

154 FERC ¶ 61,261
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

Issued March 30, 2016

In Reply Refer To:
Midcontinent Independent System
Operator, Inc.
Docket No. ER16-877-000

Midcontinent Independent System
Operator, Inc.
P.O. Box 4202
Carmel, IN 46082-4202

Attention: J. Matt Harnish

Dear Mr. Harnish:

1. On February 3, 2016, Midcontinent Independent System Operator, Inc. (MISO) filed an executed Generator Interconnection Agreement among Gibson City Energy, Ameren Illinois Company d/b/a Ameren Illinois, and MISO, designated as Original Service Agreement No. 2894 under MISO's FERC Electric Tariff, Vol. No. 1 Fifth Revised (Interconnection Agreement).¹ MISO states that it has designated the project as Project No. J339 in its interconnection queue.²

2. MISO states that the body of the Interconnection Agreement conforms to its *pro forma* Generator Interconnection Agreement and contains pending language changes filed with the Commission in Docket No. ER16-696-000 on January 8, 2016.³ Accordingly, MISO asks that the Commission accept the Interconnection Agreement subject to the outcome of that proceeding.

¹ MISO, FERC FPA Electric Tariff, [SA 2894, Ameren-Gibson City GIA \(J339\), 31.0.0](#).

² MISO Interconnection Agreement Filing, Transmittal Letter, at 1 (filed Feb. 3, 2016).

³ *Id.*

3. MISO requests confidential treatment of the Critical Energy Infrastructure Information (CEII) contained in Exhibits A1-1 and A-2 of the non-public version of the proposed Interconnection Agreement pursuant to 18 C.F.R. § 388.12 (2015).⁴ MISO states that the parties to the agreement assert that Exhibits A1-1 and A-2 qualify as CEII pursuant to 18 C.F.R. § 388.113(c)(1) (2015) because the diagrams attached to the Interconnection Agreement are system maps that provide specific detailed design information about existing critical transmission system infrastructure. MISO also states that the exhibits are exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552.

4. MISO asks the Commission to waive its 60-day notice requirement as required by Section 35.3(a) of the Commission's regulations, 18 C.F.R. § 35.3(a) (2015), and make the Interconnection Agreement effective as of February 4, 2016.⁵ MISO asserts that the parties have indicated their intention for and support of this effective date, and notes that the February 4, 2016 date will provide certainty to the parties as to the status of the agreement. To the extent that the Commission determines that MISO has not specifically addressed any filing requirements, MISO also requests waiver of such requirements.

5. Notice of MISO's filing was published in the *Federal Register*, 81 Fed. Reg. 6854 (2016), with interventions and protests due on or before February 24, 2016. Ameren Services Company (Ameren) filed a timely motion to intervene. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,⁶ Ameren's timely, unopposed motion to intervene serves to make Ameren a party to this proceeding.

6. The Commission accepts this filing subject to condition, as discussed below.⁷ The Interconnection Agreement contains language that MISO proposed to add to Article 11.3 of its *pro forma* Generator Interconnection Agreement in compliance with a Commission order.⁸ As that language is pending Commission review, we accept the filing herein

⁴ *Id.* at 2.

⁵ *Id.* at 3.

⁶ 18 C.F.R. § 385.214 (2015).

⁷ The Commission can revise a proposal filed under section 205 of the Federal Power Act as long as the filing utility accepts the change. *See City of Winnfield v. FERC*, 744 F.2d 871, 875-77 (D.C. Cir. 1984). The filing utility is free to indicate that it is unwilling to accede to the Commission's conditions by withdrawing its filing.

⁸ *See Otter Tail Power Co. v. Midcontinent Indep. Sys. Operator, Inc.*, 153 FERC ¶ 61,352 (2015).

subject to the condition that, should the Commission in Docket No. ER16-696 require changes to MISO's proposed language in Article 11.3, MISO must re-file the Interconnection Agreement to reflect such changes within 30 days of the Commission's order in that proceeding. We grant MISO's request for waiver of the 60-day notice requirement to permit an effective date of February 4, 2016, as requested.⁹

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

⁹ See *Central Hudson Gas & Electric Corp.*, 60 FERC ¶ 61,106, at 61,338-339, *reh'g denied*, 61 FERC ¶ 61,189 (1992) (finding that the Commission will generally grant waiver of the 60-day prior notice requirement for uncontested filings that do not change rates).