

157 FERC ¶ 61,013
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Midcontinent Independent System Operator, Inc. Docket No. ER16-696-003

ORDER DENYING REHEARING

(Issued October 7, 2016)

1. In an order dated August 9, 2016,¹ the Commission accepted, subject to condition, Midcontinent Independent System Operator, Inc.'s (MISO's) compliance filings pursuant to the Commission's order issued on December 29, 2015 (December 29 Order) in Docket No. EL15-68, *et al.*² MISO's compliance filings revised MISO's *pro forma* Generator Interconnection Agreement, *pro forma* Facilities Construction Agreement, *pro forma* Multi-Party Facilities Construction Agreement, and its Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff), so that a transmission owner may provide the initial funding for network upgrades upon the mutual agreement of the interconnection customer.³
2. In the December 29 Order, the Commission denied a request for rehearing and granted clarification of a June 18, 2015 order that addressed a complaint filed by Otter Tail Power Company regarding the network upgrade funding mechanisms provided

¹ *Midcontinent Indep. Sys. Operator, Inc.*, 156 FERC ¶ 61,098 (2016) (Compliance Order). MISO has filed in Docket No. ER16-696-002 a compliance filing in response to the Compliance Order. That filing is currently pending before the Commission and is not at issue here.

² *Otter Tail Power Co. v. Midcontinent Indep. Sys. Operator, Inc.*, 153 FERC ¶ 61,352 (2015) (December 29 Order), *order denying reh'g*, 156 FERC ¶ 61,099 (2016) (Rehearing Order).

³ See Compliance Order, 156 FERC ¶ 61,098 at P 1.

for in MISO's Tariff.⁴ The Commission also directed MISO to make a compliance filing proposing changes to its Tariff, as MISO had committed to do.⁵

3. On the same day it issued the Compliance Order, the Commission issued the Rehearing Order, denying Indicated MISO Transmission Owners' request for rehearing of the December 29 Order.⁶ On August 29, 2016, Ameren and ITC filed with the United States Court of Appeals for the District of Columbia Circuit a petition for review of the Rehearing Order, the December 29 Order, and the June 18 Order. That petition for review is currently pending.

4. On September 8, 2016, Ameren and ITC requested rehearing of the Compliance Order.⁷ Ameren and ITC acknowledge that their rehearing request repeats the same arguments that they made as participants in Indicated MISO Transmission Owners' request for rehearing of the December 29 Order.⁸

5. The Commission has already denied two requests for rehearing by Ameren and ITC in this proceeding that addressed the same issues they raise again with reference to the Compliance Order.⁹ We find that Ameren's and ITC's most recent request raises no matter warranting any modification of the Commission's determinations in the prior

⁴ *Midcontinent Indep. Sys. Operator, Inc.*, 151 FERC ¶ 61,220 (2015) (June 18 Order).

⁵ December 29 Order, 153 FERC ¶ 61,352 at P 65.

⁶ *See generally* Rehearing Order, 156 FERC ¶ 61,099. The Indicated MISO Transmission Owners included, among others, International Transmission Company, ITC Midwest LLC, and Michigan Electric Transmission Company, LLC (collectively, ITC); and Ameren Services Company, on behalf of its transmission-owning public utility affiliates Ameren Illinois Company, Union Electric Company, and Ameren Transmission Company of Illinois (collectively, Ameren).

⁷ Ameren and ITC do not request rehearing of the condition imposed by the Compliance Order. *See* Rehearing Request at 2 ("The [Compliance] Order also granted the Indicated [MISO] Transmission Owners' request to modify MISO's tariff language on compliance. The Indicated [MISO] Transmission Owners do not request rehearing of that decision.").

⁸ *See* Rehearing Request at 5 ("as a basis for rehearing, [Ameren and ITC] repeat their arguments made on rehearing of the December 29 Order").

⁹ *See* Rehearing Order, 156 FERC ¶ 61,099; December 29 Order, 153 FERC ¶ 61,352.

orders. Nor does it warrant any further comment on rehearing of the Compliance Order. Accordingly, we deny Ameren's and ITC's request for rehearing of the Compliance Order for the reasons already stated by the Commission in the December 29 Order and the Rehearing Order.

The Commission orders:

Ameren's and ITC's request for rehearing of the Compliance Order is hereby denied, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.