

147 FERC ¶ 61,107  
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 Nos. ER14-603-000  
ER14-603-001

ORDER ACCEPTING AMENDED AND RESTATED GENERATOR  
INTERCONNECTION AGREEMENT

(Issued May 9, 2014)

1. In this order, we accept for filing, effective December 13, 2013, an unexecuted Amended and Restated Generator Interconnection Agreement (Amended GIA) among Tatanka Wind Power, LLC (Tatanka) as Interconnection Customer, Montana-Dakota Utilities Co. as Transmission Owner, and Midcontinent Independent System Operator, Inc. (MISO) as Transmission Provider.<sup>1</sup>

**I. Background**

2. On December 12, 2013, MISO filed the Amended GIA to update an existing large generator interconnection agreement (Existing GIA) to account for a request by Tatanka to increase the amount of Network Resource Interconnection Service (NRIS) that its generation project may take on the MISO system.

3. Under the Existing GIA, Tatanka's project, which is designated as Project No. G132 in MISO's generator interconnection queue, has 180 megawatts (MW) of combined Energy Resource Interconnection Service (ERIS) and NRIS, with the NRIS not to exceed 36 MW. MISO studied Project No. G132 as an individual interconnection request, i.e., not as a member of a group of interconnection customers.

4. Tatanka then submitted a new interconnection request to explore an increase in its NRIS of up to its full 180 MW capacity, designated as Project No. J249 in MISO's generator interconnection queue. MISO determined that an increase of an additional

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<sup>1</sup> Midcontinent Independent System Operator, Inc., FERC FPA Electric Tariff, Midwest ISO Agreements, [SA 1519, MDU-Tatanka LGIA, 32.0.0](#).

144 MW of NRIS would require Tatanka to fund additional network upgrades, but that an incremental increase from 36 MW to 108.2 MW of NRIS would be available for Tatanka following completion of network upgrades identified in Exhibit A10 to the Amended GIA that Tatanka would not have to fund.<sup>2</sup> MISO studied Project No. J249 as a member of the 2012 West Area Definitive Planning Phase Group (2012 Study Group), a collection of interconnection customers located in Iowa, Minnesota, North Dakota, and South Dakota. Pursuant to MISO's generator interconnection procedures, these interconnection requests were considered as a group for the purpose of conducting interconnection studies.

5. MISO explains that Tatanka requested that the Amended GIA be filed unexecuted because Tatanka disputes the inclusion of two identified upgrades: MISO Transmission Expansion Plan (MTEP) Project ID Nos. 2220 (Ellendale-Big Stone MVP) and 3127 (LaCrosse-Madison MVP).<sup>3</sup> MISO states that these projects, with scheduled in-service dates of December 31, 2019 and December 31, 2020, respectively, were modeled in the system impact study for the 2012 Study Group, in which Project No. J249 was included, and that therefore Tatanka's requested NRIS increase could not occur until after these dates. MISO asserts that it appropriately studied Project No. J249 under its generator interconnection procedures, that it does not perform the additional sensitivity analysis that Tatanka seeks on the study results, and that MISO applies its process consistently on all projects. MISO concludes that to treat Project No. J249 differently in the study process would unduly discriminate against other projects.<sup>4</sup>

6. MISO requests that the Commission waive its 60-day notice requirement and make the Amended GIA effective as of December 13, 2013. MISO states that the parties to the Amended GIA have indicated their support for that requested effective date.<sup>5</sup>

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

7. Notice of the filing was published in the *Federal Register*, 78 Fed. Reg. 77,117 (2013), with interventions and protests due on or before January 3, 2014. Otter Tail

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<sup>2</sup> MISO December 12 Filing at 2 and Exhibit A-10.

<sup>3</sup> Project ID No. 2220 is MVP Portfolio 1 –Ellendale-Big Stone South 345 kV line. Project ID No. 3127 is MVP Portfolio 1 –N LaCrosse-N Madison-Cardinal-Spring Green-Dubuque area 345-kV line.

<sup>4</sup> MISO December 12 Filing at 2-3.

<sup>5</sup> *Id.* at 3.

Power Company (Otter Tail) filed a timely motion to intervene, and Tatanka filed a timely motion to intervene and protest (Tatanka Initial Protest). On January 17, 2014, MISO filed an answer to the Tatanka Protest (MISO Answer). On February 3, 2014, Tatanka filed an answer to MISO's answer (Tatanka Answer).

8. On February 10, 2014, Commission staff issued a letter informing MISO that its December 12 Filing was deficient and requesting additional information. MISO submitted a response to staff's letter on March 12, 2014 (MISO Supplemental Filing). Notice of the MISO Supplemental Filing was published in the *Federal Register*, 79 Fed. Reg. 15,737 (2014), with interventions or protests due on or before April 2, 2014. Tatanka filed a timely protest (Tatanka Supplemental Protest). On April 17, 2014, MISO filed an answer to the Tatanka Supplemental Protest (MISO Answer to Supplemental Protest). On May 1, 2014, Tatanka filed a response to MISO's Answer to Supplemental Protest (Tatanka Response).

#### **A. Tatanka Initial Protest**

9. Tatanka states that it agrees that five of the seven transmission projects that have been designated as network upgrades under Table 1 of Exhibit A10 of the Amended GIA are required in order for Tatanka to be entitled to an increase in its project's NRIS to 108.2 MW. However, Tatanka disagrees that the Ellendale- Big Stone MVP and the LaCrosse-Madison MVP are related to the incremental increase in the Tatanka project's NRIS and requests that these projects be removed from Table 1 of Exhibit A10 of the Amended GIA.<sup>6</sup>

10. Tatanka alleges that the LaCrosse-Madison MVP is solely related to stability issues that the Tan taka project had already satisfied for its full 180 MW when it obtained the combined ERIS and NRIS capacity, and the upgrade is therefore unrelated to an incremental increase in NRIS under Project No. J249.<sup>7</sup> Tatanka states that MISO incorrectly treated Tatanka's request to increase its project's NRIS as if it were a new request for NRIS from a new generator. Tatanka asserts that a project that already obtained ERIS – which its project obtained through its original interconnection request – has already satisfied the stability analysis that MISO applies to new requests for generator interconnection.<sup>8</sup> Tatanka argues that MISO effectively conceded that point in its study process, and acknowledged to Tatanka that stability upgrades resulting from the

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<sup>6</sup> Tatanka Protest at 5.

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

<sup>8</sup> *Id.* at 9.

ERIS analysis do not apply to Tatanka's project.<sup>9</sup> Tatanka argues that the LaCrosse-Madison MVP was identified by MISO as being necessary only to address stability issues, not deliverability issues which would be included as part of the NRIS analysis.<sup>10</sup> Tatanka therefore alleges that this project should not be listed as a contingency for the purpose of changing ERIS to NRIS, and that the Tatanka project should be allowed to increase its NRIS to 108.2 MW without having to wait until the LaCrosse-Madison MVP is completed. Tatanka alleges that, even though MISO does not propose to assess Tatanka costs for this upgrade, allowing the line to remain as a contingency undermines the "but for" standard by allowing MISO to include unnecessary transmission contingencies and presenting the interconnection customer with the alternative of funding unnecessary upgrades. Tatanka also states that it is not requesting a more in-depth analysis of the system or the Tatanka project, as the existing studies demonstrate that: (1) the LaCrosse-Madison MVP is related to stability; and (2) MISO does not treat a change from ERIS to NRIS as changing its settled stability analysis.<sup>11</sup>

11. Tatanka also argues that MISO's studies for the 2012 Study Group demonstrate that neither the LaCrosse-Madison MVP nor the Ellendale- Big Stone MVP is required for the Tatanka project's incremental increase in NRIS. Tatanka explains that MISO did two analyses – one a near-term analysis of 2015, and the second a longer-term analysis of 2022. Tatanka says that MISO has confirmed that it did not include the Ellendale- Big Stone MVP in the 2015 analysis, but did include it in the 2022 analysis, as the project is planned to enter service in 2019. Tatanka asserts that exclusion of this project in the 2015 analysis was appropriate given its completion date. Tatanka asserts that MISO has failed to similarly acknowledge that the LaCrosse-Madison MVP was not included in the 2015 study. Tatanka states that the LaCrosse-Madison MVP's estimated completion date of 2020 is well after the relevant date on which the 2015 study calculated deliverability.<sup>12</sup>

12. Tatanka further explains that MISO concluded that the Tatanka project would have a deliverable NRIS amount of 108.2 MW years before the completion of these projects, but asserts that MISO fails to explain why there could be no increase in NRIS under the Amended GIA until the final Exhibit A10 project comes online in 2020. Tatanka argues that the fact that MISO calculates an identical level of available NRIS before and after completion of those upgrades demonstrates either: (1) that those projects

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<sup>9</sup> *Id.* at 11.

<sup>10</sup> *Id.* at 12-14.

<sup>11</sup> *Id.* at 14-15.

<sup>12</sup> *Id.* at 16.

do not affect deliverability of the Tatanka project; or (2) one or both of those projects actually constrict the deliverability of the Tatanka project. Tatanka states that, because the 2015 analysis shows that the Tatanka project has a deliverable NRIS of 108.2 MW in 2015, MISO should not include projects in Exhibit A10 that were not even included in this study or online as of the date of the study as a restraint on the NRIS increase.<sup>13</sup>

**B. MISO Answer**

13. MISO states that its Tariff will not allow it to remove the Ellendale-Big Stone MVP and the LaCrosse-Madison MVP from the Amended GIA's list of contingencies.<sup>14</sup> MISO explains that it uses a system impact study to determine the network upgrades needed to obtain the level of service, either ERIS or NRIS, sought by an interconnection customer, and that system impact studies include three types of analysis: (1) steady-state analysis;<sup>15</sup> (2) short-circuit analysis;<sup>16</sup> and (3) stability analysis. MISO states that, in order for a project to be granted NRIS, it must go through the generator deliverability study. If the generator is determined as not fully deliverable, the customer can choose either to: (1) change its request to ERIS; (2) decrease its NRIS request to the level at which additional Network Upgrades are not required; or (3) proceed with the system upgrades that will make the generator fully deliverable.<sup>17</sup>

14. MISO states that at the heart of the dispute is Tatanka's desire to increase its NRIS from 36 MW to achieve 108.2 MW of NRIS without any additional network upgrades, beyond those already modeled in the study.<sup>18</sup> It explains that Tatanka attempts to create a distinction between projects that must be completed to address voltage stability impacts

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<sup>13</sup> *Id.* at 15-18.

<sup>14</sup> MISO Answer at 5.

<sup>15</sup> Steady-state analysis is used to evaluate the impact of the proposed generation project on the transmission system under steady-state conditions, using power flow, shared network upgrade, and deliverability analyses to look at thermal and voltage issues. *Id.* at 6.

<sup>16</sup> Short-circuit analysis is used to determine the impact of the proposed project on fault current levels at nearby substations and to check whether the calculated post-project fault currents are within circuit breaker interrupting ratings. *Id.*

<sup>17</sup> *Id.* at 6-7.

<sup>18</sup> *Id.*

(in this instance, related to the availability of ERIS for the Tatanka project) and those that must be completed to address deliverability impacts (in this instance, related to the availability of incremental NRIS for the Tatanka project). However, MISO states that this is a distinction without a difference, and that the studies demonstrate that granting an unconditional 108.2 MW of NRIS to the Tatanka project is dependent upon completion of the disputed projects.<sup>19</sup>

15. MISO further states that there were multiple reasons for the inclusion of the LaCrosse-Madison MVP in the 2015 study model. MISO asserts that it evaluated both ERIS and NRIS for all projects in the 2012 Study Group, except for Project No. J249, which was evaluated as NRIS-only based on its interconnection request. MISO states that group studies use only one set of transmission assumptions for all projects in the group study. The analysis MISO performed identified both thermal and stability problems that were resolved by the inclusion of the LaCrosse-Madison MVP in the 2015 study model. Because the analysis included and showed that requested service for all the projects in the 2012 Study Group is dependent upon the completion of the LaCrosse-Madison MVP, MISO asserts that neither MISO nor Tatanka can claim that Project No. J249 can operate at the requested NRIS level prior to completion of that MVP. MISO further alleges that, because the LaCrosse-Madison MVP was included in the prior Group 5 study models for this area of the MISO system,<sup>20</sup> that MVP would be required to be included in all subsequent group study models for the same area. MISO notes that the project was, in fact, included in the models for the 2012 Study Group, and therefore asserts that all projects in Group 5 and subsequent interconnection requests in the electrical vicinity, including Project No. J249, require completion of the LaCrosse-Madison MVP prior to commencement of their approved interconnection levels under their GIAs.<sup>21</sup>

16. MISO also disputes Tatanka's assertion that email statements by MISO demonstrate that the LaCrosse-Madison MVP is not necessary for the Tatanka project, noting that Tatanka has not alleged that MISO informed Tatanka that a specific level of NRIS could be granted without the LaCrosse-Madison MVP being completed. MISO argues that, whether or not an MTEP project was intended to predominantly or solely

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<sup>19</sup> *Id.* at 7-8.

<sup>20</sup> Group 5 is a collection of interconnection customers in southwest Minnesota, northwest Iowa, and eastern South Dakota that, pursuant to MISO's generator interconnection procedures, was studied as a group for the purpose of conducting interconnection studies.

<sup>21</sup> MISO Answer at 8-9.

address stability (versus deliverability) concerns is not the relevant inquiry to determine whether that project is included as a contingency that must be completed prior to receiving the requested level of interconnection service. Rather, the proper inquiry, according to MISO, is whether the requested level of interconnection service can be reliably granted without the completion of the project in question. MISO reiterates that the LaCrosse-Madison MVP is a valid contingency that is properly included in the Amended GIA because the requested interconnection service could not be granted if the project were not completed. MISO further argues that Tatanka misunderstands the MISO study process, including the fact that the evaluation of ERIS and NRIS is based upon the same study models, and that any contingencies which are required to accommodate ERIS necessarily become contingencies for NRIS. MISO asserts that, because the LaCrosse-Madison MVP addresses both thermal and stability problems, it remains a valid contingency for the Amended GIA.<sup>22</sup>

17. Further, MISO states that Tatanka is misapplying the “but for” test. MISO argues that the “but for” test involves cost allocation, not the inclusion of contingencies in Exhibit A10 of the Amended GIA. MISO asserts that the Commission has repeatedly explained that, “in the context of MISO’s Tariff, the ‘but for’ standard is a *cost allocation* principle that limits the cost responsibility of an interconnection customer or a group of interconnection customers” and that MISO “should use [MISO’s] study process to identify network upgrades that both ensure an interconnection customer or a group of interconnection customers can reliably connect to the transmission system and ensure that the network upgrades chosen promote efficiency.”<sup>23</sup> MISO argues that the two disputed projects are not network upgrades that must be funded by Tatanka prior to commencing its interconnection service, but rather are contingencies that must be in place (i.e., paid for and constructed by different MISO stakeholders) for that service to occur reliably. Thus, MISO argues, limiting the level of interconnection service based on contingencies is appropriate under Commission precedent and the MISO Tariff, and such treatment does not violate the “but for” standard. MISO asserts that, because Tatanka is not being asked to pay the costs of these two MTEP projects, any discussion of the cost allocation “but for” standard is inappropriate.<sup>24</sup> MISO emphasizes that if Tatanka desired to have NRIS earlier than MISO’s studies have demonstrated can be provided, then it could have

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<sup>22</sup> *Id.* at 9-11.

<sup>23</sup> *Id.* at 12 (quoting *Midwest Indep. Transmission Sys. Operator, Inc.*, 134 FERC ¶ 61,013, at P 33 (2011) (emphasis added by MISO)).

<sup>24</sup> *Id.* at 12-13.

funded a study to determine if alternative upgrades could have been utilized to allow Tatanka to have 108.2 MW of NRIS.<sup>25</sup>

18. MISO also argues that proper analysis of the 2015 and 2022 scenarios demonstrates that the disputed projects are proper contingencies. MISO states that, as the Commission is aware, the determination of whether those projects are contingencies is a complex question, depending on more than the order in which the projects will come online, and that MISO's Tariff does not permit MISO to grant the requested NRIS unless MISO has confirmed that this level of NRIS is available after system changes that are planned or requested prior to Project No. J249 have been completed.<sup>26</sup> MISO explains that the analysis it had at the time of Tatanka's request indicated that, without the completion of the Ellendale- Big Stone MVP, the NRIS level that could be reliably delivered in the 2022 scenario (as compared to the 2015 scenario) decreased. However, MISO asserts that the critical determination is not whether a particular project's inclusion increases or decreases the available amount of service, but rather whether the project impacts the reliably-deliverable ERIS and/or NRIS levels between the two scenarios. MISO notes that the Ellendale- Big Stone MVP satisfies this standard. Furthermore, with respect to the LaCrosse-Madison MVP, MISO notes that this project *was* included in the 2015 analysis, and that, without the completion of this project, MISO cannot ensure that an NRIS of 108.2 MW could be reliably delivered.<sup>27</sup>

### C. Tatanka Answer

19. Tatanka, responding to MISO's assertion that the steady-state analysis performed for the 2012 Study Group shows that the LaCrosse-Madison MVP addresses both thermal and stability issues, notes that the study also indicates that the thermal constraints were identified in the ERIS analysis. Tatanka also notes that the identified thermal constraints are shown to be issues for every generator in the 2012 Study Group *except* for the Tatanka project. Tatanka cites this as proof that MISO treated Tatanka's NRIS-only request differently from ERIS requests, by excluding it from the very ERIS analyses which Tatanka argues do not apply to an NRIS-only request.<sup>28</sup>

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<sup>25</sup> *Id.* at 14.

<sup>26</sup> *Id.* at 18 n.34. MISO notes that both projects received approval from MISO's Board of Directors in December 2011, well before Tatanka submitted its NRIS increase.

<sup>27</sup> *Id.* at 16-20.

<sup>28</sup> Tatanka Answer at 5-6.

20. Tatanka also reiterates that MISO did not present any evidence demonstrating the claimed restriction of deliverability on the Tatanka project between 2015 and 2022. Tatanka asserts that the evidence – namely, that the deliverability for the Tatanka project was exactly the same in the 2015 analysis as in the 2022 analysis – shows that the Tatanka project is deliverable at 108.2 MW prior to and after the completion of these projects. Tatanka notes that this is a change in MISO’s position, as MISO appears now to concede that the Tatanka project’s deliverability is higher in 2015 than the Amended GIA allows, but that it would then drop back down, and it would be too burdensome to determine what level of service is available between 2015 and 2022. Tatanka asserts that MISO’s responsibility to ensure the reliability of its transmission system does not justify withholding interconnection service for years without demonstrating that the required upgrades have anything to do with the generator being denied. Tatanka states that, unless MISO has evidence that the deliverability is degraded, these projects are not appropriate contingencies, and, if MISO *does* have evidence that these projects correct a degradation in available NRIS after 2015, then it should demonstrate the amount of NRIS available to Tatanka in the intervening years.<sup>29</sup>

21. Finally, Tatanka alleges that it did not, as MISO suggests, focus on the 2015 date based on a selective reading of a preliminary study and then ignore subsequent updates. Rather, Tatanka asserts that every MISO study calculates a greater NRIS availability in 2015, and that the most up-to-date studies indicate that 108.2 MW of NRIS is available in 2015 and 2022. Tatanka denies that it seeks special treatment, and asserts that its expectation that increased NRIS will be available in 2015 is based on a reasonable reading of MISO’s studies.<sup>30</sup>

#### **D. MISO Supplemental Filing**

22. MISO explains that NRIS provides a higher level of interconnection service than ERIS; as a result, when a project requests NRIS, it is first studied for ERIS using the ERIS study criteria and then an aggregate deliverability test is performed using the NRIS study criteria. Accordingly, an interconnection customer cannot procure NRIS without first passing the ERIS criteria. When a customer, such as Tatanka, that already has ERIS submits an “NRIS only” request, that request is studied together with all projects in the same group study that have requested NRIS, but the customer is not subject to cost responsibility for upgrades identified as being necessary in the ERIS analysis. However, because the “NRIS only” requests are studied together with other NRIS requests that are based upon the ERIS models, all assumptions that are true for the ERIS analysis also

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<sup>29</sup> *Id.* at 6-8.

<sup>30</sup> *Id.* at 8.

apply to all NRIS projects, including those requesting “NRIS only.” MISO asserts, therefore, that, because Project No. J249 was evaluated as part of the 2012 Study Group, MISO’s ERIS analysis cannot be divorced from its analysis of Tatanka’s request for “NRIS only” service. Furthermore, MISO explains that an interconnection request is studied based on the process in place when it is submitted, so attempting to compare Tatanka’s earlier ERIS request with its later NRIS request does not provide an “apples to apples” comparison.<sup>31</sup> MISO maintains that its studies identify the Ellendale- Big Stone MVP and the LaCrosse-Madison MVP as conditional facilities for Project No. J249 because they affect its deliverability, and to declare those facilities to not be valid conditional facilities would hold “NRIS only” requests to a different standard than NRIS requests for new generating facilities.<sup>32</sup> MISO provides additional explanation about the thermal constraints identified for Project No. J249, noting that none of Tatanka’s requested NRIS increase from 36 MW up to an additional 144 MW was deliverable on June 1, 2013.<sup>33</sup>

23. With respect to the LaCrosse-Madison MVP, MISO explains that this facility, in conjunction with another Multi-Value Project, eliminates stability violations for the higher-queued Group 5 and addresses other constraints, including eliminating several “Dynamic Voltage Warnings.” In addition, MISO states that including that project as a baseline assumption provides a major new Minnesota-Wisconsin connection, which increases reliability under the study parameters. MISO explains that the LaCrosse-Madison MVP therefore was included in the Group 5 restudy results. As to the 2012 Study Group, MISO explains that the MVP, in conjunction with other upgrades, was added as a baseline assumption to address reliability issues, including numerous voltage violations and unsolved contingencies. MISO concludes that the LaCrosse-Madison MVP is a required benchmark assumption for resolving numerous reliability concerns, and that the network upgrades identified for the 2012 Study Group mitigate impacts incremental to the benchmark case. MISO further states that, as an interconnection request included in the 2012 Study Group, Project No. J249 is subject to the same modeling assumptions and conditions as all other projects in the study group, including those with respect to the LaCrosse-Madison MVP. MISO explains that it does not have specific information on how the MVP would impact Project No. J249 alone, and states

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<sup>31</sup> MISO Supplemental Filing at 3-5.

<sup>32</sup> *Id.* at 5-6.

<sup>33</sup> *Id.* at 6-7 and Exhibit C. That is, under J249, MISO evaluated Tatanka for a 144 MW increase on top of its existing 36 MW NRIS, i.e., up to the full 180 MW capacity of the Generating Facility.

that to do such an analysis would require an alternative study (without the MVP) to resolve the underlying reliability issues for the entire group. Given the number of permutations that would be required to study each interconnection customer individually, MISO alleges that such scenarios would have limited use, undermine the efficiencies of using a group study process, and increase costs for interconnection customers who fund these studies.<sup>34</sup>

24. MISO explains that the Ellendale- Big Stone MVP is a transmission assumption in the 2022 scenario for the 2012 Study Group because it is an approved MTEP Appendix A project. MISO explains that, therefore, it does not have information regarding what specific reliability problem would occur if this project were removed from the model. To determine whether a transmission assumption must be listed as a conditional facility for members of the 2012 Study Group, MISO uses a distribution factor of five percent to indicate the customer's dependency on the transmission assumption. MISO explains that the Ellendale- Big Stone MVP meets this five percent criterion for Project No. J249.<sup>35</sup>

25. MISO also disputes Tatanka's assertion that a project that has obtained ERIS is not responsible for any upgrades related to stability to support a change to NRIS. As explained above, MISO states that the ERIS analyses are performed for all projects within a group study because this review is needed regardless of whether a request seeks ERIS or NRIS, and this ERIS analysis then becomes the basis for analyzing the higher NRIS level of service. In addition, MISO performs a deliverability analysis for the NRIS requests. MISO distinguishes between "required" upgrades that a project needs to fund in order to interconnect and "conditional facilities," which could include, for example, facilities included in the models used to study NRIS requests. Therefore, MISO explains that the LaCrosse-Madison MVP and other base case assumptions are prerequisite "conditional facilities" that must be in place before Project No. J249 can receive the entire level of NRIS it requests. MISO reiterates that Tatanka is not being asked to bear cost responsibility for the MVP, but rather is only being asked to bear similar conditionality and treatment as other NRIS projects in the same group study.<sup>36</sup>

26. MISO explains that a facility might be included as a contingency in Exhibit A10 if it will impact the GIA, but that this review is not limited to whether a listed conditional facility will specifically impact the available level of ERIS or NRIS, as MISO does not perform analyses of hypothetical "what if" scenarios to determine how the removal of a

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<sup>34</sup> *Id.* at 8-12.

<sup>35</sup> *Id.* at 13.

<sup>36</sup> *Id.* at 14-15.

particular project assumed in the study would impact a given generating facility. MISO states that, as a practical matter, it does not have the resources to do that analysis, and that such analyses would lead to wasteful resource allocation. Generally, MISO explains that there are three main categories of reasons for including a project in Exhibit A10: (1) a higher-queued project or project in the same group study; (2) projects listed in Appendix A of MISO's MTEP that meet the five percent distribution factor (e.g., the Ellendale-Big Stone MVP); and (3) projects included as base case assumptions in the underlying study model (e.g., the LaCrosse-Madison MVP).<sup>37</sup>

27. With respect to Tatanka's assertion that NRIS available to Tatanka in the 2022 scenario, as compared to the 2015 scenario, decreased without the completion of the Ellendale- Big Stone MVP, MISO states that it cannot provide a specific date or cause for the decrease because it was first observed between the original first run of deliverability results and the final run prior to posting the report. However, MISO states that it can attribute the decrease in NRIS to the cumulative impact of the Ellendale- Big Stone MVP and conditional facilities included in Exhibit A10 of the Amended GIA using the five percent distribution factor analysis. MISO explains that, in 2015, the limiting NRIS amount is 78.8 MW, while in 2022 that amount is 72.2 MW, but that to identify which project or combination of projects contributed to these results would require additional, comparative analysis. MISO notes that later withdrawals from the interconnection queue and the addition of other MTEP Appendix A projects in the 2022 scenario also impacted the level of NRIS for Project No. J249, as compared to the 2015 analysis, by creating a different "worst constraint" for Project No. J249 in the later scenario.<sup>38</sup>

#### **E. Tatanka Supplemental Protest**

28. Tatanka asserts that MISO's Supplemental Filing does not provide justification for its position that an NRIS-only request should be contingent on projects unrelated to deliverability. Tatanka notes that, after conceding that Project No. J249 showed no constraints in the ERIS analysis, MISO argues that there are nevertheless NRIS constraints. However, Tatanka points out that it has never argued that there are *no* valid deliverability-related constraints, but rather that the studies show that 108.2 MW of NRIS is available, unconditioned on ERIS upgrades. Tatanka argues that nothing in the Supplemental Filing explains or justifies the inclusion of ERIS constraints and

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<sup>37</sup> *Id.* at 15-17.

<sup>38</sup> *Id.* at 20-21.

contingencies on an NRIS-only request, and that the only actual NRIS constraints are those that limit the project's NRIS deliverability to 108.2 MW.<sup>39</sup>

29. Tatanka states that the Supplemental Filing did not present any evidence of benefits of the LaCrosse-Madison MVP that the Tatanka project has not already satisfied in obtaining full ERIS. Tatanka argues that MISO conceded that it included the project due to ERIS constraints, and notes that its project has already satisfied ERIS constraints. It asserts that nothing in the Supplemental Filing changes the conclusion that the LaCrosse-Madison MVP addresses voltage stability issues that MISO studies in the ERIS analysis and are used to condition ERIS service. Tatanka notes that any impact on the NRIS of new interconnection requests based on ERIS constraints is indirect; a project could not obtain NRIS if it could not obtain ERIS. Tatanka argues that its project already had ERIS, and the ERIS voltage collapse is irrelevant for an operational project that is, and will remain, interconnected with or without the NRIS-only request.<sup>40</sup>

30. With respect to the Ellendale- Big Stone MVP, Tatanka claims that MISO's study results and Supplemental Filing do not demonstrate that the project addresses any reliability issues with any connection to Tatanka's NRIS-only request. Tatanka argues that, although MISO developed a screen to attempt to limit transmission contingencies affecting an interconnection project to those projects that demonstrate some relationship to a transmission project, the screen does not demonstrate any positive benefit that a transmission project has on an interconnection request. Tatanka argues that MISO simply assumed that all interconnection requests are subject to the project if a distribution factor screen shows a connection, and that it is inappropriate to condition NRIS without any evidence of a positive benefit.<sup>41</sup>

31. Tatanka also asserts that the Supplemental Filing supports an interpretation that the Ellendale- Big Stone MVP decreases the Tatanka project's NRIS deliverability. Tatanka denies that it is attempting to force MISO into endless restudies and special considerations of various "what-if" scenarios, as it proposes to accept the study results at face value that 108.2 MW of NRIS is the correct availability after June 1, 2015 and on June 1, 2022. In response to MISO's argument that certain "raw result" data for the deliverability studies suggest that 78.8 MW of incremental NRIS is available in 2015, but only 72.2 MW is available after the addition of the Ellendale- Big Stone MVP, Tatanka argues that it is reasonable to infer not that the Ellendale- Big Stone MVP *increases* the

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<sup>39</sup> Tatanka Supplemental Protest at 3-6.

<sup>40</sup> *Id.* at 6-8.

<sup>41</sup> *Id.* at 8-9.

Tatanka project's deliverability, but rather that it *decreases* the project's deliverability. Tatanka asserts that MISO presented study results for 2015 that limited the deliverability beyond what the study demonstrated as actual constraints, but that, in the interest of efficiency, Tatanka would accept a 72.2 MW incremental increase in NRIS, for a total of 108.2 MW, as of 2015.<sup>42</sup>

#### **F. MISO Answer to Supplemental Protest**

32. MISO states that its Supplemental Filing demonstrates why the disputed facilities are properly listed as contingencies in the Amended GIA, as both facilities affect the deliverability of the incremental NRIS increase and MISO cannot hold Project No. J249 to a separate standard because it is "NRIS only." MISO disputes Tatanka's argument that, because Project No. J249 was not included in a list of interconnection customers whose projects were designated as "Conditional on ERIS upgrades" in the underlying studies, those contingent facilities are not properly included in its Amended GIA. MISO explains that those projects were so designated because they may have identified upgrades in the current cycle that would be required prior to commencement of NRIS; however, this statement does not imply that there are no other conditions for any of the projects. MISO argues that modeling assumptions are always conditioned on commencement of service and the conditional facilities in the Amended GIA reflect that fact. MISO rejects Tatanka's effort to rely on inferences from the text of the study, rather than the actual engineering results, to support its request.<sup>43</sup>

33. MISO also asserts that Tatanka's argument that the Supplemental Filing does not provide evidence of additional benefits of LaCrosse-Madison MVP to the Tatanka project is irrelevant. MISO insists that the existing ERIS for the Tatanka project does not exempt Tatanka from conditions needed for its incremental NRIS increase, and notes that the LaCrosse-Madison MVP was included as a baseline assumption in Project No. J249's group studies; accordingly, the increased NRIS amount cannot reliably be granted without that assumption. MISO reiterates that it does not have specific information on the hypothetical scenario of the impact of the MVP on Project No. J249 alone, and that there are no near term (2015) analyses that indicate Project No. J249's deliverability without the MVP.<sup>44</sup>

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<sup>42</sup> *Id.* at 9-14.

<sup>43</sup> MISO Answer to Supplemental Protest at 3-4.

<sup>44</sup> *Id.* at 5-6.

34. MISO concludes that its Supplemental Filing demonstrated that the Ellendale-Big Stone MVP is an appropriate conditional facility, and that Tatanka's view of the study results does not eliminate the need for that project such that MISO could "compromise" and grant an additional 72.2 MW of NRIS. MISO argues that Tatanka provides no support for its position that MISO must demonstrate a "positive benefit" to list a project as a contingency; rather, MISO states that the Ellendale- Big Stone MVP is appropriately listed as a conditional facility because it meets the five percent distribution factor test. MISO further argues that Tatanka has misread the study results by focusing only on the 2015 and 2022 raw result numbers. MISO explains that the granting of any level of interconnection service is subject to modeling assumptions and identified facilities, such as the Ellendale- Big Stone MVP and the LaCrosse-Madison MVP. MISO states that, to achieve the full 108 MW of NRIS that it seeks, Tatanka must either be subject to the conditional facilities or must fund upgrades needed for that amount. MISO states that the level of NRIS a project can reliably take is provided by the out year (i.e., 2022) study results, but the 72.2 MW of incremental NRIS permitted by those study results does not mean that Tatanka is entitled to that amount without conditions.<sup>45</sup>

#### **G. Tatanka Response**

35. In Tatanka's Response to MISO's Answer, Tatanka asserts that MISO's Answer adds nothing new and should be rejected, but Tatanka provides a response if MISO's Answer is accepted. Tatanka disputes MISO's assertion that it selectively relied on parts of the study results. Tatanka asserts that the study results themselves indicate that 108.2 MW of NRIS was available on June 1, 2015. Tatanka states that it demonstrated that it is likely that the actual available NRIS is higher than the net 108.2 MW in 2015.<sup>46</sup> Tatanka states, however, that because the exact level is not certain and MISO has stated that it has not performed studies pinpointing the exact level,<sup>47</sup> a proper compromise is for the Commission to weigh the competing considerations and to grant the 108.2 MW of NRIS in 2015.<sup>48</sup>

36. Tatanka also states that it plans on submitting bids in the PJM Interconnection LLC (PJM) capacity auction for 2017 delivery, to be held May 14, 2014 through May 16,

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<sup>45</sup> *Id.* at 6-8.

<sup>46</sup> Tatanka Response at 7 (citing MISO Supplemental Filing at PP 9-12).

<sup>47</sup> *Id.* (citing MISO Supplemental Filing at P 20).

<sup>48</sup> *Id.* at 8.

2014. As such Tatanka requests that the Commission issue an order prior to these dates so that Tatanka can submit a bid based on the NRIS sought in this proceeding.<sup>49</sup>

### **III. Discussion**

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

37. 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.

38. 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 or answer unless otherwise ordered by the decisional authority. We will accept MISO's and Tatanka's answers because they have provided information that assisted us in our decision-making process.

#### **B. Substantive Determination**

39. We will accept the Amended GIA. Tatanka alleges that MISO's studies for the 2012 Study Group failed to properly account for the fact that its second interconnection request, Project No. J249, sought only to increase the amount of NRIS available to the project, and improperly designate as contingent facilities two transmission projects that are not needed for the incremental increase in the Tatanka project's NRIS. As discussed below, we find that MISO's studies for the 2012 Study Group were reasonably performed and accept MISO's proposal to include the disputed projects as contingent facilities in Exhibit A10 to the Amended GIA.

40. The Commission has previously acknowledged that MISO cannot reasonably perform, and is not required by its Tariff to perform, numerous permutations of studies to address each individual interconnection customer's project in the context of a broader group study.<sup>50</sup> Rather, in performing group studies, MISO analyzes the collective impact of the group on its system and then determines which facilities – whether contingent facilities for which the customers do not bear the costs, or network upgrade or other direct assignment facilities for which they do – are needed to reliably interconnect the group. In identifying contingent facilities, we agree with MISO that it may be reasonable to include in Exhibit A10 both facilities that are needed to address specific reliability

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<sup>49</sup> *Id.* at 2.

<sup>50</sup> *See, e.g., Midwest Indep. Transmission Sys. Operator, Inc.*, 141 FERC ¶ 61,068, at P 47 (2012).

problems identified for a group, as well as planned facilities included as base case assumptions in the underlying study models, provided that MISO can reasonably determine that the facilities might impact a customer's project.

41. Based on the record before us, we disagree with Tatanka that the study results clearly indicate that the Ellendale-Big Stone MVP and the LaCrosse-Madison MVP are not needed for the Tatanka project to reliably obtain its requested NRIS increase. With respect to the LaCrosse-Madison MVP, MISO explains that the project was included in the base case assumptions for the 2012 Study Group based on that project's inclusion in the preceding Group 5 restudy as a facility that addressed numerous reliability problems for that group of higher-queued interconnection customers. Simply because the LaCrosse-Madison MVP addresses stability problems for the 2012 Study Group, and Tatanka's project was previously studied for ERIS and any resulting stability problems were addressed, does not dictate that the LaCrosse-Madison MVP is not properly listed as a contingent facility in the Amended GIA addressing Tatanka's requested NRIS increase. Given its inclusion in the Group 5 restudy, the exact impacts of removing that MVP on the Tatanka project's incremental NRIS increase cannot be determined.

42. We therefore find reasonable MISO's explanation that, having included this project in the Group 5 restudy, it was necessary to include it in the base case assumptions for the 2012 Study Group as well, and therefore to include it in the Amended GIA as a contingent facility. We similarly find reasonable MISO's decision not to separately study the 2012 Study Group or further restudy Group 5 without the LaCrosse-Madison MVP in order to identify alternative upgrades that might address the reliability problems otherwise addressed by that MVP. While that analysis might have supported Tatanka's argument that the LaCrosse-Madison MVP is not required for the Tatanka project's incremental NRIS increase, we agree that MISO's generator interconnection procedures do not require it to perform project-specific studies as part of its group study process.<sup>51</sup>

43. With respect to the Ellendale-Big Stone MVP, we also find that MISO's proposal to include this project as a contingent facility in the Amended GIA is reasonable. Tatanka does not appear to dispute that MISO's studies for the 2012 Study Group indicate that this project impacts the deliverability of Tatanka's incremental NRIS increase; rather, Tatanka argues that MISO fails to demonstrate any reliability issue addressed by that MVP for its incremental NRIS increase, and in fact alleges that the Ellendale-Big Stone MVP has a detrimental effect on the project's deliverability, rather

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<sup>51</sup> We note that interconnection customers may request that MISO perform optional interconnection studies to perform this type of analysis, but that Tatanka did not submit such a request to MISO. MISO, FERC FPA Electric Tariff, Attachment X (Generator Interconnection Procedures) § 10.

than being necessary to reliably facilitate it. We disagree with Tatanka that, in the context of a group study, MISO must make an affirmative showing that a particular project has a “positive benefit” on an interconnection customer before it may list that project as a contingency. Again, Tatanka proposes to require a level of individualized analysis for its project that is not required under MISO’s group study procedures. We will not require that MISO perform additional deliverability analyses for the period between 2015 and 2022 to determine the exact timing of any impacts the Ellendale- Big Stone MVP has on Tatanka’s incremental NRIS increase; it is sufficient, based on the record before us, that MISO demonstrated that that MVP is necessary for the reliable interconnection of the group and impacts the interconnection of Tatanka’s incremental NRIS increase.

44. Furthermore, we note that among the revisions included in the Amended GIA are new *pro forma* provisions that allow Tatanka to seek conditional NRIS for its project, until such time as all contingent facilities identified in Exhibit A10 are in service.<sup>52</sup> If system capacity is available for Tatanka prior to the contingent facilities entering service – as Tatanka alleges – then Tatanka may avail itself of that capacity by pursuing conditional NRIS. We also note that Tatanka may avail itself of the optional study process under the MISO generation interconnection procedures to support its conditional NRIS request.<sup>53</sup>

45. Finally, while we will accept the Amended GIA and MISO’s proposal to include the disputed contingent facilities in Exhibit A10 to that agreement, we find that, if these contingent facilities are not constructed and if MISO identifies alternative upgrades whose costs it proposes to allocate to Tatanka, then MISO may only allocate costs required to reliably facilitate the incremental NRIS increase that Tatanka seeks. MISO would bear the burden to establish that those costs are appropriate “but for” costs necessary to Tatanka’s requested NRIS increase.

46. We will grant waiver of the 60-day prior notice requirement for good cause shown and make the Amended GIA effective December 13, 2013.<sup>54</sup>

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<sup>52</sup> Amended GIA § 4.1.2.3.

<sup>53</sup> MISO, FERC FPA Electric Tariff, Attachment X (Generator Interconnection Procedures) § 10

<sup>54</sup> See *Central Hudson Gas & Elec. Corp.*, 60 FERC ¶ 61,106, at 61,339, *reh’g denied*, 61 FERC ¶ 61,089 (1992).

The Commission orders:

The Amended GIA is hereby accepted, effective December 13, 2013, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.