

152 FERC ¶ 61,132  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Midcontinent Independent System Operator, Inc.

Docket No. ER14-603-002

ORDER DISMISSING REQUEST FOR REHEARING AS MOOT

(Issued August 18, 2015)

1. On June 9, 2014, Tatanka Wind Power, LLC (Tatanka) requested rehearing, or in the alternative clarification, of the Commission's order accepting an unexecuted Amended and Restated Generator Interconnection Agreement (Fourth Revised GIA) among Tatanka as Interconnection Customer, Montana-Dakota Utilities Co. as Transmission Owner, and Midcontinent Independent System Operator, Inc. (MISO) as Transmission Provider.<sup>1</sup> In this order, we dismiss the request for rehearing as moot.

**I. Background**

2. On December 12, 2013, MISO filed the Fourth Revised GIA to update an existing generator interconnection agreement (Third Revised GIA) in response to a request by Tatanka to increase the amount of its maximum Network Resource Interconnection Service (NRIS) to 180 megawatts (MW). Under the Third Revised GIA, Tatanka's project was provided 180 MW of combined Energy Resource Interconnection Service and NRIS, with the NRIS not to exceed 36 MW.

3. After studies, MISO offered to increase the maximum amount of Tatanka's NRIS from 36 MW to 108.2 MW in the Fourth Revised GIA, but the increase was contingent upon MISO's completion of certain network upgrades. MISO determined that an increase of NRIS to the full 180 MW requested would require Tatanka to fund additional network upgrades, but that an incremental increase from 36 MW to 108.2 MW of NRIS

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<sup>1</sup> *Midcontinent Independent System Operator, Inc.*, 147 FERC ¶ 61,107 (2014) (May 9 Order).

would be available for Tatanka without additional funding by Tatanka following MISO's completion in 2020 of network upgrades identified in Exhibit A10 to the Fourth Revised GIA.<sup>2</sup>

4. Tatanka protested the Fourth Revised GIA, arguing that certain of the upgrade contingencies were not related to the incremental increase in Tatanka's NRIS and should be removed from the list of contingencies in Exhibit A10.<sup>3</sup> Tatanka asserted that MISO failed to explain why there could be no increase in NRIS under the Fourth Revised GIA until the final Exhibit A10 upgrade comes online in 2020.<sup>4</sup>

5. In the May 9 Order, the Commission accepted the Fourth Revised GIA with MISO's proposal to include the disputed upgrades as contingent facilities in Exhibit A10, finding that MISO's studies were reasonably performed. On June 9, 2014, Tatanka filed a request for rehearing, or in the alternative clarification, of the May 9 Order.

6. On February 12, 2015, MISO filed a Fifth Revised GIA with Tatanka in Docket No. ER15-1032-000, which replaces the Fourth Revised GIA effective February 13, 2015.<sup>5</sup> MISO stated that the Fifth Revised GIA increases Tatanka's NRIS to 180 MW pursuant to the Definitive Planning Phase 2012 August West Area Restudy dated October 1, 2014.<sup>6</sup> The filing of the Fifth Revised GIA in Docket No. ER15-1032-000 was uncontested, and was accepted for filing.<sup>7</sup>

## **II. Discussion**

7. Tatanka's request for rehearing in this docket objected to terms contained in the Fourth Revised GIA that specified the contingencies necessary for its NRIS to increase to 108.2 MW. Effective as of February 13, 2015, the Fourth Revised GIA was replaced by the Fifth Revised GIA, which Tatanka executed and did not protest, and which provides

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<sup>2</sup> MISO December 12 Filing at 2 and Exhibit A-10.

<sup>3</sup> Tatanka Protest at 5.

<sup>4</sup> *Id.* at 15-18.

<sup>5</sup> See Original Sheet No. 2 of the Amended and Restated Generation Interconnection Agreement filed in Docket No. ER15-1032-000.

<sup>6</sup> Transmittal letter in Docket No. ER15-1032-000 at 2.

<sup>7</sup> *Midcontinent Independent System Operator, Inc.*, Docket No. ER15-1032-000 (March 26, 2015) (unpublished letter order).

for an increase of NRIS to 180 MW. Accordingly, Tatanka's rehearing request with respect to the level of NRIS in the superseded Fourth Revised GIA has become moot.<sup>8</sup>

The Commission orders:

Tatanka's request for rehearing is hereby dismissed as moot.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>8</sup> See *TC Ravenswood, LLC*, 150 FERC ¶ 61,142, at P 10 (2015) (request for rehearing dismissed where there was no longer a live controversy).