

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, and Nora Mead Brownell.

American Electric Power Service Corporation Docket No. ER01-2163-003

American Electric Power Service Corporation Docket No. ER01-3026-001

ORDER DENYING REHEARINGS

(Issued August 20, 2003)

1. This order denies two requests for rehearing, in light of the Commission's recent Large Generator Interconnection Rulemaking (Final Rule).¹ This order will benefit customers by ensuring consistency in the regulatory process.

Background

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2. On October 25, 2001, in American Electric Power Service Corporation,² the Commission issued an order granting rehearing of an earlier order issued on July 26, 2001,³ which accepted for filing an unexecuted interconnection agreement between Indiana Michigan Power Company⁴ and DPL Energy, Inc. (DPL), but denied DPL's request for interest on the transmission credits it will receive to repay it for system

¹Standardization of Generator Interconnection Agreements and Procedures, 104 FERC ¶ 61,103 (2003).

²97 FERC ¶ 61,098 (2001) (October 25 Order).

³American Electric Power Service Corp., 96 FERC ¶ 61,136 (2001).

⁴Indiana Michigan Power Company is an operating company of the American Electric Power Company (AEP) system.

upgrade facilities. The Commission, on rehearing, found that, in the interim until the Final Rule was issued, transmission credits should include interest on the monies paid.

3. On November 26, 2001, AEP filed a request for rehearing, arguing that the Commission should not have changed its policy prior to the issuance of the Final Rule.

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4. On October 26, 2001, in American Electric Power Service Corporation,⁵ the Commission issued an order accepting for filing an executed facilities agreement between Ohio Power Company⁶ and Freemont Energy Center LLC under AEP's open access transmission tariff. The Commission also directed that, in the interim until the Final Rule was complete, transmission credits should include interest on the monies paid.

5. On November 26, 2001, AEP filed a request for rehearing, arguing that the Commission should have withheld judgment of these issues pending issuance of the Final Rule.

Discussion

6. We will deny the requests for rehearing. As noted above, AEP is seeking rehearing of both the October 25 Order and the October 26 Order on the grounds that the Commission should not have made substantive determinations prior to the completion of the Final Rule proceeding. We disagree. There was nothing inappropriate about the Commission considering and addressing matters before it in individual, case-specific proceedings like these, while at the same time considering such matters more generically. In any event, the Final Rule explicitly states that the Commission "is not requiring any retroactive changes to individual (versus generic) interconnection agreements filed with the Commission prior to the effective date of this Final Rule."⁷ And the agreements in question here were filed with the Commission prior to the effective date of the Final Rule, and therefore expressly not subject to it.

⁵97 FERC ¶ 61,122 (2001) (October 26 Order).

⁶Ohio Power Company is an operating company of AEP.

⁷Large Generator Interconnection Rulemaking, 104 FERC ¶ 61,103 at P 4.

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The Commission orders:

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The requests for rehearing in Docket Nos. ER01-2163-003 and ER01-3026-001
are hereby denied.

By the Commission.

(S E A L)

Magalie R. Salas
Secretary