

153 FERC ¶ 61,093
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.

Alabama Power Company

Docket No. ER15-951-001

ORDER DENYING REHEARING AND GRANTING CLARIFICATION IN PART

(Issued October 27, 2015)

1. On March 26, 2015, the Commission accepted Southern Company Services, Inc.'s¹ (Southern Companies) January 30, 2015 proposal to update Southern Companies' depreciation rates.² On April 24, 2015, Southern Companies filed a request for clarification, or in the alternative rehearing, with respect to the intended scope of the March 26 Order. As discussed below, we deny rehearing and grant clarification in part.
2. In the March 26 Order, the Commission summarized Southern Companies' January 30, 2015 filing as follows:

[Southern Companies] filed material in support of updated depreciation rates for Mississippi Power, consistent with the updated depreciation rates recently filed with the Mississippi Public Service Commission in a retail service rate case. The filing requests authorization to use the updated depreciation rates in the calculation of charges for transmission service provided under Southern Companies' Open Access

¹ Acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company (Mississippi Power), and Southern Electric Generating Company.

² *S. Co. Serv., Inc. and Miss. Power Co.*, Docket No. ER15-951-000 (Mar. 26, 2015) (delegated letter order) (March 26 Order).

Transmission Tariff (OATT) and amends Attachment S of the OATT to reflect the updated rates.³

3. The Commission stated that “your submittal is accepted for filing ... as requested.”⁴
4. Southern Companies requests that the Commission clarify the March 26 Order, or modify it on rehearing, so that it is clear that the Commission accepted both Southern Companies’ proposal for the tariff provisions expressly referenced therein, and also accepted the updated depreciation rates with respect to two other rate schedules mentioned in its filing, but for which there was no filed tariff language.⁵
5. We deny Southern Companies’ request for clarification and its alternative request for rehearing to the extent it requests that we amend the March 26 Order to specifically refer to the two other rate schedules. In the March 26 Order, the Commission accepted only the revisions to Attachment S of the OATT.⁶ We clarify that to the extent the other rate schedules mentioned by Southern Companies incorporate by reference the depreciation rates set forth in Attachment S of the OATT, Southern Companies may use the updated depreciation rates in calculating charges. Otherwise, Southern Companies will need to seek Commission approval to use the updated depreciation rates as part of a section 205 filing to revise the charges under those rate schedules.

³ *Id.* at 1 (footnote in the original citing to Alabama Power Company, OATT and Associated Service Agreements, [Attachment S, Mississippi Power Company, 0.0.0](#)).

⁴ *Id.*

⁵ Specifically, Southern Companies requested to use the updated depreciation rates for the purposes of Southern Companies’ Open Access Transmission Tariff; Wholesale Electric Service to Wholesale Customers Rate Schedule “MRA-25 (sub)”; and, the Mississippi Power Company, Cost Based Rate Tariffs, Rate Schedule No. 135, Gulf States TFA (Transmission Facilities Agreement Between Gulf States Utilities Company and Mississippi Power Company, dated as of February 25, 1982, as amended).

⁶ *See, e.g., ISO New England Inc.*, 144 FERC ¶ 61,169, at P 21 (2013) (“[w]e note that the language contained in the actual tariff, not the applicant's transmittal letter, is the filed rate.”)

The Commission orders:

Southern Companies' request for rehearing is denied, and its request for clarification is granted in part, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.