

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
Midcontinent Independent System  
Operator, Inc.  
Docket No. ER15-1542-000

June 1, 2015

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

Reference: Common Facilities Agreement

Dear Mr. Drumm:

On April 21, 2015, Midcontinent Independent System Operator, Inc. submitted on behalf of the American Transmission Company, LLC (ATCLLC) a Common Facilities Agreement (CFA) dated October 1, 2009 between ATCLLC and Wisconsin Electric Power Company (Wisconsin Electric).<sup>1</sup> The CFA 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 Wisconsin Electric. 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 21, 2015.<sup>2</sup>

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<sup>1</sup> Midcontinent Independent System Operator, Inc., FERC Electric Tariff, Midwest ISO Agreements, [SA 2779 ATC-Wisconsin Electric CFA Version 31.0.0](#)

<sup>2</sup> 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 CFA. 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 the Commission's policy,<sup>3</sup> therefore it is aware it must provide its customers with time-value refunds of any monies it has received under the late-filed CFA.<sup>4</sup> As ATCLLC notes, Commission precedent provides that the operation of this time-value policy does not require the utility to operate at a loss;<sup>5</sup> Therefore upon acceptance ATCLLC states that it will make the appropriate compliance filing regarding time-value refunds with the Commission. Accordingly, ATCLLC must make time-value refunds within 30 days of the date of this letter order and file a refund report demonstrating ATCLLC's actual out-of-pocket costs (e.g., variable operation and maintenance expense and incremental construction costs) incurred to provide service under the agreement within 30 days thereafter or demonstrate that the time value refunds would result in a loss to ATCLLC.

The filing was noticed in the *Federal Register* with comments, protests, or motions to intervene due on or before May 12, 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. The filing of a timely notice of intervention makes a State Commission a party to the proceeding. No adverse 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).

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

<sup>4</sup> *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).

<sup>5</sup> See *Carolina Power & Light Company*, 87 FERC ¶ 61,083 (1999); *Southern California Edison Co.*, 98 FERC ¶ 61,304 (2002); *Florida Power & Light*, 98 FERC ¶ 61,276 (2002).

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