

153 FERC ¶ 61,337  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Refinements to Policies and Procedures for Market-  
Based Rates for Wholesale Sales of Electric Energy,  
Capacity and Ancillary Services by Public Utilities

Docket No. RM14-14-000

ORDER PARTIALLY EXTENDING COMPLIANCE EFFECTIVE DATE

(Issued December 23, 2015)

1. On October 16, 2015, the Commission issued Order No. 816,<sup>1</sup> which amended, modified, and clarified certain requirements for market-based rate authorization for wholesale sales of electric energy, capacity, and ancillary services by public utilities. Among other things, the Commission adopted the proposal to require a market-based rate seller to include a corporate organizational chart when it files an initial application for market-based rate authority, an updated market power analysis, or a notice of change in status reporting new affiliations. Requests for rehearing and/or clarification of Order No. 816 were filed, along with requests for a stay of the corporate organizational chart requirement. Rehearing for purposes of further consideration was granted on December 11, 2015.

2. Edison Electric Institute (EEI) and Electric Power Supply Association (EPSA) request that the Commission stay the effectiveness of the corporate organizational chart requirement pending issuance of an order on the merits of the requests for rehearing of the corporate organizational chart requirement.<sup>2</sup> EEI and EPSA assert that granting a stay will do no harm to third parties and will benefit the public interest.<sup>3</sup> EEI adds that

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<sup>1</sup> *Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 816, FERC Stats. & Regs. ¶ 31,374 (2015).

<sup>2</sup> EEI Request for Rehearing at 9, EPSA Request for Rehearing at 17.

<sup>3</sup> EEI Request for Rehearing at 9; EPSA Request for Rehearing at 16.

third parties will continue to have narrative descriptions of affiliations that are relevant to market-based rate analyses.<sup>4</sup>

3. Upon consideration, the Commission partially grants an extension of time such that market-based rate applicants and sellers will not be required to comply with the corporate organizational chart requirement prior to the issuance of an order on the merits of the requests for rehearing of the corporate organizational chart requirement.

4. This order does not address any issues raised on rehearing other than the requests to delay the effectiveness of the corporate organizational chart requirement, and does not affect the compliance date for any other aspects of Order No. 816.

The Commission orders:

The implementation of the requirement to submit corporate organizational charts as required by Order No. 816 is hereby extended, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>4</sup> EEI Request for Rehearing at 9.