

154 FERC ¶ 61,086  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Midwest Independent Transmission  
System Operator, Inc.

Docket No. ER11-3281-002

ORDER DISMISSING REHEARING REQUEST AS MOOT

(Issued February 5, 2016)

1. In this order, we dismiss as moot the joint request for rehearing filed by Western Area Power Administration (Western), Basin Electric Power Cooperative (Basin), and Heartland Consumers Power District (Heartland) (collectively, Integrated System Parties) with respect to the Commission's May 31, 2011 order<sup>1</sup> in this proceeding.

**I. Background**

Western, Basin, and Heartland own transmission facilities that together comprise what is called the Integrated System. At the time of the May 31, 2011 Order, Integrated System Parties took Congestion Management Coordination Service (Seams Service) pursuant to Part II of Module F of Midwest Independent Transmission System Operator, Inc.'s (MISO)<sup>2</sup> Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff).<sup>3</sup> As stated in the May 31, 2011 Order, generally, Seams Service provides a mechanism to manage market-to-non-market interfaces and specifies an array of

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<sup>1</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 135 FERC ¶ 61,205 (2011) (May 31, 2011 Order).

<sup>2</sup> Effective April 26, 2013, MISO changed its name from "Midwest Independent Transmission System Operator, Inc." to "Midcontinent Independent System Operator, Inc."

<sup>3</sup> Western, on behalf of Integrated System Parties, executed a Seams Service Agreement with MISO on March 31, 2009. *See* May 31, 2011 Order, 135 FERC ¶ 61,205 at n.38.

congestion management tools that are utilized for that purpose, including a standardized Congestion Management Process.<sup>4</sup>

2. In the May 31, 2011 Order, the Commission, among other things, accepted MISO's proposal to add a new capacity sharing provision to the Seams Service it provides under its Tariff. Specifically, MISO proposed the following new capacity sharing provision to Module F of its Tariff as new section 82.5a:

If the Transmission Provider and the Congestion Management Customer have contract paths to the same entity, the combined contract path capacity will be made available for use by both parties. This will not create new contract paths for either Party that did not previously exist. The Congestion Management Customer will not be able to deal directly with companies with which it does not physically or contractually interconnect and the Transmission Provider will not be able to deal directly with companies with which it does not physically or contractually interconnect.

3. In the May 31, 2011 Order, the Commission accepted the new capacity sharing provision over objections that Integrated System Parties made in a protest to the filing.<sup>5</sup> In addition, in response to a request from Southwest Power Pool, Inc. (SPP), the Commission confirmed that its acceptance of the capacity sharing provision as Section 82.5a Part II of Module F of the MISO Tariff in this proceeding did not affect matters pending in Docket No. EL11-34-000.<sup>6</sup>

## **II. Request for Rehearing**

4. On June 30, 2011, Integrated System Parties submitted a request for rehearing of the May 31, 2011 Order. Integrated System Parties request that the Commission grant rehearing and either reject new section 82.5a to Module F of MISO's Tariff or set it for hearing. They also request that the Commission direct MISO to negotiate a bilateral seams service agreement with Integrated System Parties if they terminate their agreement for Seams Service under the MISO Tariff.

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<sup>4</sup> May 31, 2011 Order, 135 FERC ¶ 61,205 at P 3.

<sup>5</sup> *Id.* PP 41-48.

<sup>6</sup> *Id.* P 49. Docket No. EL11-34-000 involved a petition for declaratory order filed by MISO to clarify section 5.2 of the Joint Operating Agreement between MISO and SPP. This docket was recently terminated as a result of a settlement. *See Southwest Power Pool, Inc.*, 154 FERC ¶ 61,021 (2016).

### III. Subsequent Events

5. On March 30, 2011, Western (on behalf of Integrated System Parties) provided written notice to MISO of the termination of its Seams Service Agreement.<sup>7</sup> MISO reported in its 2015 Quarter 2 Electronic Quarterly Report that the Seams Service Agreement with Integrated System Parties was terminated, effective April 30, 2012.

6. On October 1, 2015, Western, Basin, and Heartland became transmission owning members of SPP.

### IV. Determination

7. We dismiss as moot Integrated System Parties' request for rehearing of the Commission's acceptance of MISO's Seams Service capacity sharing provision because Integrated System Parties terminated their Seams Service Agreement and thus are no longer MISO customers subject to any of the Seams Service provisions in the MISO Tariff to which they objected. We also dismiss as moot Integrated System Parties' request that the Commission direct MISO to negotiate a bilateral seams service agreement with Integrated System Parties because Integrated System Parties are now members of SPP and thus no longer require a separate bilateral seams agreement with MISO.<sup>8</sup>

#### The Commission orders:

Integrated System Parties' request for rehearing of the May 31, 2011 Order is dismissed as moot, 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>7</sup> *Id.* n.38. The Seams Service Agreement with Integrated System Parties was designated as Service Agreement 5005 under the MISO Tariff.

<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).