

149 FERC ¶ 61,006  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

October 2, 2014

In Reply Refer to:  
PacifiCorp  
Docket Nos. ER14-2544-000  
ER14-1578-000

PacifiCorp  
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Suite 1800  
Portland, OR 97232

Attn: Mark M. Rabuano, Esq.

Reference: Motion of PacifiCorp to Modify Effective Date of Tariff Provisions and  
Request for a Limited Waiver

Dear Mr. Rabuano:

1. On June 19, 2014, the Commission issued an order (June 19 Order) conditionally accepting in part and rejecting in part proposed revisions to PacifiCorp's Open Access Transmission Tariff (OATT) to participate in the expanded real-time market for imbalance energy, or Energy Imbalance Market (EIM), being developed by the California Independent System Operator Corporation (CAISO).<sup>1</sup> PacifiCorp requested, and was granted in the June 19 Order, various effective dates for its EIM OATT provisions, including September 23, 2014 and the later of October 1, 2014 or the implementation date of the EIM, as applicable. On July 18, 2014, PacifiCorp submitted its compliance filing in Docket No. ER14-1578-001 (Compliance Filing) to implement the directives in the June 19 Order.

2. Subsequently, on September 29, 2014, the Commission issued an order (September 29 Order) accepting subject to condition amendments to Attachment T of PacifiCorp's OATT in Docket No. ER14-2544-000. PacifiCorp submitted the amendments to address circumstances PacifiCorp encountered subsequent to its initial

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<sup>1</sup> *PacifiCorp*, 147 FERC ¶ 61,227 (2014). Requests for rehearing and clarification of the June 19 Order are currently pending in Docket No. ER14-1578-002.

submission of OATT revisions to enable its participation in the EIM.<sup>2</sup> In the September 29 Order, the Commission accepted PacifiCorp's proposed amendments to address the submission and cost of providing forecast data for non-participating variable energy resources and PacifiCorp's proposed revisions to address the sub-allocation of operating reserves payments and charges from CAISO, as operator of the EIM; subject to the condition that PacifiCorp submit a further compliance filing to allocate any operating reserve charges from CAISO to PacifiCorp rather than sub-allocate them to any transmission customers and to allocate any operating reserve payments from CAISO to the resources actually providing operating reserves. The Commission conditionally accepted the amendments with the effective dates requested by PacifiCorp, namely, sections 1 and 4.2.4.2.1 of Attachment T to become effective August 15, 2014; sections 4.1.3 and 4.2.4.2 to become effective September 23, 2014; and revised section 8.8 and new section 8.9 of Attachment T to become effective on the later of October 1, 2014 or the date of EIM implementation.

3. On September 16, 2014, PacifiCorp filed, in Docket Nos. ER14-1578-000 and ER14-2544-000, a motion (September 16 Motion) to modify the effective dates of the EIM OATT provisions, including: (1) provisions accepted in the Commission's June 19 Order, effective September 23, 2014; (2) provisions pending in PacifiCorp's Compliance Filing, for which PacifiCorp requested a September 23, 2014 effective date; and (3) the Attachment T provisions pending in Docket No. ER14-2544-000 at that time and subsequently accepted in the September 29 Order. In the September 16 Motion, PacifiCorp requests that the Commission extend the effective date of these provisions from September 23, 2014 to October 8, 2014. PacifiCorp explains that with CAISO's and PacifiCorp's mutual decision to implement the EIM in planned stages with full operation of the EIM anticipated on November 1, 2014, it is necessary to modify the effective date of these provisions as there is no purpose or benefit to have transmission customers submit forecast data and outage information at this time.<sup>3</sup>

4. PacifiCorp requests that, if the Commission does not grant the motion to modify the effective dates by September 22, 2014, the Commission grant a limited waiver of the requirements in the EIM OATT provisions set forth in Attachment A of the September 16 Motion. PacifiCorp argues that good cause exists to grant the waiver, as it is of limited scope and duration, because it would only last until the Commission issued an order granting the motion seeking a modification of the subject tariff provisions. PacifiCorp further states that the waiver would prevent customers from being subject to EIM tariff provisions in advance of actual EIM compliance as a result of PacifiCorp and CAISO's decision to transition to full market operation of the EIM from October 1, 2014 to

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<sup>2</sup> *PacifiCorp*, 148 FERC ¶ 61,240 (2014).

<sup>3</sup> *PacifiCorp* September 16 Motion at 6.

November 1, 2014. Lastly, PacifiCorp states that it is unaware of any circumstances under which a waiver would harm third parties.<sup>4</sup>

5. Notice of PacifiCorp's filing was published in the *Federal Register*, 79 Fed. Reg. 58,763 (2014), with protests and interventions due on or before September 22, 2014. CAISO filed a timely answer and comments in support of the motion.

6. In its comments, CAISO states that it supports the September 16 Motion, which CAISO notes is consistent with the motion filed by CAISO on September 16, 2014 in Docket Nos. ER14-2484-001, ER14-1386-003, and ER14-2834-000 to change the requested effective date of certain provisions of the CAISO tariff.<sup>5</sup> CAISO asserts that key stakeholders support PacifiCorp and CAISO's decision to delay full activation of the EIM until November 1, 2014, and states that it is not aware of any opposition to this plan.<sup>6</sup>

7. We will grant PacifiCorp's request to extend the effective date of the relevant provisions from September 23, 2014 to October 8, 2014, subject to the outcome of the pending proceeding on PacifiCorp's Compliance Filing in Docket No. ER14-1578-001. We will also grant limited waiver of the provisions to the extent they already took effect for a short period prior to issuance of this order.<sup>7</sup> Given the mutual decision of CAISO and PacifiCorp to delay the EIM implementation date from October 1, 2014 to November 1, 2014, we agree with PacifiCorp that there would be no purpose or benefit associated with having transmission customers submit forecast data and outage information at this time. In making this determination, we note CAISO and PacifiCorp's agreement that extending the implementation date of the EIM will allow the parties and market participants more time to run the EIM scheduling, bidding, optimization, and settlement process on a non-binding basis in conjunction with PacifiCorp's existing dispatch system, and thus will provide CAISO, PacifiCorp, and market participants with a better understanding of how the EIM will operate and allow for additional training on the market prior to actual implementation. Further, the record reflects no challenges to delaying implementation of the EIM or to extending the effective date of the provisions here. For these reasons, we grant PacifiCorp's request to extend the effective date of the relevant tariff provisions to October 8, 2014, subject to the outcome of the pending

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<sup>4</sup> *Id.* at 9.

<sup>5</sup> CAISO Comments at 1-2.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> We note that PacifiCorp has not requested, and we do not grant, extension or waiver of the EIM OATT provisions that became effective on August 15, 2014.

proceeding on PacifiCorp's Compliance Filing in Docket No. ER14-1578-001, and grant its request for limited waiver.

8. Finally, we direct PacifiCorp to submit a compliance filing with revised tariff sheets identifying the actual effective date of the provisions for which PacifiCorp requested an effective date of the later of October 1 or the implementation of the EIM within 10 days after the day on which the EIM is fully activated.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.