert the existing Transmission Service Agreements under the Entergy OATT to service under the MISO Tariff based on a grandfathered or MISO South zonal rate. In the alternative, Empire requests that the Commission suspend the Notice of Succession, subject to refund, for the maximum period permitted, and establish hearing and settlement procedures.<sup>24</sup>

15. Like Empire and Kansas City Power & Light, Associated Electric raises concerns regarding its transmission service agreements with Entergy that will be transferred to MISO. Associated Electric states that it is Commission policy not to permit a Notice of Succession to implement a rate increase without a demonstration that the proposed rate increase is just and reasonable.<sup>25</sup> Associated Electric asserts that, as explained in its comments and rehearing request of the Entergy-ITC Rates Order, the point-to-point

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<sup>21</sup> Motion to Intervene and Protest of The Empire District Electric Company at 4, Docket No. ER14-148-000 (Nov. 12, 2013) (Empire Protest).

<sup>22</sup> *Id.* at 5. Empire recognizes that whether the post-integration RTOR is just and reasonable, as applied to existing transmission customers under the Entergy OATT, is an issue pending on rehearing in the Entergy-ITC Rates Proceeding. *Id.* at 5-6.

<sup>23</sup> *Id.* at 3-4.

<sup>24</sup> *Id.* at 6.

<sup>25</sup> Motion to Intervene and Protest of Associated Electric Cooperative, Inc. at 3, Docket No. ER14-148-000 (Nov. 12, 2013) (Associated Electric Protest) (citing *Midwest Independent Transmission System Operator, Inc.*, 109 FERC ¶ 61,185 (2004), *reh'g denied*, 113 FERC ¶ 61,208 (2005)).

transmission service it currently receives from Entergy will be subject to the RTOR, resulting in an 87 percent increase in its rates, without any change in the utilization of legacy Entergy transmission assets or any use of legacy MISO transmission assets.<sup>26</sup> Associated Electric argues that MISO provides no testimony, analysis, or exhibits that explain why such an increase to point-to-point transmission service is justified. Associated Electric requests that the Commission accept the Notice of Succession Filing subject to the condition that the rates charged under the Transmission Service Agreements are no higher than the rates currently charged under the Entergy OATT. In the alternative, Associated Electric requests that the Commission set the rates for hearing and settlement judge procedures to establish just and reasonable rates.<sup>27</sup>

16. MJMEUC states that it has no objection to MISO's proposed succession to the Transmission Service Agreements *per se*, but that any relief provided to existing point-to-point customers from the RTOR, whether established through settlement or litigation, should apply to it on a comparable basis.<sup>28</sup> MJMEUC also notes that one of the Transmission Service Agreements is an existing Network Integration Transmission Service Agreement between it and Entergy for service to the City of Thayer, Missouri (City of Thayer).<sup>29</sup> MJMEUC points out that in Docket No. ER14-115-000, MISO has filed a new proposed agreement for service for the City of Thayer load due to alternative arrangements that Entergy has proposed for service over certain transmission facilities located in Missouri that it will not be transferring functional control of to MISO at this time. MJMEUC argues that the filing of duplicative agreements for the same network load introduces confusion as to which is the governing agreement, and that one or the other should be eliminated.<sup>30</sup>

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<sup>26</sup> *Id.* at 4-5.

<sup>27</sup> *Id.* at 6-8 (citing *Midwest Indep. Transmission Sys. Operator, Inc.*, 108 FERC ¶ 61,008 (2004), *certification of uncontested settlement*, Docket No. ER04-738-000 (Nov. 22, 2004); *PJM Interconnection L.L.C.*, 116 FERC ¶ 61,253 (2006)).

<sup>28</sup> Motion to Intervene and Comments of Missouri Joint Municipal Electric Utility Commission at 5, Docket No. ER14-148-000 (Nov. 12, 2013) (MJMEUC Comments).

<sup>29</sup> MJMEUC is a joint action agency and political subdivision of the State of Missouri that is organized to promote efficient wheeling, pooling, generation and transmission arrangements to meet the power and energy requirements of municipal utilities in the state. The City of Thayer is a member of MJMEUC. *Id.* at 2-3.

<sup>30</sup> *Id.* at 4.

## 2. Answer

17. MISO and Entergy argue that the Commission should reject challenges to the RTOR in this proceeding, and not set the Notice of Succession for hearing, because (1) the Commission already addressed the arguments raised by protestors in this proceeding in the Entergy-ITC Rates Order; (2) those arguments are pending on rehearing in the Entergy-ITC Rates Proceeding; and (3) the arguments in this proceeding constitute collateral attacks on the Entergy-ITC Rates Order.<sup>31</sup> Further, MISO and Entergy argue that the Commission should not set the Notice of Succession Filing for hearing because protestors have not identified any disputed issues of material fact that need to be resolved at hearing nor any other special circumstances that would justify a hearing.<sup>32</sup> MISO and Entergy also call on the Commission to reject the request to suspend the Notice of Succession for a five-month period. MISO and Entergy state that the purpose of the Commission's suspension policy is to deter "substantially excessive" rate requests that are not justified by the filing public utility's cost of service.<sup>33</sup> MISO and Entergy explain that in this case, the applicable MISO rate is the filed rate based on the cost of service of all MISO transmission owners, and, as such, the rate has already been approved by the Commission as a just and reasonable rate.

18. MISO and Entergy assert that intervenors seek preferential treatment that would give them a lower rate than the rate paid by other through-and-out customers, but that the Commission rejected the same request in the Entergy-ITC Rates Order and has previously rejected requests like it.<sup>34</sup> Finally, MISO and Entergy dispute claims that the Notice of Succession will produce a windfall for Entergy. MISO and Entergy explain that protestors ignore that the MISO Transmission Owners Agreement provides that revenues from the RTOR will be split among the MISO transmission zones, 50 percent

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<sup>31</sup> Motion for Leave to Answer and Answer of Midcontinent Independent System Operator, Inc. and Entergy Services, Inc. at 8-9, Docket No. ER14-148-000 (Nov. 22, 2013) (Joint Answer).

<sup>32</sup> *Id.* at 11-12.

<sup>33</sup> *Id.* at 12 (quoting *W. Tex. Utils. Co.*, 18 FERC ¶ 61,189, at 61,374-5 (1982)).

<sup>34</sup> *Id.* at 9-10 (citing *PJM Interconnection, L.L.C.*, 106 FERC ¶ 61,252 (2004); *PJM Interconnection, L.L.C.*, 109 FERC ¶ 61,012 (2004), *reh'g denied*, 110 FERC ¶ 61,234 (2005)).

based on the relative revenue requirements and 50 percent based on power flow impacts, and that, accordingly, Entergy will not receive a windfall, as alleged.<sup>35</sup>

19. In its answer, Associated Electric reiterates several arguments that it has raised in other related dockets.<sup>36</sup> First, Associated Electric argues that it did not waive its legal right to challenge the rate increase due to the RTOR by failing to raise the issue in Docket No. ER13-948-000. Associated Electric states that it raised the issue in the Entergy-ITC Rates Proceeding and that it remains pending there. Second, Associated Electric disputes MISO and Entergy Services' claim that providing relief from rate increase due to the RTOR would be unduly preferential. According to Associated Electric, it is not similarly situated to existing MISO customers taking service pursuant to the RTOR, and it is unfair that the only legacy Entergy customers that will be forced to pay rates based on both the MISO and Entergy footprints will be customers that are forced to pay the RTOR.<sup>37</sup> Finally, Associated Electric rejects MISO and Entergy Services' claim that the rate increase is just and reasonable because of the benefits of taking service under the MISO Tariff. Associated Electric states that it did not seek out the alleged benefits for its existing service, and that since its transmission service agreements with Entergy were used on an ad hoc basis, it will not seek to use any additional MISO facilities, receipt points, or delivery points beyond those it currently uses. Associated Electric again requests that the Commission suspend any rate increase, subject the rate to refund, and set the RTOR for hearing and settlement judge procedures.<sup>38</sup>

20. Citing the Entergy-ITC Rates Order, Kansas City Power & Light alleges that the Commission explicitly stated that parties would have the opportunity to raise concerns

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<sup>35</sup> *Id.* at 10 (citing MISO Transmission Owners Agreement, Appendix C, section III.A.7).

<sup>36</sup> *See e.g.*, Answer of Associated Electric Cooperative, Inc. to Answers of Midcontinent Independent System Operator, Inc., Entergy Services, Inc., and Entergy Arkansas, Inc. at 2-3, 7-9, 13-14, Docket Nos. ER14-89-000, ER14-107-000, ER14-114-000, ER14-115-000, and ER14-148-000 (not consolidated) (Dec. 5, 2013) (Associated Electric Answer).

<sup>37</sup> *Id.* at 9-10.

<sup>38</sup> *Id.* at 16.

when notices of succession were filed.<sup>39</sup> Kansas City Power & Light argues that, accordingly, this proceeding is the proper proceeding in which the Commission should consider its arguments. Kansas City Power & Light also dispute Entergy and MISO's interpretations of Commission precedent regarding as-applied challenges to rate increases resulting from RTO integration, asserting that the facts in this case support rejection of the Notice of Succession Filing or a hearing. Finally, cross-referencing their answer in Docket No. ER14-107-000,<sup>40</sup> Kansas City Power & Light argue: (1) that because the substantial rate increases will occur due to the filings in Docket No. ER14-107-000 and this proceeding, these are the correct dockets in which the Commission should address its concerns; (2) that Kansas City Power & Light was provided no notice in Docket No. ER13-948-000 that that was the correct docket for addressing the rate increase under the Crossroads TSA; (3) that the Commission did not address the RTOR issue in the Entergy-ITC Rates Order; (4) that it is incorrect to argue that Kansas City Power & Light are challenging a filed rate because the filed rate that will replace the Entergy rate is pending in Docket No. ER14-107-000; (5) that preferential rate treatment already exists; and (6) that Entergy's argument that it will not receive all of the increased revenues is not compelling and fails to provide justification for the increase.<sup>41</sup>

### **3. Commission Determination**

21. The Commission accepts the Notice of Succession for filing to be effective December 19, 2013, and, to the extent necessary, grants MISO's request for waiver. As MISO explains, the Transmission Service Agreements subject to the Notice of Succession must be transferred to the MISO Tariff to ensure that the transmission customers who are party to those agreements will continue to receive transmission service. The Notice of Succession ensures that there will be no gaps in transmission service after the Entergy Operating Companies are integrated into MISO.

22. In the Entergy-ITC Rates Proceeding, several parties, including Empire and Kansas City Power & Light, challenged the application of the RTOR to customers in

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<sup>39</sup> Motion for Leave to Answer and Answer of Kansas City Power & Light Company and LCP&L Greater Missouri Operations Company at 2-3 (citing Entergy-ITC Rates Order, 143 FERC ¶ 61,257 at P 177), Docket No. ER14-148-000 (Dec. 5, 2013).

<sup>40</sup> Docket No. ER14-107-000 addresses MISO's proposed revisions to the references to the Entergy Transmission Pricing Zones in the MISO Tariff.

<sup>41</sup> *Id.* at 8.

MISO South.<sup>42</sup> These parties, with the addition of Associated Electric, also requested rehearing of the Entergy-ITC Rates Order with respect to the RTOR issues.<sup>43</sup> In fact, Kansas City Power & Light and Empire have maintained that the Commission did not address all of the issues related to the application of the RTOR to MISO South customers in the Entergy-ITC Rates Order and that those issues are currently pending on rehearing.<sup>44</sup> The Commission will address the arguments on those issues in that proceeding rather than in this proceeding.

The Commission orders:

The Notice of Succession is accepted for filing, to be effective December 19, 2013, as requested, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>42</sup> See, e.g., Southwest Power Pool, Inc. Transmission Owners Protest, Motion for Consolidation and Request for Evidentiary Hearing at 34-35, Docket Nos. EC12-145-000, ER12-2681-000, EL12-107-000, ER12-2682-000, ER12-2683-000, and ER12-2693-000 (Empire and Kansas City Power & Light were signatories); Comments of KCP&L Greater Missouri Operations Company, Docket Nos. EC12-145-000, ER12-2681-000, EL12-107-000, ER12-2682-000, ER12-2683-000, and ER12-2693-000 (Jan. 22, 2013).

<sup>43</sup> See Request for Rehearing of Associated Electric Cooperative, Inc., Docket No. ER12-2681-000 (July 22, 2013); Request for Rehearing and Clarification of Kansas City Power & Light Company, KCP&L Greater Missouri Operations Company, and The Empire District Electric Company, Docket Nos. EC12-145-000, EL12-107-000, ER12-2681-000, ER13-948-000, ER13-782-000, ER12-2682-000, and ER12-2693-000 (July 22, 2013). See also Motion for Leave to Answer and Answer of Associated Electric Cooperative, Inc., Docket No. ER12-2681-001 (July 29, 2013).

<sup>44</sup> See Motion to Intervene and Comments of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company at 5-6, Docket No. ER14-89-000 (Nov. 5, 2013); The Empire District Electric Company's Protest, Motion for Consolidation, Request for Rate Suspension and Request for Evidentiary Hearing at 8-9, Docket Nos. ER14-89-000, ER14-114-000, and ER14-115-000 (Nov. 5, 2013).