

168 FERC ¶ 61,153
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

September 10, 2019

In Reply Refer To:
Orlando Utilities Commission
Docket No. NJ19-15-000

Derek A. Dyson
Duncan, Weinberg, Genzer & Pembroke, P.C.
1667 K Street, NW
Suite 700
Washington, DC 20006

Reference: Revisions to Non-Jurisdictional Open Access Transmission Tariff

Dear Mr. Dyson:

1. On July 15, 2019, you filed on behalf of the Orlando Utilities Commission (OUC) a petition for declaratory order (Petition) requesting that the Commission accept the revisions to its non-jurisdictional “safe harbor” open access transmission tariff (OATT).¹ In the Petition, OUC states that it has updated the charges for Reactive Supply and Voltage Control from Generation or Other Sources Service under Schedule 2 and point-to-point transmission service under Schedules 7 and 8, and updated its Annual Transmission Revenue Requirement for Network Integration Transmission Service under Attachment H of

¹ In Order No. 888, the Commission established a safe harbor procedure for the filing of reciprocity tariffs by non-public utilities. *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996) (cross-referenced at 75 FERC ¶ 61,080), *order on reh’g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (cross-referenced at 78 FERC ¶ 61,220), *order on reh’g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh’g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff’d in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff’d sub nom. New York v. FERC*, 535 U.S. 1 (2002). On December 20, 1997, the Commission granted Orlando’s request for safe harbor reciprocity status. *Orlando Utils. Comm’n.*, 81 FERC ¶ 61,397 (1997), *reh’g denied*, 84 FERC ¶ 61,069 (1998).

OUC's OATT to reflect the use of 2018 Actual Data.² OUC also states that the updated information is "commensurate with" the rates that it charges itself and includes an affidavit of Keith Mutters to explain the OATT revisions. OUC requests that the revised tariff sheets become effective on October 1, 2019.³ Additionally, OUC requests exemption from the Commission's filing fee applicable to petitions for declaratory orders.⁴

2. Notice of this filing was published in the *Federal Register*, 84 Fed. Reg. 38,615 (2019) with interventions and protests due on or before August 5, 2019. None was filed.

3. The Commission has previously explained that the review standard for safe harbor reciprocity transmission tariff rates is that the non-public utility (here, OUC) must provide sufficient information for the Commission to conclude that the rates are comparable to the rates it charges itself.⁵ Though its OATT revisions will result in a rate increase, OUC has provided sufficient information for us to conclude that its revised rates are comparable to the rates it charges itself.⁶ Accordingly, we grant OUC's petition and we find that the proposed rates meet the standard for a reciprocity tariff.

4. Finally, we grant OUC's petition for exemption from the filing fee. Section 381.108 of the Commission's regulations provides that municipalities are exempt from the filing fees required in Part 381.⁷ OUC explains that it is a municipal utility owned by the city of Orlando, Florida.⁸ Therefore, we find that OUC is exempt from the filing fee.

By direction of the Commission.

Kimberly D. Bose,
Secretary.

² OUC July 15, 2019 Transmittal Letter at 2 (OUC Transmittal).

³ *Id.*

⁴ *Id.* at 1-2.

⁵ See, e.g., *Long Island Power Authority*, 84 FERC ¶ 61,280, at 62,333 (1998); *Salt River Project Agricultural Improvement and Power District*, 83 FERC ¶ 61,280, at 62,162 (1998).

⁶ OUC Transmittal at 2; OUC Aff. ¶ 3.

⁷ 18 C.F.R. § 381.108 (2019).

⁸ OUC Aff. ¶ 1.