

150 FERC ¶ 61,190  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Southwest Power Pool, Inc.

Docket No. ER15-859-000

ORDER ON TARIFF FILING

(Issued March 16, 2015)

1. On January 15, 2015, pursuant to section 205 of the Federal Power Act (FPA)<sup>1</sup> and Part 35 of the Commission's regulations,<sup>2</sup> Southwest Power Pool, Inc. (SPP) submitted proposed revisions to its Open Access Transmission Tariff (Tariff) to amend Attachment H (Annual Transmission Revenue Requirement for Network Integration Transmission Service) and Attachment AI (Transmission Definition). The proposed revisions establish a process by which prior to the submission of a filing to incorporate a Transmission Owner's initial revenue requirement into Attachment H, SPP will review the data and information intended to be included in the filing. In this order, we accept in part and reject in part without prejudice, SPP's proposed Tariff revisions, to be effective March 17, 2015, as requested.

**I. Background**

2. Attachment H states or references the annual transmission revenue requirements for network integration transmission service as well as the formula rate protocols that apply to the SPP transmission owners. Attachment AI sets forth the definition of transmission facilities that meet the criteria specified in Attachment AI and that are used by SPP to provide transmission service under the Tariff. SPP explains that as a result of a settlement reached in Docket Nos. EL13-15-000 and EL13-35-000 and approved by the

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<sup>1</sup> 16 U.S.C. § 824d (2012).

<sup>2</sup> 18 C.F.R. pt. 35 (2014).

Commission,<sup>3</sup> SPP agreed to propose Tariff revisions developed by the settling parties that would establish a process whereby, before a filing is made to incorporate an initial rate into Attachment H of the Tariff, the entity desiring to make such a filing would provide data and information intended to be included in the filing for SPP to review.<sup>4</sup>

## II. Filing

3. SPP states that the primary purpose of the Tariff revisions is to provide a mechanism for SPP to conduct a prior review of and provide feedback on data and information that will be included in a transmission owner's filing to establish its initial annual transmission revenue requirements for network integration transmission service and formula rate protocols into Attachment H. The purpose of this review process is for SPP to identify issues that might help to avoid potential challenges to the initial rate filing. However, SPP explains that its proposed review process is not an approval process, and regardless of any issues SPP may identify in its review, the entity may file or request that SPP submit on its behalf its initial annual transmission revenue requirement for inclusion in Attachment H. SPP states that in all events, the entity will be responsible for supporting and defending its revenue requirement, or formula rate and protocols in any proceeding before the Commission.<sup>5</sup>

4. According to SPP, the proposed Tariff revisions were vetted extensively in the stakeholder process. SPP states that consistent with the settlement, it presented the amendments to the Regional Tariff Working Group. SPP also explains that its Tariff revisions were unanimously approved by the SPP Members Committee, and subsequently approved by the SPP Board of Directors.<sup>6</sup> SPP requests an effective date of March 17, 2015 for the proposed revisions.

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<sup>3</sup> *Southwestern Public Service Co. v. Southwest Power Pool, Inc.*, 146 FERC ¶ 61,224 (2014). The proceeding in Docket Nos. EL13-15-000 and EL13-35-000 involved whether the transmission facilities of Tri-County Electric Cooperative, Inc. were eligible to be included as transmission facilities in SPP transmission rates pursuant to Attachment AI of the SPP Tariff.

<sup>4</sup> Transmittal at 2.

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

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

### **III. Notice and Responsive Pleadings**

5. Notice of SPP's filing was published in the *Federal Register*, 80 Fed. Reg. 3230 (2015) with interventions and protests due on or before February 5, 2015.

6. Motions to intervene were filed by: American Electric Power Service Corporation; Arkansas Electric Cooperative Corporation; Central Valley Electric Cooperative, Inc., Farmers' Electric Cooperative, Inc., Lea County Electric Cooperative, Inc., and Roosevelt County Electric Cooperative, Inc.; Golden Spread Electric Cooperative, Inc.; ITC Great Plains, LLC; Occidental Permian Ltd.; Sunflower Electric Corporation and Mid-Kansas Electric Company, LLC; Tri-County Electric Cooperative, Inc.; Westar Energy, Inc.; and Xcel Energy Services, Inc. East Texas Electric Cooperative, Inc., Northeast Texas Electric Cooperative, Inc. and Tex-LA Electric Cooperative of Texas, Inc. (collectively, East Texas Cooperatives) and Golden Spread Electric Cooperative, Inc. (Golden Spread) filed motions to intervene out-of-time.

7. Motions to intervene and comments were filed by: Missouri River Energy Services (Missouri River) and Western Farmers Electric Cooperative (Western Farmers). South Central MCN, LLC (South Central) and Missouri Joint Municipal Electric Utility Commission and Kansas Power Pool (collectively, TDU Intervenors) filed motions to intervene and protests. On February 6, 2015 South Central filed an amendment to its protest. On February 23, 2015, SPP filed an answer in response to the comments and protests. On March 6, 2015, TDU Intervenors submitted an answer to SPP's answer.

### **IV. Discussion**

#### **A. Procedural Issues**

8. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2014), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(d) (2014), the Commission will grant the late-filed motions to intervene of East Texas Cooperatives and Golden Spread given their interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.

9. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2014), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept the answers because they have provided information that assisted us in our decision-making process.

## **B. Substantive Issues**

### **1. Filing**

10. SPP explains that Attachment H of its Tariff states or references the annual transmission revenue requirement for network integration transmission service, and the formal rate protocols of the SPP Transmission Owners.<sup>7</sup> SPP proposes to modify section I, paragraph 3 of Attachment H to state “[i]t shall be the responsibility of the Transmission Owner to defend its revenue requirement, or formula rate and protocols (collectively “Formula Rate”) related to any action taken pursuant to Section 205 or 206 directly related to such Transmission Owner’s revenue requirement or formula rate.” Although transmission owners have this responsibility currently, SPP states that its stakeholders believe this modification is beneficial because it will help to avoid any confusion by new transmission owners regarding responsibilities associated with rate filings.<sup>8</sup>

11. SPP proposes to delete section I, paragraph 4 of Attachment H and replace it with new paragraph 7. SPP states that the new paragraph 7 is substantively the same as current paragraph 4. New paragraph 7 provides that SPP, as the Transmission Provider, will file with the Commission an entity’s initial revenue requirement or change to an existing transmission owner revenue requirement to be included in Attachment H if: (1) the transmission owner provides SPP with the formula rate or revenue requirements; and (2) the formula rate or revenue requirements have been accepted or approved by the applicable regulatory or governing authority, or the revenue requirement is being simultaneously filed with the Commission for acceptance or approval and for inclusion in Attachment H.<sup>9</sup>

12. In addition, SPP proposes to add a new paragraph 6 to section I of Attachment H to specify that an entity, not a current transmission owner, which “(i) owns facilities previously not included as part of the Transmission System that desires to include such facilities as part of the Transmission System; or (ii) has received a Notification to

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<sup>7</sup> SPP notes that the transmission owner annual transmission revenue requirements are used to determine the charges under Schedule 9 for network integration transmission service and the zonal charges under Schedule 11 for Base Plan Upgrades. Transmittal at n.10.

<sup>8</sup> *Id.* at 4.

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

Construct, must comply with the review process in Section IV of Attachment AI of this Tariff prior to the filing of the entity's initial revenue requirement with the Commission that is to be referenced or stated in Attachment H."<sup>10</sup> SPP explains that paragraph 6 also provides that the review process in section IV of Attachment AI "shall not be required for any subsequent filing with the Commission to revise any Transmission Owner's stated annual revenue requirement, amend an existing Formula Rate, or to update the [Revenue, Rates, and Requirements] file."<sup>11</sup> According to SPP, new paragraph 6 sets forth the circumstances under which a Transmission Owner or first time filer of a revenue requirement to be included in Attachment H must comply with the new review process in Attachment AI. SPP explains that paragraph 6 clarifies that SPP will review data and information relating to only initial revenue requirement filings, but it will not review information associated with subsequent filings to amend a formula rate or stated rate already included in Attachment H. According to SPP, this is consistent with the purpose of the review process, which is to provide feedback to entities that are filing rates for the first time to be incorporated into the SPP Tariff.

13. SPP explains that Attachment AI sets forth the criteria for classifying facilities as "Transmission Facilities," the costs of which may be included in a Transmission Owner's annual transmission revenue requirement.<sup>12</sup> Proposed section IV of Attachment AI specifies that the review process shall apply to initial rate filings with the Commission to reference or state a new annual transmission revenue requirement in Attachment H.<sup>13</sup>

14. Specifically, SPP explains that paragraph 1 of proposed section IV requires an entity that desires to submit a filing to incorporate its initial annual transmission revenue requirement into Attachment H to provide to SPP for review certain data and information at least six months prior to such filing, "unless in its sole discretion, SPP waives or reduces such six-month period."<sup>14</sup> According to SPP, based on its current practice and past experience, it will need approximately six months to conduct an efficient and thorough review of the data and to prepare a filing on behalf of an entity, such as a non-jurisdictional Transmission Owner, that requests SPP to submit its initial rate filing. For

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<sup>10</sup> *Id.* at 4-5 (citing Attachment H at section 1, para. 6).

<sup>11</sup> *Id.* at 4-5

<sup>12</sup> *Id.* at 3.

<sup>13</sup> *Id.* at 5.

<sup>14</sup> *Id.* (citing Attachment AI at section IV, paragraph 1).

this reason, SPP argues that the six-month requirement is reasonable. SPP also states that in some instances, it may be able to conduct the review in a shorter period of time, and the review may be expedited. Accordingly, paragraph 1 provides that SPP may waive or reduce the six-month period in its sole discretion. According to SPP, this provision provides flexibility to the entity seeking to file its initial annual transmission revenue requirement, while ensuring that SPP can conduct an adequate review and prepare the necessary documents for filing.

15. Paragraph 1 of proposed section IV specifies the type of data and information that an entity must provide to SPP for review, including: (1) supporting documentation for all inputs into the proposed formula rate or stated rate; (2) formula or stated rate implementation procedures or protocols, as applicable; (3) supporting documentation and calculation methodology for the return on common equity, margin or other comparable component; (4) supporting documentation for depreciation rates that will be applied to plant; (5) data supporting the cost of each facility to be included in rate base that qualifies as a transmission facility; and (6) all facilities included in rate base identified according to the criteria specified in section II of Attachment AI.<sup>15</sup> SPP states that this information is intended to provide it with sufficient information to perform an adequate review and to provide useful feedback to the entity prior to the filing of its initial annual transmission revenue requirement with the Commission.

16. In addition, SPP explains that paragraph 2 of proposed section IV (Transmission Provider Review Process) of Attachment AI sets forth the parameters of SPP's review. SPP states that it will first determine whether all of the data and information specified in paragraph 1 of section IV have been provided, and then SPP will review the data and information. SPP proposes to notify the entity of the results of the review not later than 30 days prior to the planned filing date. According to SPP, the 30-day deadline for it to provide the results is reasonable because it provides the entity sufficient time to consider and address any issues SPP may have identified, while providing SPP adequate time to complete the review.

17. Paragraph 2 also clarifies that the results of SPP's review do not constitute a finding or recommendation by SPP that the proposed initial rate is or is not just and reasonable or unduly preferential under the FPA, that the initial rate filing itself is complete or incomplete, or that any facility included in the proposed initial rates satisfies or does not satisfy the criteria in Attachment AI. In addition, paragraph 2 provides that

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<sup>15</sup> *Id.* Section II of Attachment AI lists six criteria for classifying a facility as a "Transmission Facility" that is eligible for inclusion in an annual transmission revenue requirement.

the outcome of SPP's review cannot be cited as evidence in any Commission proceeding concerning the entity's initial annual transmission revenue requirement. Paragraph 2 also specifies that it does not prohibit SPP from submitting a filing with the Commission at the request of the entity to incorporate its initial annual transmission revenue requirement and protocols, or SPP or the entity from submitting other pleadings in addition to the initial rate filing.<sup>16</sup> According to SPP, these caveats are reasonable because the purpose of the review process is to provide entities that may be inexperienced in making such filings with feedback that may help them avoid challenges to their filings.

18. SPP also proposes miscellaneous changes to Attachment AI that: (1) correct capitalization and grammatical errors; (2) delete outdated provisions; (3) amend section headings; and (4) replace terms to be consistent with other parts of its Tariff. In particular, SPP proposes minor revisions to section II, criterion 6 of Attachment AI that replace terms to be consistent with other parts of its Tariff.

## 2. Comments and Protests

19. TDU Intervenors argue that nothing in the proposed tariff provisions would prevent a new transmission owner from seeking to recover revenues for facilities that do not qualify as transmission under Attachment AI or to make an annual transmission revenue requirement filing that is otherwise fundamentally flawed. Thus, TDU Intervenors contend that SPP's proposal will not ensure that a new transmission owner's proposed annual transmission revenue requirement will be just and reasonable.<sup>17</sup> According to TDU Intervenors, there is no justification for adding a lengthy process for SPP to review and comment on the specifics of the new transmission owner's proposed annual transmission revenue requirement; rather, it is the Commission's responsibility to do this. TDU Intervenors also contend that SPP's proposal would unjustly and unreasonably impair a new transmission owner's ability to recover its costs by as much as six months, without providing the new transmission owner any meaningful customer protection.<sup>18</sup> TDU Intervenors assert that SPP has not demonstrated any need or any

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<sup>16</sup> *Id.* at 6-7.

<sup>17</sup> TDU Intervenors Protest at 8.

<sup>18</sup> *Id.* at 9-10 (citing *City of Vernon, California*, 111 FERC ¶ 61,092, at P 83 (2005) (Opinion No. 479), *order on reh'g*, 112 FERC ¶ 61,207 (2005) (Opinion No. 479-A); *reh'g denied*, Opinion No. 479-B, 113 FERC ¶ 61,297 (2007), *vacated in part on other grounds sub nom. Transmission Agency of Northern California v. FERC*, 495 F.3d 663 (D.C. Cir. 2007)).

basis to give it the ability to defer the effectiveness of a new transmission owner's initial annual transmission revenue requirement.

20. TDU Intervenors also argue that SPP's proposal is unduly discriminatory in that the proposed six month review requirement applies only to new transmission owners when they make their initial annual transmission revenue requirement filings, and it exempts transmission owners who have already established their zonal requirements.<sup>19</sup> TDU Intervenors assert that each transmission owner should have the right to submit whatever annual transmission revenue requirement it thinks it can justify, and to control the timing of its filing so that it can maximize its revenue recovery.<sup>20</sup> TDU Intervenors request that the Commission reject SPP's filing because the tariff revisions are unjust, unreasonable, and unduly discriminatory. If the Commission does not reject the proposal outright, TDU Intervenors request that the Commission suspend the tariff changes for five months, and set the matter for a paper hearing.

21. South Central argues that SPP has failed to demonstrate a need for the proposed new review process for Commission-regulated entities and has not explained why current processes are inadequate for initial rate filings for a new transmission owner who must also separately obtain Commission approval of its rates. South Central questions whether the proposed requirement that a new transmission owner submit data and information to be included in an annual transmission revenue requirement filing at least six months in advance is necessary. South Central argues that when applied to transmission owners who are already required to obtain Commission approval, "this added burden and delay has the potential to serve as a recipe for mischief and delay harmful to competition."<sup>21</sup>

22. South Central notes that although SPP's revisions are directed at entities that may be inexperienced, all initial rate filings for new transmission owners are subject to the six-month pre-filing review. South Central argues that in the context of its anticipated initial rate filing, a possible six-month delay between execution of a letter of intent to acquire transmission assets and the filing to incorporate South Central's annual transmission revenue requirement associated with such facilities would unnecessarily impede South Central's cost recovery. According to South Central, such a time lag could materially affect the value of an acquisition of transmission assets by South Central,

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<sup>19</sup> *Id.* at 14-15.

<sup>20</sup> *Id.* at 13-14 (citing *Atlantic City Electric Co. v. FERC*, 295 F.3d 1 (D.C. Cir. 2002), *mandate enforced*, 329 F.3d 856 (D.C. Cir. 2003)).

<sup>21</sup> South Central Protest at 4.

“thereby discouraging transmission investment and frustrating the Commission’s objectives to expand the footprint of regional transmission organizations through greater participation of ‘transmission owning entities in the Nation, including non-public utilities.’”<sup>22</sup> South Central amended its protest to endorse TDU Intervenor’s protest and recommendations and to withdraw its suggestion that SPP should modify its proposed revision to be targeted at non-jurisdictional transmission owners.<sup>23</sup>

23. Missouri River requests clarification that the six-month review period set forth in the proposed tariff revisions will not apply to entities that currently are working with SPP, and it will not delay the planned section 205 filing dates of such entities.<sup>24</sup> With respect to revised section II, criterion 6 of Attachment AI, Missouri River seeks clarification that “the seven factor test may be applied to determine *whether any facility is transmission*, regardless of whether it is operated at, above, or below 60kV, and that SPP would be required to honor such a determination.”<sup>25</sup> Lastly, Missouri River comments that the six-month review process that SPP proposes is problematic and potentially unjust and unreasonable. Missouri River urges SPP to adopt a phased approach to its pre-filing review in which SPP would identify any issues with facilities proposed for inclusion in rate base according to the established criteria in Attachment AI, and then SPP should evaluate the remainder of the information required for its pre-filing review.<sup>26</sup>

24. Western Farmers supports SPP’s revisions. Western Farmers comments that the review process should identify issues that may help to avoid potential challenges to an initial rate filing. Western Farmers adds that SPP’s filing offers a means to improve

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<sup>22</sup> *Id.* at 5 (quoting *Regional Transmission Organizations*, Order No. 2000, FERC Stats. & Regs. ¶ 31,089, at 30,993 (1999), *order on reh’g*, Order No. 2000-A, FERC Stats. & Regs. ¶ 31,092 (2000), *aff’d sub nom. Pub. Util. Dist. No. 1 v. FERC*, 272 F.3d 607 (D.C. Cir. 2001)).

<sup>23</sup> South Central Amended Protest at 1-2.

<sup>24</sup> Missouri River Request for Clarification at 8.

<sup>25</sup> *Id.* at 11 (quoting *Southwest Power Pool, Inc.*, 114 FERC ¶ 61,242, at P 8 (2006) (Attachment AI Clarification Order) (emphasis added)). As revised, criterion 6 states: “A facility operated below 60 kV that has been determined to be transmission by the Commission pursuant to the seven (7) factor test set forth in Commission Order No. 888, 61 Fed. Reg. 21,540, 21,620 (1996), or any applicable successor test.”

<sup>26</sup> Missouri River Request for Clarification at 12-15.

transparency regarding a transmission owner's initial revenue requirement and facilitate incorporating such a revenue requirement into Attachment H of the Tariff.

### 3. SPP Answer

25. SPP responds that contrary to the arguments of protestors, its six-month review period is just and reasonable. SPP explains that it ordinarily takes approximately six months to review the information and provide appropriate feedback. SPP adds that mandating a shorter period of time would short-circuit SPP's current review practices and defeat the purpose of the proposed review process. Moreover, SPP asserts that because its review process will be codified, each party will have a more transparent understanding of SPP's current practices.<sup>27</sup> SPP claims that its proposed revisions will not negatively alter SPP's current practices, including assisting transmission owners in securing their preferred effective dates for recovery of their annual transmission revenue requirements. SPP adds that jurisdictional transmission owners may: (1) separately file for acceptance of their annual transmission revenue requirement filings at any time, without SPP review; and (2) make their annual transmission revenue requirement filings before they submit the information for review under the revisions. SPP states that the proposed Attachment AI Tariff provisions make clear that, despite the results of SPP's review the Transmission Owner may request that SPP file to incorporate its initial annual transmission revenue requirement into Attachment H, which is a right under SPP's Membership Agreement.<sup>28</sup>

26. SPP clarifies that the proposed review process memorializes SPP's current process, and that Missouri River is currently undergoing the same review process set forth in the proposed revisions to Attachment AI. As such, SPP states that Missouri River and other entities with whom SPP is currently working to facilitate their initial rate filings will not be adversely affected, nor will their reviews be delayed by the acceptance of the revisions to Attachment AI. SPP also clarifies that nothing in the revisions is intended to be inconsistent with the Commission's orders regarding application of the seven factor test to determine which facilities may be included in a transmission owner's annual transmission revenue requirement to be incorporated into Attachment H of the Tariff.<sup>29</sup> In response to Missouri River's request that SPP adopt an alternative phased approach to SPP's proposed pre-filing review, SPP asserts that the Commission need not

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<sup>27</sup> SPP Answer at 3.

<sup>28</sup> *Id.* at 4 (citing SPP Membership Agreement, section 3.10).

<sup>29</sup> *Id.* at 4-5.

consider this alternative here, and that Missouri River should propose alternative proposals through the SPP stakeholder process.

#### **4. TDU Intervenors Reply**

27. In their reply to SPP's answer, TDU Intervenors assert that SPP's claim that "jurisdictional Transmission Owners separately may file for acceptance of their annual transmission revenue requirements at any time, without SPP review," is incorrect.<sup>30</sup> TDU Intervenors contend that SPP's proposed paragraph 6, section I of Attachment H expressly states that *every* new SPP Transmission Owner "must comply with the review process in section IV of Attachment AI of this Tariff prior to the filing of the entity's initial revenue requirement with the Commission that is to be referenced or stated in this Attachment H."<sup>31</sup> TDU Intervenors add that there is no exception for jurisdictional transmission owners, and reiterate that SPP has not attempted to articulate a legitimate basis for delaying the ability of new non-jurisdictional transmission owners to begin recovering their transmission revenue requirements without similarly delaying revenue recovery by new jurisdictional transmission owners.<sup>32</sup>

#### **5. Commission Determination**

28. We reject without prejudice SPP's proposed revisions to Attachment H and new section IV of Attachment AI. We find these proposed tariff revisions are unjust and unreasonable and unduly discriminatory and preferential because they require a tariff review process that may take as long as six months after a new transmission owner's execution of the SPP Membership Agreement, and the proposed review process has the potential to delay a new transmission owner's revenue recovery for its transmission facilities. We agree with protesters that SPP's proposed six month review process could unjustly and unreasonably impair a new transmission owner's ability to recover its costs, despite the option for SPP to "in its sole discretion . . . waive or reduce the six month requirement. . . ." In Opinion No. 479-A, the Commission set forth a process to ensure that a transmission owner's ability to begin revenue recovery for its facilities would not be delayed.<sup>33</sup> Although the Commission found extenuating circumstances for the

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<sup>30</sup> TDU Intervenors Reply at 2.

<sup>31</sup> *Id.* (emphasis added by TDU Intervenors).

<sup>32</sup> *Id.* at 3.

<sup>33</sup> Opinion No. 479-A, 112 FERC ¶ 61,207 at P 106.

California Independent System Operator Corporation's (CAISO) delay in taking functional control of a new transmission owner's facilities in that case, it stated its expectation that the CAISO would act promptly to take functional control of a new transmission owner's facilities in future cases so that the transmission owner's ability to recover its costs would not be delayed.<sup>34</sup> We recognize that the settlement in Docket Nos. EL13-15-000 and EL15-35-000 was the genesis of SPP's filing, and we acknowledge SPP's attempt to improve its processes. However, we find that the review process SPP proposes to mandate here could unjustly and unreasonably impair a new transmission owner's ability to recover its costs for transmission service it provides under the SPP Tariff. Accordingly, we reject SPP's proposed tariff revisions to Attachment H and new section IV of Attachment AI, without prejudice to SPP filing tariff revisions that would not unjustly and unreasonably impair a new transmission owner's recovery of its costs of providing transmission service under the SPP Tariff.

29. We will accept SPP's proposed minor revisions to Attachment AI, section II, criterion 6. We agree with Missouri River that SPP's proposed revisions to criterion 6 do not clarify the applicability of the seven factor test to facilities operated at, above, or below 60 kV. In its order clarifying SPP's Attachment AI, the Commission clarified that the seven factor test may be applied to determine whether any facility is transmission, regardless of whether it is operated at, above, or below 60 kV, and that SPP would be required to honor such a determination.<sup>35</sup> Although SPP has not proposed to revise criterion 6 to make this clarification in the instant filing, we remind SPP that, consistent with the Attachment AI Clarification Order, the seven factor test may be applied to determine whether any facility is transmission, regardless of whether it is operated at, above, or below 60 kV.

30. With respect to SPP's proposed tariff revisions to Attachment AI that are not specifically discussed above, we accept them for filing.

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<sup>34</sup> Opinion No. 479, 111 FERC ¶ 61,092 at P 83.

<sup>35</sup> Attachment AI Clarification Order, 114 FERC ¶ 61,242 at P 8.

The Commission orders:

SPP's proposed Tariff revisions are hereby accepted in part and rejected in part without prejudice, to become effective March 17, 2015, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.