

148 FERC ¶ 61,167
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Cheryl A. LaFleur, Chairman;
Philip D. Moeller, Tony Clark,
and Norman C. Bay.

Dominion Solar Gen-Tie, LLC

Docket Nos. ER14-2414-000

RE Columbia, LLC

ER14-2420-000
(not consolidated)

ORDER ACCEPTING AGREEMENTS FOR FILING AND
GRANTING IN PART AND DENYING IN PART REQUESTS FOR WAIVERS

(Issued September 5, 2014)

1. In this order, the Commission accepts the Shared Facilities Agreement¹ filed by Dominion Solar Gen-Tie, LLC (Dominion Solar Gen-Tie) and RE Columbia, LLC (Columbia) (collectively, the Applicants), between Columbia, RE Columbia Two LLC (Columbia Two), RE Camelot LLC (Camelot), RE Yakima LLC (Yakima), and RE Clearwater LLC (Clearwater), as discussed below. In addition, this order also accepts the Amended and Restated Clustering Large Generator Interconnection Agreement (CLGIA) Co-Tenancy Agreement (Co-Tenancy Agreement)² filed by Columbia, between Camelot, Columbia Two, Yakima, Clearwater, and Columbia, as discussed below. Moreover, we grant the Applicants' requests for waiver of the requirements to file an Open Access Transmission Tariff (OATT), to establish and maintain an Open Access Same-Time Information System (OASIS), and to comply with the Commission's Standards of Conduct. We also grant, as requested: (1) waiver of accounting and related reporting

¹ Consistent with eTariff procedures on filing joint rate schedules, each party filed the Shared Facilities Agreement in a separate docket. The Shared Facilities Agreement filed by Dominion Solar Gen-Tie in Docket No. ER14-2414-000 is designated as Dominion Solar Gen-Tie's FERC Electric Rate Schedule No. 1. Columbia filed the same Shared Facilities Agreement in Docket No. ER14-2420-000 and designated it as Columbia's FERC Electric Rate Schedule No. 1.

² The Co-Tenancy Agreement filed by Columbia is designated as Columbia's FERC Electric Rate Schedule No. 2.

requirements of 18 C.F.R. Parts 101 and 141 of the Commission's regulations, except sections 141.14 and 141.15; and (2) waiver of the filing requirements of Subparts B and C of 18 C.F.R. Part 35 (2014), except sections 35.12(a), 35.13(b), 35.15, and 35.16. Furthermore, we grant in part and deny in part Applicants' request for waiver of Part 41 of the Commission's regulations. Moreover, we deny Applicants' requests for blanket authorization under 18 C.F.R. Part 34 (2014) for all future issuances of securities and assumptions of liabilities, as discussed below.

I. Background

2. Camelot, Columbia Two, Clearwater, and Yakima (Project Companies) are Delaware limited liability companies and are joint owners of Columbia. Camelot and Columbia Two are direct, wholly owned subsidiaries of Dominion Solar Holdings, Inc.³ Yakima and Clearwater are wholly owned by Monte Vista Solar, LLC.⁴

3. The Project Companies are each developing a solar photovoltaic project (Projects) which together have a combined generating capacity of approximately 100 megawatts (MW). Specifically (1) Camelot will own and operate a 45 MW solar project; (2) Columbia Two will own and operate a 15 MW solar project; (3) Clearwater is developing, and will own and operate, a 20 MW solar project; and (4) Yakima is developing, and will own and operate, a 20 MW solar project. The Projects will be located in Kern County, California, within the California Independent System Operator Corporation (CAISO) balancing authority area. Each of the Projects will interconnect to Southern California Edison Company's (SoCal Edison) distribution system via an approximately 7.5 mile, 66 kV generation tie-line (Gen-Tie Line) pursuant to the Clustering Large Interconnection Agreement among the Project Companies, SoCal Edison, and Columbia, as interconnection manager.⁵ All of the output from each of the Projects will be delivered, for resale, to the CAISO controlled grid through SoCal

³ Dominion Solar Holdings, Inc. is a direct, wholly owned subsidiary of Dominion Energy, Inc., which is a direct, wholly owned subsidiary of Dominion Resources, Inc., a holding company within the meaning of the Public Utility Holding Company Act of 2005.

⁴ Monte Vista Solar, LLC is a wholly owned subsidiary of RE Monte Vista Holdings, which is wholly owned by Recurrent Energy Development Holdings, LLC, a wholly owned subsidiary of Recurrent Energy, LLC, which is an indirect and wholly owned subsidiary of the Sharp Corporation.

⁵ *See So. Cal. Edison Co.*, Docket No. ER14-1543-000 (May 8, 2014) (unpublished letter order).

Edison's distribution system pursuant to a Service Agreement for Wholesale Distribution Service between the Project Companies and SoCal Edison, which was also accepted by the Commission.⁶ Camelot and Columbia Two have each filed a notice of self-certification as an exempt wholesale generator (EWG)⁷ and concurrently with this filing, an application for market-based rate authority.⁸ Both Clearwater and Yakima are EWGs⁹ and the filing explains that they will obtain market-based rate authority before making any test sales of energy.

II. Description of Columbia and Dominion Solar Gen-Tie

4. Columbia, which is jointly owned by the Project Companies, will construct, own, and operate the Gen-Tie Line and related interconnection facilities (Shared Facilities) that will be used by the Projects to interconnect to SoCal Edison's distribution system. The Applicants state that Columbia's sole purpose is to own and operate the Shared Facilities,

⁶ *Id.*

⁷ See RE Camelot LLC, Notice of Self-Certification of Exempt Wholesale Generator Status, Docket No. EG14-29-000 (filed Mar. 12, 2014); RE Columbia Two LLC, Notice of Self-Certification of Exempt Wholesale Generator Status, Docket No. EG14-18-000 (filed Dec. 12, 2013); see also *Fortistar N. Tonawanda Inc., et al.*, Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status, Docket No. EG14-16-000, *et al.* (Mar. 24, 2014); RE Columbia, LLC, *et al.*, Notice of Material Change in Fact, Docket No. EG13-54-000, *et al.* (filed Mar. 12, 2014) ("Project Companies Notice of Material Change in Fact").

⁸ Columbia Two and Camelot filed requests for market-based rate authority on July 18, 2014 in Docket Nos. ER14-2465-000 and ER14-2466-000, respectively.

⁹ See RE Clearwater LLC, Notice of Self-Certification of Exempt Wholesale Generator Status, Docket No. EG14-17-000 (filed Dec. 12, 2013); RE Yakima LLC, Notice of Self-Certification of Exempt Wholesale Generator Status, Docket No. EG13-55-000 (filed Aug. 16, 2013); see also *Fortistar N. Tonawanda Inc., et al.*, Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status, Docket No. EG14-16-000, *et al.* (Mar. 24, 2014); *Buffalo Dunes Wind Project LLC, et al.*, Notice of Effectiveness of Exempt Wholesale Generator Status, Docket No. EG13-49-000, *et al.* (Nov. 15, 2013); Project Companies Notice of Material Change in Fact.

which will be used by the Project Companies to connect their respective Projects to SoCal Edison's distribution system. Columbia states that it is an EWG.¹⁰

5. Dominion Solar Gen-Tie is a Delaware limited liability company and a direct, wholly-owned subsidiary of Dominion Solar Holdings, Inc. The Applicants state that Dominion Solar Gen-Tie will serve as Manager of Columbia.¹¹ Dominion Solar Gen-Tie states that it has filed, concurrently with this filing, a notice of self-certification of EWG status.¹²

III. Description of Agreements

6. Pursuant to section 205 of the Federal Power Act (FPA),¹³ the Applicants jointly filed the Shared Facilities Agreement. Under the Shared Facilities Agreement, Columbia will construct, own, and operate the Shared Facilities for the benefit of the Project Companies.¹⁴ The Shared Facilities Agreement provides that each of the Project Companies will reimburse Columbia for the costs that Columbia incurs to construct, operate, and maintain the Shared Facilities and related real property rights, based on each Project Company's pro rata shares of the combined capacity of the Projects. The Shared Facilities Agreement also provides that Columbia may curtail or reduce a Project

¹⁰ See RE Columbia, LLC, Notice of Self-Certification of Exempt Wholesale Generator Status, Docket No. EG13-54-000 (filed Aug. 16, 2013); see also *Buffalo Dunes Wind Project LLC, et al.*, Notice of Effectiveness of Exempt Wholesale Generator Status, Docket No. EG13-49-000, *et al.* (Nov. 15, 2013); Project Companies Notice of Material Change in Fact.

¹¹ Applicants state that although Dominion Solar Gen-Tie is submitting this filing, it does so out of an abundance of caution. Accordingly, they state, Dominion Solar Gen-Tie reserves the right to argue in the future that its role as manager of Columbia is not a jurisdictional activity that requires it to file the Shared Facilities Agreement as a rate schedule and the fact that it joins in this filing is done so without prejudice to any future position it may take before the Commission on this issue.

¹² Dominion Solar Gen-Tie Transmittal Letter at 5; Columbia Transmittal Letter at 5.

¹³ 16 U.S.C. § 824d (2012).

¹⁴ Applicants state that Columbia will not buy power from or sell to any of the Project Companies or any third party. See Dominion Solar Gen-Tie Transmittal Letter at 5, FN 19; Columbia Transmittal Letter at 5, FN 19.

Company's delivery over the Shared Facilities: (1) when necessary for the operation and maintenance of the Shared Facilities; (2) due to an emergency as defined by the Shared Facilities Agreement; or (3) at the direction of SoCal Edison or CAISO.

7. The Co-Tenancy Agreement provides for the cost sharing of the Project Companies under the CLGIA and Service Agreement. Under the Co-Tenancy Agreement, each of the Project Companies has an undivided interest in the CLGIA and Service Agreement to permit the interconnection of its respective Project. The Co-Tenancy Agreement also provides that each of the Project Companies will be entitled to use the CLGIA to interconnect its respective Project to the SoCal Edison distribution system up to its planned MW capacity using the Shared Facilities and to deliver power through the Shared Facilities to the SoCal Edison distribution system to make sales from its Project. Consistent with Article 5.4 of the Shared Facilities Agreement, Section 2.4 of the Co-Tenancy Agreement provides that Columbia, as manager under the Co-Tenancy Agreement, may curtail a Project: (1) for operation or maintenance of a Project; (2) due to an emergency condition as defined by the Co-Tenancy Agreement; or (3) at the direction of SoCal Edison pursuant to the CLGIA or at the direction of CAISO pursuant to the CAISO tariff.

8. Pursuant to Section 2.5 of the Co-Tenancy Agreement, the Project Companies will share in the payment of all expenses in connection with the CLGIA and Service Agreement on a pro rata basis. Specifically, Section 2.10 of the Co-Tenancy Agreement, states that each of the Project Companies acknowledges and agrees it is jointly and severally liable for any payments under the CLGIA imposed on the Project Companies and performance of the obligations and duties imposed on the Project Companies by the CLGIA and Service Agreement.

IV. Requested Waivers

9. Applicants request that the Commission waive the requirements under Order Nos. 888¹⁵ and 890¹⁶ to file an OATT, the requirements under Order No. 889 to establish an OASIS,¹⁷ and the requirements under Order Nos. 889, 2004,¹⁸ and 717,¹⁹ and Part 358 of

¹⁵ *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

¹⁶ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008) *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009), *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009)

¹⁷ *Open Access Same-Time Information System and Standards of Conduct*, Order No. 889, FERC Stats. & Regs. ¶ 31,035 (1996), *order on reh'g*, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049, *reh'g denied*, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

¹⁸ *Standards of Conduct for Transmission Providers*, Order No. 2004, FERC Stats. & Regs. ¶ 31,155 (2003), *order on reh'g*, Order No. 2004-A, FERC Stats. & Regs. ¶ 31,161 (2004), *order of reh'g*, Order No. 2004-B, FERC Stats. & Regs. ¶ 31,166 (2004), *order on reh'g*, Order No. 2004-C, FERC Stats. & Regs. ¶ 31,172 (2004), *order on reh'g*, Order No. 2004-D, 110 FERC ¶ 61,320 (2005), *vacated and remanded as it applies to natural gas pipelines sub nom. National Fuel Gas Supply Corp. vs FERC*, 468 F.3d 831 (D.C. Cir. 2006); *see Standards of Conduct for Transmission Providers*, Order No. 690, FERC Stats. & Regs. ¶ 31,237, *order on reh'g*, Order No. 690-A, FERC Stats. & Regs. ¶ 31,243 (2007).

¹⁹ *Standards of Conduct for Transmission Providers*, Order No. 717, FERC Stats. & Regs. ¶ 31,280 (2008), *order on reh'g*, Order No. 717-A, FERC Stats. & Regs. ¶ 31,297, *order on reh'g*, Order No. 717-B, 129 FERC ¶ 61,123 (2009), *order on reh'g*, Order No. 717-C, 131 FERC ¶ 61,045 (2010), *order on reh'g*, Order No. 717-D, 135 FERC ¶ 61,017 (2011).

the Commission's regulations²⁰ to comply with the Standards of Conduct with respect to the Gen-Tie Line. Applicants state that the Shared Facilities, including the Gen-Tie Line, do not form an integrated component of any transmission grid. Applicants further explain that the shared facilities will be discrete, radial interconnection facilities used to enable the Project Companies to transmit power from their facilities to SoCal Edison's distribution system and ultimately through SoCal Edison's distribution system to the CAISO transmission grid.²¹

10. In addition, Applicants request that the Commission waive certain of its filing requirements and grant such blanket authorizations as are traditionally accorded to applicants that are not providing cost-based service. Specifically, Applicants request: (1) waiver of the requirements of Parts 41, 101, and 141 with the exception of sections 141.14 and 141.15; and (2) waiver of the reporting requirements of Subparts B and C of Part 35, except section 35.12(a), 35.13(b), 35.15, and 35.16. Applicants state that these waivers and authorizations are consistent with those granted to other owners of limited interconnection facilities.²²

11. Furthermore, Applicants requests that the Commission grant Applicants blanket authorization with respect to issuance of securities under Part 34. Applicants maintain that it is unnecessary and would be unduly burdensome to require Applicants to obtain prior approval for issuances of securities under Part 34 of the Commission's regulations given that the purpose of section 204 of the FPA, and its implementing regulations (18 C.F.R. Part 34) is to ensure the financial viability of franchised public utilities obligated to serve captive customers or obligated to provide requirements service at cost-

²⁰ 18 C.F.R. pt. 358 (2014).

²¹ See Dominion Solar Gen-Tie Transmittal Letter at 10; Columbia Transmittal Letter at 10.

²² *Id.* at 11 (citing *Wolverine Creek Goshen Interconnection, LLC*, Letter Order, Docket No. ER06-267-000, *et al.*, (Jan. 13, 2006) (*Wolverine Goshen*), errata notice, Docket No. ER06-267-000, *et al.*, (Jan. 27, 2006) (granting waivers of accounting and reporting requirements to company owning a discrete, generator lead line used to transmit power to the transmission system for wind generation connected to the line); *Entergy Louisiana, Inc.*, 110 FERC ¶ 61,300 (2005) (granting waivers of accounting requirements for entity that owns only limited, discrete interconnection facilities); *Resources Recovery (Dade County), Inc.*, 20 FERC ¶ 61,138, at 61,301 (1982) (waivers granted to qualifying facility selling power based on avoided cost rates)).

based rates. Applicants note that neither Columbia nor Dominion Solar Gen-Tie is a franchised utility, and neither entity is obligated to serve captive customers.²³

12. Finally, Applicants request waiver of the Commission's 60-day prior notice requirement to allow the Shared Facilities Agreement and Co-Tenancy Agreement to become effective on September 7, 2014. Applicants maintain that good cause exists to grant waiver because neither the Shared Facilities Agreement nor the Co-Tenancy Agreement will have a substantive effect on rates and do not result in prejudice to any party.²⁴

V. Notice of Filing

13. Notices of Dominion Solar Gen-Tie's filings in Docket No. ER14-2414-000 were published in the *Federal Register*, 79 Fed. Reg. 49,463 (2014), with interventions or protests due on or before August 8, 2014. Notices of Columbia's filings in Docket No. ER14-2420-000 were published in the *Federal Register*, 79 Fed. Reg. 44,167 (2014), with interventions or protests due on or before August 8, 2014. None was filed.

VI. Discussion

14. The terms and conditions of the Shared Facilities Agreement and Co-Tenancy Agreement appear to be just and reasonable and have not been shown to be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we will accept the proposed Shared Facilities Agreement and Co-Tenancy Agreement, to become effective September 7, 2014, as requested. As discussed below, we also will grant Applicants' request for waiver of Order Nos. 888, 889, 890, 2004, and 717 and Part 358 to file an OATT, establish and OASIS, and comply with the standards of conduct; Subparts B and C of Part 35 (except sections 35.12(a), 35.13(b), 35.15, and 35.16), and Parts 101 and 141 (with the exception of sections 141.14 and 141.15) of the Commission's regulations. We also will grant waiver of the requirements of sections 41.10 through 41.12, but we will deny waiver of the balance of the requirements of Part 41. Lastly, we will deny Applicants' request for blanket authorization of the issuance of securities and assumptions of liability under Part 34.

²³ *Id.* at 11.

²⁴ *See* Dominion Solar Gen-Tie Transmittal Letter at 2; Columbia Transmittal Letter at 2.

A. Waiver of Order Nos. 888, 889, and 890, and Part 358 of the Commission's Regulations

15. Order Nos. 888 and 890 of the Commission's regulations require public utilities that own, control, or operate facilities used for the transmission of electric energy in interstate commerce to file an OATT. Order Nos. 889 of the Commission's regulations require public utilities to establish and maintain an OASIS, and Order Nos. 889, 2004, and 717, and Part 358 of the Commission's regulations requires public utilities to abide by certain standards of conduct.²⁵ In prior orders, the Commission has enunciated the standards for waiver of, or exemption from, some or all of the requirements of Order Nos. 888, 889, and 890.²⁶ The Commission has stated that the criteria for waiver of the requirements of Order No. 890 and Order No. 2004 are unchanged from those used to evaluate requests for waiver under Order No. 888 and Order No. 889.²⁷ Order No. 717 did not change those criteria.²⁸

16. The Commission may grant requests for waiver of the obligation to file an OATT to public utilities that can show that they own, operate, or control only limited and discrete transmission facilities (facilities that do not form an integrated transmission grid), until such time as the public utility receives a request for transmission service. Should the public utility receive such a request, the Commission has determined that the public utility must file with the Commission a *pro forma* tariff within 60 days of the date of the request, and must comply with any additional requirements that are effective on the date of the request.²⁹

17. The Commission has also determined that waiver of the requirement to establish an OASIS and abide by the Standards of Conduct would be appropriate for a public utility if the applicant: (1) owns, operates, or controls only limited and discrete transmission facilities (rather than an integrated transmission grid); or (2) is a small

²⁵ Order No. 889, FERC Stats. & Regs. ¶ 31,035 at 31,590; Order No. 2004, FERC Stats. & Regs. ¶ 31,155 at P 16; Order No. 717, FERC Stats. & Regs. ¶ 31,280 at P 313.

²⁶ See, e.g., *Black Creek Hydro Inc., et al.*, 77 FERC ¶ 61,232, at 61,941 (1996) (Black Creek); *Entergy Mississippi, Inc.*, 112 FERC ¶ 61,228, at P 22 (2005) (*Entergy*).

²⁷ See *Alcoa Power Generating Inc.*, 120 FERC ¶ 61,035, at P 3 (2007); *Alcoa Power Generating Inc.*, 108 FERC ¶ 61,243, at P 27 (2004).

²⁸ See Order No. 717, FERC Stats. & Regs. ¶ 31,280 at PP 31-33.

²⁹ *Black Creek*, 77 FERC ¶ 61,232 at 61,941.

public utility that owns, operates, or controls an integrated transmission grid, unless other circumstances are present that indicate that a waiver would not be justified.³⁰

18. The Commission has held that waiver of Order No. 889 will remain in effect until the Commission takes action in response to a complaint to the Commission that an entity evaluating its transmission needs could not get the information necessary to complete its evaluation (for OASIS waivers) or an entity complains that the public utility has unfairly used its access to information about transmission to benefit the utility or its affiliate (for Standards of Conduct waivers).³¹

19. Based on the Applicants' representations, we find that the Gen Tie-Line facilities are limited and discrete facilities that do not constitute an integrated transmission system for the purpose of the waiver analysis considered in this order. The Gen Tie-Line facilities were built exclusively to deliver the power generated by the Project Companies Projects and the Applicants will only utilize the facilities to interconnect with, and deliver their power to, SoCal Edison's distribution system and ultimately through SoCal Edison's distribution system to the CAISO transmission grid. Accordingly, we will grant the Applicants' requests for waiver of the requirements of Order Nos. 888 and 890 and section 35.28 of the Commission's regulations to have an OATT on file. However, if Applicants receive a request for transmission service, they must file with the Commission a *pro forma* OATT within 60 days of the date of the request.³²

20. The Commission will also grant the Applicants' waiver of Order No. 889 with respect to OASIS and Order Nos. 889, 2004, and 717 and Part 358 with respect to the Standards of Conduct. We note that Applicants' waiver of the requirement to establish an OASIS will remain in effect until the Commission takes action in response to a complaint to the Commission that an entity evaluating its transmission needs could not

³⁰ *Id.* Although the Commission originally precluded waiver of the requirements for OASIS and the Standards of Conduct for a small public utility that is a member of a tight power pool, in *Black Hills Power, Inc.*, 135 FERC ¶ 61,058, at PP 2-3 (2011) (*Black Hills*), the Commission explained that membership in a tight power pool is no longer a factor in the determination for waiver of Standards of Conduct. Moreover, *Black Hills* did not affect waivers based on a public utility disposing of no more than 4 million megawatt hours annually.

³¹ *Entergy*, 112 FERC ¶ 61,228 at P 23 (citing *Central Minnesota Municipal Power Agency*, 79 FERC ¶ 61,260, at 62,127 (1997); *Easton Utilities Commission*, 83 FERC ¶ 61,334, at 62,343 (1998)).

³² *Black Hills*, 77 FERC ¶ 61,232 at 61,941.

get the information necessary to complete its evaluation.³³ Likewise, Applicants' waiver of the Standards of Conduct will remain in effect unless and until the Commission takes action on a complaint by an entity that Applicants have unfairly used their access to information to unfairly benefit themselves or their affiliates.³⁴

B. Additional Waivers and Authorizations

21. Applicants' requests that the Commission waive certain requirements and grant certain blanket authorizations that the Commission previously has granted other applicants that are not providing cost-based service.³⁵ In particular, Applicants request the following waivers and authorizations under the Commission's regulations: (1) waiver of the reporting requirements of Subparts B and C of Part 35, except sections 35.12(a), 35.13(b), 35.15, and 35.16; (2) waiver of the requirements of Parts 41, 101, and 141 with the exception of sections 141.14 and 141.15; and (3) blanket authorization under Part 34 for all future issuances of securities and assumptions of liability.

22. We will grant the requested waivers and authorizations consistent with those waivers and authorizations granted to entities with market-based rate authorizations.

23. The Commission will grant Applicants' request for waiver of Part 141 (except for, as requested, sections 141.14 and 141.15), including the Form No. 1 filing requirement. The Commission has previously granted waiver of the Form No. 1 filing requirement to owners of limited, discrete transmission facilities.³⁶ We find this waiver appropriate as the Shared Facilities, including the Gen-Tie Line, constitute limited, discrete facilities constructed for the purpose of enabling the Project Companies to transmit the power of their facilities to the CAISO transmission grid.

³³ *Entergy*, 112 FERC ¶ 61,228 at P 23 (citing *Central Minnesota*, 79 FERC ¶ 61,260 at 62,127; *Easton*, 83 FERC ¶ 61,334 at 62,343).

³⁴ *Id.* Applicants must notify the Commission if there is a material change in facts that affect their waiver within 30 days of the date of such change. *Material Changes in Facts Underlying Waiver of Order No. 889 and Part 358 of the Commission's Regulations*, 127 FERC ¶ 61,141, at P 5 (2009).

³⁵ See Dominion Solar Gen-Tie Transmittal Letter at 11; Columbia Transmittal Letter at 11.

³⁶ *Wyoming Colorado Intertie, LLC*, 127 FERC ¶ 61,125, at P 65 (2009); *Linden VFT, LLC*, 119 FERC ¶ 61,066, at P 44 (2007); *Montana Alberta Tie, Ltd.*, 116 FERC ¶ 61,071 at P 66 (2006).

24. In addition, we will also grant waiver of Part 101. The Commission has granted waiver of Part 101 in cases where the facilities are limited and discrete and only serve a merchant generation affiliate.³⁷ However, notwithstanding the waiver of accounting requirements of Part 101, we expect Applicants to keep all accounting records in accordance with generally accepted accounting principles.

25. As to Applicants' request for waiver of Part 41, we will grant its request for waiver of sections 41.10 through 41.12, because those sections pertain to the Form No. 1 filing requirements in Part 141, which we also waive, as discussed above. However, we will deny Applicants' request for waiver of the balance of the requirements of Part 41. These requirements pertain to the Commission's audit process, which remains applicable. This finding is consistent with the Commission's established policy of denying waiver of Part 41 to transmission providers.³⁸ Consistent with our previous orders, we find that it is appropriate to deny waiver of these provisions to facilitate regulatory oversight.

26. Furthermore, we will also deny the Applicants' request for blanket authorization of the issuance of securities and assumptions of liability under Part 34. While the Commission explained in Order No. 697 that the purpose of section 204 of the FPA and its implementing regulations is to ensure that financial viability of franchised public utilities obligated to serve consumers of electricity,³⁹ it further stated that it is the Commission's practice to grant blanket authorization under Part 34 where the seller is not a franchised public utility providing electric service to customers under cost-based regulation and has market-based rate authority.⁴⁰ As noted above, Columbia Two and

³⁷ *Prairie Rose Transmission, LLC*, 140 FERC ¶ 61,245, at P 15 (2012).

³⁸ *Rock Island Clean Line LLC*, 139 FERC ¶ 61,142, at P 47 (2012); *TransEnergie U.S. Ltd. and Hydro One Delivery Services Inc.*, 98 FERC ¶ 61,147, at 61,457 (2002); *TransEnergie U.S. Ltd.*, 98 FERC ¶ 61,144, at 61,502 (2002); *Northeast Utilities Service Co.*, 98 FERC ¶ 61,310 at 62,331 (2002); *Neptune Regional Transmission System, LLC*, 96 FERC ¶ 61,147, at Ordering Paragraph (G) (2001).

³⁹ *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010), *aff'd sub nom. Mont. Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011), *cert. denied*, 133 S. Ct. 26 (2012).

⁴⁰ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at n.1126.

Camelot filed requests for market-based rate authority, which included similar requests for blanket authorizations such as Part 34, concurrently with this filing. Clearwater and Yakima have not yet filed for market-based rate authority.⁴¹ Based on this information, we deny the Applicants' request for blanket authorization under Part 34 and find that such requests are more properly addressed in the market based rate authority applications.

The Commission orders:

(A) The Applicants' proposed Shared Facilities Agreement and Co-Tenancy Agreement are hereby accepted for filing, effective September 7, 2014.

(B) The Applicants' requests for waiver of the Commission's requirements to file an OATT, maintain an OASIS, and comply with the Standards of Conduct are hereby granted, as discussed in the body of this order.

(C) The Applicants' request for waiver of the provisions of Subparts B and C of Part 35 of the Commission's regulations, with the exception of sections 35.12(a), 35.13(b), 35.25, and 35.16, is hereby granted, as discussed in the body of this order.

(D) The Applicants' request for waiver of Part 141 of the Commission's regulations, with the exception of sections 141.14 and 141.15, are hereby granted, as discussed in the body of this order.

(E) The Applicants' request for waiver of the requirements of sections 41.10 through 41.12 of the Commission's regulations is hereby granted, and waiver of the balance of the requirements of Part 41 is hereby denied, as discussed in the body of this order.

(F) The Applicants' request for waiver of Part 101 of the Commission's regulations is hereby granted, as discussed in the body of this order.

⁴¹ See *supra* P 3.

(G) The Applicants' requests for blanket authorization of the issuance of securities and assumptions of liability under Part 34 of the Commission's regulations is hereby denied, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.