

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Midcontinent Independent System
Operator, Inc.
Docket No. ER15-1480-000

June 1, 2015

American Transmission Company
Attention: Brian C. Drumm
Associate General Counsel
W234 N2000 Ridgeview Pkwy. Ct.
Waukesha, WI 53188-1022

Reference: Common Facilities Agreement

Dear Mr. Drumm:

On April 9, 2015, Midcontinent Independent System Operator, Inc. submitted on behalf of American Transmission Company LLC (ATCLLC) a Common Facilities Agreement (Agreement)¹ entered into and between ATCLLC and the City of Cedarburg, Wisconsin (City) on January 25, 2008. The Agreement provides for the allocation of the cost responsibility for operation and maintenance of the common facilities at a joint use substation and provides a method for either party to request and perform improvements or replacements of the common facilities owned by ATCLLC and the City. Pursuant to authority delegated to the Director, Division of Electric Power Regulation-Central, under 18 C.F.R. § 375.307, your submittal in the above referenced docket is accepted for filing effective June 9, 2015.²

¹ The Agreement is designated as Midcontinent Independent System Operator, Inc., FERC FPA Electric Tariff, Midwest ISO Agreements, [SA 2774, ATC-City of Cedarburg Common Facilities Agreement, 31.0.0.](#)

² It appears that contrary to the requirements of section 35.3 of the Commission's regulations, 18 C.F.R. § 35.3 (2014), ATCLLC failed to timely file the Agreement. ATCLLC is reminded that it must submit required filings on a timely basis or face possible sanctions by the Commission.

ATCLLC acknowledges that the Agreement was not filed with the Commission before service commenced as required by Commission's policy,³ therefore it is aware it must provide its customers with time-value refunds of any monies it has received under the late-filed agreement.⁴ However, ATCLLC notes that it has not charged or collected any payment from the City for this service; therefore no time-value refund is due under the Agreement.

The filing was noticed in the *Federal Register* with comments due by April 30, 2015. Under 18 C.F.R. § 385.210, interventions are timely if made within the time prescribed by the Secretary. Under 18 C.F.R. § 385.214, the filing of a timely motion to intervene makes the movant a party to the proceeding, if no answer in opposition is filed within fifteen days. No comments or protests were received.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Penny S. Murrell, Director
Division of Electric
Power Regulation – Central

³ *Central Hudson Gas & Electric Company*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992).

⁴ *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139 at 61,979, *clarified*, 65 FERC ¶ 61,081 (1993).