

152 FERC ¶ 61,257  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

September 30, 2015

In Reply Refer To:  
Southwest Power Pool, Inc.  
Docket No. ER15-2354-000

Matthew Harward  
Attorney  
Southwest Power Pool, Inc.  
201 Worthen Drive  
Little Rock, AR 72223

Reference: Revisions to Open Access Transmission Tariff

Dear Mr. Harward:

1. On July 31, 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), on behalf of the Western Area Power Administration–Upper Great Plains Region (Western-UGP), submitted revisions<sup>3</sup> to SPP's Open Access Transmission Tariff (Tariff) to add an Annual Transmission Revenue Requirement (ATTR) and implement a formula rate template and implementation protocols for transmission service using the facilities of Western-UGP. These revisions are in anticipation of the transfer by Western-UGP of functional control of its transmission facilities to SPP on October 1, 2015. As discussed below, we conditionally accept SPP's filing and suspend it for a nominal period, effective

---

<sup>1</sup> 16 U.S.C. § 824d (2012).

<sup>2</sup> 18 C.F.R. pt. 35 (2015).

<sup>3</sup> Southwest Power Pool, Inc., FERC FPA Electric Tariff, Open Access Transmission Tariff, Sixth Revised Volume No. 1 [Att.H Add.35\(Western-UGP\), Attachment H Addendum 35 \(Western-UGP\), 0.0.0](#); [Attachment O Addendum 2, Attachment O Addendum 2, 10.0.0](#); [Attachment T Upper MO, Attachment T Upper Missouri Zone, 10.0.0](#).

October 1, 2015, as requested, subject to refund and to the outcome of the proceeding in Docket No. EF15-8-000.

2. SPP proposes to include the revenue requirements for transmission and ancillary services on Western-UGP's transmission facilities that are the subject of Western-UGP's filing pending in Docket No. EF15-8-000. SPP states that it is not independently supporting or justifying the Western-UGP's formula rate template; rather, SPP contends that it is only proposing to modify its Tariff to accommodate Western-UGP's recovery of its transmission service revenue requirement to be established in Docket No. EF15-8-000 for its transmission facilities when it transfers functional control of its transmission facilities to SPP on October 1, 2015.<sup>4</sup> Specifically, SPP proposes an Addendum 35 to Attachment H, which contains Western-UGP's formula rate template and implementation protocols. According to SPP, the formula rate template and implementation protocols are as contained in the Western-UGP filing in Docket No. EF15-8-000.<sup>5</sup> Additionally, SPP proposes to revise Attachment T, Rate Sheet for Point-to-Point Transmission Service, to reference Western-UGP's Addendum 35 to Attachment H and remove language for the Upper Missouri Zone that is not consistent with SPP's determination of rates for other zones, and it proposes to revise Addendum 2 of Attachment O to include Western-UGP as a participant in SPP's planning region. SPP notes that section 39.3(k) of the Tariff sets out the ratemaking process necessary for the approval of Western-UGP's transmission and ancillary services rates and revenue requirements, and Western-UGP has complied with those requirements. Moreover, SPP avers that the Deputy Secretary of the U.S. Department of Energy has approved the rates on an interim basis, which Western-UGP has submitted to the Commission for final approval.

3. Notice of SPP's filing was published in the *Federal Register*, 80 Fed. Reg. 46,973 (2015), with interventions and protests due on or before August 21, 2015. Timely motions to intervene were filed by: South Central MCN, LLC; Heartland Consumers Power District; Nebraska Public Power District; Basin Electric Power Cooperative; Otter Tail Power Company; and Xcel Energy Services Inc. Western Area Power Administration (Western) filed a timely motion to intervene and comments in support of SPP's filing. NorthWestern Corporation (NorthWestern) filed a timely motion to intervene and comments. On September 17, 2015, Western filed an answer to NorthWestern's comments.

---

<sup>4</sup> SPP Transmittal at 6.

<sup>5</sup> *Id.* at 7.

4. NorthWestern states that, in Docket No. ER15-2347-000, SPP sought Commission approval of an agreement that gives SPP functional control over Western-UGP's transmission facilities located in the Western Interconnection that are part of the Integrated System. NorthWestern asserts that, pursuant to that agreement, SPP will provide transmission service to Western-UGP's customers in the Western Interconnection under the SPP Tariff and will charge those customers the applicable rates and charges under the SPP Tariff, which includes the new joint Zone 19 transmission rate. According to NorthWestern, it has filed a motion to intervene, protest, and request for hearing and settlement judge procedures in the Docket No. ER15-2347-000 proceeding. In its protest in that proceeding, NorthWestern questions whether SPP should be permitted to charge transmission customers in the Western Interconnection the applicable rate under joint Zone 19, which includes charges based on the costs of transmission facilities in the Eastern Interconnection. NorthWestern contends that SPP has not shown that the rate that NorthWestern must pay for transmission services under the agreement is just and reasonable. In its comments in this proceeding, NorthWestern acknowledges that this issue can and should be addressed in the Docket No. ER15-2347-000 proceeding; however, NorthWestern is raising it here in the event that the Commission believes that the issue is properly addressed in this proceeding.<sup>6</sup>

5. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2015), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2015), prohibits an answer to a protest and/or answer unless otherwise ordered by the decisional authority. We are not persuaded to accept Western's answer and will, therefore, reject it.

6. We accept SPP's proposed Tariff revisions. We find that SPP has demonstrated that the proposed revisions are necessary to allow Western-UGP to place its facilities under SPP's functional control. Accordingly, we find SPP's Tariff revisions to be just and reasonable and not unduly discriminatory or preferential. We find that it is appropriate to accept the proposed Tariff revisions to include Western-UGP's ATRR in the Tariff and implement a formula rate for the recovery of the cost of its facilities. Because the ATRR is at issue in the Docket No. EF15-8-000 proceeding, we will accept SPP's filing, subject to the outcome of the proceeding in Docket No. EF15-8-000.

7. We further find that NorthWestern's comments are beyond the scope of this proceeding. As noted by NorthWestern, it has raised issues concerning the rate that NorthWestern must pay for transmission services under the SPP Tariff in Docket

---

<sup>6</sup> NorthWestern Comments at 5.

No. ER15-2347-000, and those comments are being addressed in an order in that proceeding that is being issued concurrently with this order.<sup>7</sup>

8. Accordingly, we accept SPP's proposed Tariff revisions and suspend them for a nominal period, effective October 1, 2015, as requested, subject to refund and to the outcome of the proceeding in Docket No. EF15-8-000.

By direction of the Commission.

Kimberly D. Bose,  
Secretary.

---

<sup>7</sup> *Sw. Power Pool, Inc.*, 152 FERC ¶ 61,255 (2015).