

153 FERC ¶ 61,141
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

American Transmission Company LLC

Docket No. ER00-3316-002

ORDER DISMISSING COMPLIANCE FILING AND PROTEST

(Issued November 3, 2015)

1. In this order the Commission dismisses as moot a compliance filing made by American Transmission Company LLC (American Transmission) and a protest to that filing.

I. Background

2. On July 31, 2000, in Docket No. ER00-3316-000, pursuant to section 205 of the Federal Power Act (FPA),¹ American Transmission submitted for filing an Open Access Transmission Tariff (OATT) and rates for open access transmission service.

3. On December 14, 2000, the Commission accepted in part and rejected in part, with modifications, American Transmission's proposal.² Among other things, the Commission rejected, as inconsistent with Order No. 888,³ American Transmission's

¹ 16 U.S.C. § 824d (2012).

² *American Transmission Company LLC*, 93 FERC ¶ 61,267 (2000) (December Order).

³ *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

reciprocity provision which expanded its reach to include all transmission customers of American Transmission, not just those customers who have contributed facilities to American Transmission.⁴

4. On February 15, 2001, American Transmission filed revisions to its OATT in compliance with the December Order (February Compliance Filing). Dairyland Power Cooperative and the National Rural Electric Cooperative Association filed a joint protest (Joint Protest) regarding the February Compliance Filing arguing, among other things, that American Transmission's proposed revisions to the reciprocity provision still incorrectly requires transmission customers to provide reciprocal service to entities other than the transmission provider, in contravention of Order No. 888 and the *pro forma* OATT.⁵

5. On September 27, 2010, in Docket No. ER10-3068-000, pursuant to section 205 of the FPA and Part 35 of the Commission's regulations,⁶ American Transmission submitted a filing to cancel its OATT effective upon the date the Commission accepts Midwest Independent Transmission System Operator, Inc.'s (MISO)⁷ filing of American Transmission's interconnection agreements through a Notice of Succession (Cancellation Filing). The Commission accepted American Transmission's Cancellation Filing subject to American Transmission notifying the Commission in an informational filing of the effective date of the notice of cancellation, upon acceptance of MISO's notice of succession filing.⁸ On May 4, 2011, American Transmission notified the Commission that the effective date of the cancellation of the American Transmission OATT was May 2, 2011, the date of the Commission's acceptance⁹ of the Notice of Succession filed by MISO.

⁴ December Order, 93 FERC ¶ 61,267 at 61,858-61,859.

⁵ Joint Protest at 3-4.

⁶ 18 C.F.R. Pt. 35 (2015).

⁷ Effective April 26, 2013, MISO changed its name from "Midwest Independent Transmission System Operator, Inc." to "Midcontinent Independent System Operator, Inc."

⁸ *American Transmission Company LLC*, Docket No. ER10-3068-000, at 1 (Nov. 23, 2010) (delegated letter order).

⁹ *Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER11-2334 (May 2, 2011) (delegated letter order).

II. Discussion

6. In light of the Notice of Effective Date of Cancellation, we will dismiss both the February Compliance Filing and the Joint Protest as moot.

The Commission orders:

The February Compliance Filing and the Joint Protest in this proceeding are hereby dismissed as moot, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.