

155 FERC ¶ 61,041  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

MATL LLP

Docket Nos. ER16-778-001  
ER16-970-000

ORDER ACCEPTING TARIFF REVISIONS  
AND CERTIFICATE OF CONCURRENCE, SUBJECT TO CONDITION

(Issued April 19, 2016)

1. On January 27, 2016, as amended on February 19, 2016, MATL LLP (MATL) filed, in Docket No. ER16-778-000, revisions to its Open Access Transmission Tariff (OATT) pursuant to section 205 of the Federal Power Act (FPA)<sup>1</sup> to reflect its upcoming transition from the ColumbiaGrid transmission planning region to the Northern Tier Transmission Group (NTTG) transmission planning region for purposes of compliance with the regional and interregional transmission planning requirements of Order No. 1000.<sup>2</sup> In this order, we accept MATL's proposed OATT revisions, subject to condition, effective March 27, 2016, as requested.
2. On February 19, 2016, MATL filed, in Docket No. ER16-970-000, pursuant to section 205 of the FPA, a certificate of concurrence with NTTG's Funding Agreement, designated as Portland General Electric Company's (Portland General)

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<sup>1</sup> 16 U.S.C. § 824d (2012).

<sup>2</sup> *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh'g*, Order No. 1000-A, 139 FERC ¶ 61,132, *order on reh'g and clarification*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014).

Rate Schedule No. 17.<sup>3</sup> In this order, we accept MATL's certificate of concurrence, subject to condition, effective March 26, 2016, as requested.

## **I. Background**

3. On January 31, 2013, MATL submitted revisions to its OATT to comply with the local and regional transmission planning and cost allocation requirements of Order No. 1000. MATL's filing included revisions to Attachment K of its OATT that reflected its intent to participate in the ColumbiaGrid regional transmission planning process.

4. On June 20, 2013, the Commission accepted MATL's compliance filing, subject to further modifications.<sup>4</sup> Among other things, the Commission directed MATL to submit a further compliance filing explaining how its participation in the ColumbiaGrid regional transmission planning process satisfied the requirement in Order No. 1000 that the transmission planning region be governed by the integrated nature of the grid and the particular reliability and resource issues that affect the region.<sup>5</sup>

5. To address the Commission's concern, MATL stated in its subsequent compliance filing that it is not currently interconnected with other enrolled parties in the ColumbiaGrid transmission planning region and that it would withdraw from the ColumbiaGrid transmission planning region and instead enroll in the NTTG transmission planning region.<sup>6</sup> MATL further noted that it was, at the time, in the process of providing a written withdrawal notice to ColumbiaGrid and initiating an application to enroll in NTTG. However, MATL noted that, pursuant to the terms of the ColumbiaGrid Second Restated Planning and Expansion Functional Agreement, its withdrawal from ColumbiaGrid was subject to a 30-month withdrawal period (concluding in June 2016), during which time MATL would be obligated to continue participating in the ColumbiaGrid transmission planning process, continue paying membership fees and be

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<sup>3</sup> *Portland General Elec. Co.*, Docket No. ER16-9-000 (Dec. 18, 2015) (delegated letter order accepting the NTTG Funding Agreement 2016-2017). Portland General is the designated filing entity for the NTTG Funding Agreement.

<sup>4</sup> *Avista Corp.*, 143 FERC ¶ 61,255, at P 3 (2013).

<sup>5</sup> *Id.* MATL's transmission line interconnects NorthWestern Corporation's (NorthWestern) transmission system in Montana with the Alberta Interconnected Electric System in Alberta, Canada. MATL is not physically interconnected with any of the transmission planning entities in the ColumbiaGrid transmission planning region.

<sup>6</sup> *Avista Corp.*, 148 FERC ¶ 61,212 at P 37 (2014).

subject to potential cost allocation within the ColumbiaGrid region.<sup>7</sup> On September 18, 2014, the Commission accepted, for purposes of compliance with Order No. 1000, MATL's explanation of the withdrawal period, continued participation in the ColumbiaGrid regional transmission planning process during the 30-month withdrawal period and commitment to file a revised OATT to reflect the applicable NTTG provisions 60 days prior to its transition to the NTTG transmission planning region.<sup>8</sup> MATL states that it provided notice to ColumbiaGrid and the enrolled parties in the ColumbiaGrid transmission planning region that, effective December 31, 2015, MATL was withdrawing from the ColumbiaGrid Third Amended Order 1000 Agreement.<sup>9</sup>

6. The NTTG regional transmission planning process is reflected in Attachment K of the respective OATTs of the public utility transmission providers engaged in transmission planning in the NTTG transmission planning region.<sup>10</sup> The Commission accepted tariff revisions incorporating the NTTG regional transmission planning process in a series of orders on compliance filings submitted by the NTTG Filing Parties in compliance with the transmission planning and cost allocation requirements of Order No. 1000.<sup>11</sup>

## **II. MATL Filing in Docket No. ER16-778**

7. To reflect its transition from ColumbiaGrid to NTTG, MATL proposes to revise its OATT Attachment K to comport with the requirements of the Commission's orders accepting the NTTG Filing Parties' Order No. 1000 compliance filings. MATL states that the proposed revisions replace provisions relating to MATL's participation in the ColumbiaGrid transmission planning region with provisions relating to MATL's upcoming participation in the NTTG transmission planning region. According to MATL, its revisions track the Commission-approved provisions reflected in the Attachment Ks of each NTTG Filing Party. Specifically, MATL proposes to replace its regional and

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.* P 39.

<sup>9</sup> MATL Transmittal Letter, Docket No. ER16-778-000, at 2.

<sup>10</sup> The NTTG public utility transmission providers include PacifiCorp, Deseret Generation & Transmission Cooperative, Inc. (Deseret), NorthWestern, Portland General and Idaho Power Company (Idaho Power) (collectively, the NTTG Filing Parties).

<sup>11</sup> *PacifiCorp*, 143 FERC ¶ 61,151 (2013); *PacifiCorp*, 147 FERC ¶ 61,057 (2014); *PacifiCorp*, 149 FERC ¶ 61,214 (2014); *PacifiCorp*, Docket No. ER13-64-003 (Mar. 24, 2015) (delegated letter order).

interregional transmission planning provisions with those regional and interregional transmission planning provisions in the Attachment Ks of the NTTG Filing Parties, including four exhibits that contain transmission planning agreements and committee charters.<sup>12</sup> Additionally, MATL states that it made changes to the provisions pertaining to its local transmission planning process only as necessary to remove all references to ColumbiaGrid.<sup>13</sup> MATL requests that the Commission accept its revised Attachment K as in compliance with the local, regional and interregional transmission planning requirements of Order No. 1000.<sup>14</sup>

8. MATL states that it is seeking to become a member of the NTTG transmission planning region in the second quarter of 2016. MATL states that it has coordinated with NTTG during the six months before it made its filing to understand the requirements and deadlines associated with becoming an NTTG member. MATL explains that it has worked to gather information and data related to NTTG's first quarter 2016 data gathering windows, anticipates full participation in the second quarter of 2016 and plans to submit appropriate data to meet interim requirements. By doing this, MATL states, it can participate in NTTG in a robust manner upon joining with no impact to existing processes.<sup>15</sup>

### **III. MATL Filing in Docket No. ER16-970**

9. In addition to revising its Attachment K, MATL states that it will become a party to the 2016-2017 NTTG Funding Agreement, which is necessary for its transition into the NTTG transmission planning region. According to MATL, the NTTG Filing Parties are signatories to the NTTG Funding Agreement, which is on file with the Commission.<sup>16</sup> MATL states that it is filing a certificate of concurrence to the NTTG Funding Agreement.<sup>17</sup> MATL requests an effective date of March 26, 2016 for the certificate of concurrence.

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<sup>12</sup> MATL Transmittal Letter, Docket No. ER16-778-000, at 4, 6.

<sup>13</sup> *Id.* at 6 n.21.

<sup>14</sup> *Id.* at 6-7.

<sup>15</sup> *Id.* at 7.

<sup>16</sup> *Portland General Elec. Co.*, Docket No. ER16-9-000 (Dec. 18, 2015) (delegated letter order accepting the NTTG Funding Agreement 2016-2017).

<sup>17</sup> MATL Transmittal Letter, Docket No. ER16-970-000, at 1-2.

#### IV. Notice of Filings and Responsive Pleadings

10. Notice of MATL's January 27, 2016 filing in Docket No. ER16-778-000 was published in the *Federal Register*, 81 Fed. Reg. 5738 (2016), with interventions and protests due on or before February 17, 2016. On February 17, 2016, PacifiCorp, Deseret, NorthWestern, Portland General and Idaho Power filed motions to intervene and joint comments. On February 22, 2016, MATL filed an answer to the NTTG Filing Parties' motions to intervene and joint comments.

11. Notice of MATL's February 19, 2016 amended filing in Docket No. ER16-778-001 was published in the *Federal Register*, 81 Fed. Reg. 9841 (2016), with interventions and protests due on or before February 29, 2016. None was filed.

12. Notice of MATL's February 19, 2016 filing in Docket No. ER16-970-000 was published in the *Federal Register*, 81 Fed. Reg. 9841 (2016), with interventions and protests due on or before March 11, 2016. None was filed.

13. The NTTG Filing Parties state that MATL's revised Attachment K is inconsistent with the Attachment K that has been accepted by the Commission for each of the NTTG Filing Parties. The NTTG Filing Parties explain that a necessary requirement for enrollment in NTTG is that MATL's Attachment K must have the same regional provisions as the other NTTG Filing Parties. Specifically, the NTTG Filing Parties state that the Attachment Ks of each of the NTTG Filing Parties specify that for an eligible entity to be enrolled in NTTG as a full funder, among other requirements it must meet the following:

If an entity intending to become a Full Funder is a public utility, the Commission accepts the filing of an Open Access Transmission Tariff by the entity with regional, interregional and interconnection-wide planning provisions of Attachment K that are the same as the other Full Funders for its transmission facilities located within the Western Interconnection.<sup>18</sup>

14. The NTTG Filing Parties also state that once MATL has the same Commission-accepted Attachment K with respect to regional, interregional and interconnection-wide planning and cost allocation as all other NTTG Filing Parties, and MATL has become a party to the currently effective Funding Agreement and Finance Agent Agreement, MATL will be recognized as a full funder of NTTG. The NTTG Filing Parties request that the Commission accept MATL's Attachment K conditioned upon MATL filing a revised Attachment K that corrects certain identified discrepancies. Specifically, the

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<sup>18</sup> NTTG Filing Parties Comments, Docket No. ER16-778-000, at 4 (filed Feb. 17, 2016) (citing, *e.g.*, Idaho Power OATT, Attachment K § 3.2.3.2).

NTTG Filing Parties point out ministerial revisions to correct, among other things, missing words, capitalization and references to various sections within MATL's Attachment K.<sup>19</sup>

15. In response, MATL states that it has no disagreement with the revisions identified in the NTTG Filing Parties' comments and will make a compliance filing to address the discrepancies and incorporate further revisions to its OATT Attachment K once the Commission rules on its proposed Attachment K revisions.<sup>20</sup> MATL maintains that the NTTG Filing Parties welcome MATL's membership in NTTG and notes they do not oppose the Commission's acceptance of MATL's revisions to its Attachment K.

## V. Discussion

### A. Procedural Matters

16. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2015), the timely, unopposed motions to intervene in Docket No. ER16-778 serve to make the entities that filed them parties to that proceeding.

17. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2015), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept the answer filed by MATL because it has provided information that has assisted us in our decision-making process.

### B. Substantive Matters

18. We accept MATL's filings, subject to condition, as discussed below.<sup>21</sup>

#### 1. Docket No. ER16-778

19. As noted, on September 18, 2014, the Commission accepted MATL's commitment to file a revised Attachment K reflecting NTTG's regional planning

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<sup>19</sup> NTTG Filing Parties Comments, Docket No. ER16-778-000, at 5-8. For example, the NTTG Filing Parties point out that MATL incorrectly includes a version of the NTTG Planning Agreement as Exhibit A, which should be removed. *Id.* at 5.

<sup>20</sup> MATL Answer, Docket No. ER16-778-000, at 2.

<sup>21</sup> The Commission can revise a proposal filed under section 205 of the FPA 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.

provisions 60 days prior to transitioning from ColumbiaGrid's transmission planning process to NTTG.<sup>22</sup> In the instant filing, MATL seeks to fulfill its commitment by making the applicable modifications to its Attachment K to reflect NTTG's transmission planning process and, by doing so, become eligible to participate in NTTG's second quarter regional transmission planning activities as a member of NTTG.<sup>23</sup> MATL has made many of the changes to the local, regional, interregional and interconnection-wide transmission planning provisions in its Attachment K required for MATL's revised Attachment K to comply with the local, regional and interregional transmission planning requirements of Order No. 1000. However, in order to satisfy the enrollment requirements reflected in the NTTG Filing Parties' respective Attachment Ks, the regional, interregional and interconnection-wide transmission planning provisions of MATL's Attachment K must be the same as the regional, interregional and interconnection-wide transmission planning provisions in the Attachment Ks of the NTTG Filing Parties.<sup>24</sup>

20. There are a number of discrepancies between MATL's proposed revisions to its Attachment K and the Attachment Ks of the NTTG Filing Parties, as the NTTG Filing Parties note in their comments.<sup>25</sup> Given the discrepancies between MATL's proposed revisions to its Attachment K and the Attachment Ks of the NTTG Filing Parties, MATL must make further modifications to its Attachment K. In response to the NTTG Filing Parties' comments, MATL has committed to address the discrepancies and further revise its Attachment K so that the regional and interregional transmission planning provisions reflected in its Attachment K conform to the NTTG Filing Parties.<sup>26</sup> In addition, MATL

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<sup>22</sup> *Avista Corp.*, 148 FERC ¶ 61,212 at P 39.

<sup>23</sup> We note that the NTTG Filing Parties state that they welcome additional membership to NTTG and do not oppose MATL's membership in NTTG. *See* NTTG Filing Parties Comments, Docket No. ER16-778-000, at 1.

<sup>24</sup> *See PacifiCorp*, 147 FERC ¶ 61,057 at PP 21, 24-25 (approving NTTG enrollment process for public utilities requiring the entity to have a Commission-approved OATT with regional, interregional and interconnection-wide transmission planning provisions that are the same as the other NTTG Filing Parties); *see also, e.g., PacifiCorp OATT*, Attachment K § 3.2.3.2.

<sup>25</sup> For example, the NTTG Filing Parties point out that NTTG's Steering Committee Charter was not included with the MATL Attachment K filing, which the Commission has required to be with Attachment K. NTTG Filing Parties Comments, Docket No. ER16-778-000, at 6 (citing *PacifiCorp*, 143 FERC ¶ 61,151 at P 100).

<sup>26</sup> MATL Answer, Docket No. ER16-778-000, at 2.

and the NTTG Filing Parties are in agreement regarding the modifications needed to make MATL's Attachment K conform to the Attachment Ks of the NTTG Filing Parties.<sup>27</sup> Accordingly, we direct MATL to submit, within 30 days of the date of issuance of this order, a compliance filing further modifying its Attachment K to reflect the NTTG Filing Parties' currently-effective transmission planning and cost allocation provisions, consistent with those provisions reflected in the NTTG Filing Parties' respective OATT Attachment Ks.

## 2. Docket No. ER16-970

21. MATL represents that it anticipates signing Exhibit E, Addendum Joining Additional Party, to the NTTG Funding Agreement to become a party to the Funding Agreement in late January.<sup>28</sup> However, in filing its certificate of concurrence, MATL provides no indication that it has signed Exhibit E and has become a party to the NTTG Funding Agreement. Therefore, we accept MATL's certificate of concurrence, subject to MATL submitting an informational filing within 30 days of the date of issuance of this order, providing notification to the Commission that it has become a party to the NTTG Funding Agreement.

### The Commission orders:

(A) MATL's proposed OATT revisions in Docket No. ER16-778 are hereby accepted for filing, effective March 27, 2016, subject to condition, as discussed in the body of this order.

(B) MATL is hereby directed to submit a compliance filing in Docket No. ER16-778 within 30 days of the date of issuance of this order, as discussed in the body of this order.

(C) MATL's certificate of concurrence in Docket No. ER16-970-000 is hereby accepted for filing, effective March 26, 2016, subject to condition, as discussed in the body of this order.

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<sup>27</sup> *Id.* Additionally, the NTTG Filing Parties do not currently list MATL as a Full Funder under section 3.2.3.5 of their Attachment Ks. Once MATL has completed the requirements for enrollment in NTTG as a full funder, the NTTG Filing Parties should revise their Attachment Ks to reflect MATL's enrollment in NTTG.

<sup>28</sup> MATL Transmittal Letter, Docket No. ER16-778-000, at 7.

(D) MATL is hereby directed to submit an informational filing in Docket No. ER16-970 within 30 days of the date of issuance of this order, specifying that date by which it became a party to the NTTG Funding Agreement, as discussed in the body of this order.

By the Commission. Commissioner Clark is not participating.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.