

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Nora Mead Brownell, and Suedeen G. Kelly.

NorthWestern Corporation

Docket Nos. ER05-1101-002
ER05-1346-001
ER05-1532-000

ORDER ACCEPTING IN PART AND REJECTING IN PART TARIFF SHEETS

(Issued November 29, 2005)

1. On September 30, 2005, NorthWestern Corporation (NorthWestern) submitted its revised Open Access Transmission Tariff (OATT) in compliance with the Commission's directives established in the September 15, 2005, Letter Order.¹ For reasons discussed below, the Commission will conditionally accept in part and reject in part NorthWestern's proposed revisions, to become effective November 29, 2005.

Background

2. On August 15, 2005, NorthWestern submitted revised tariff sheets to comply with the Commission's directives established in the July 26, 2005 Order² and Order No. 2003-C.³ NorthWestern submitted the filing as "NorthWestern Corporation d/b/a

¹ See, Delegated Letter Order issued in Docket Nos. ER05-1101-001 and ER05-1346-000 (September 15 Letter Order)

² *NorthWestern Energy*, 112 FERC ¶ 61,124 (2005).

³ *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 68 Fed. Reg. 49,845 (Aug. 19, 2003), FERC Stats. & Regs. ¶ 31,146 (2003), *order on reh'g*, Order No. 2003-A, 69 Fed. Reg. 15,932 (Mar. 26, 2004), FERC Stats. & Regs. ¶ 31,160 (2004), *order on reh'g*, Order No. 2003-B, 70 Fed. Reg. 265 (Jan. 4, 2005), FERC Stats. & Regs. ¶ 31,171 (2005), *order on reh'g*, Order No. 2003-C, (continued...)

NorthWestern Energy” and the tariff sheets referenced NorthWestern Energy instead of the legally recognized name, NorthWestern Corporation.

3. On September 15, 2005, the Commission issued a letter order that conditionally accepted NorthWestern’s August 15, 2005 compliance filing subject to NorthWestern filing in accordance with Order No. 614 and section 35.9 of the Commission’s regulations⁴ to reflect the company’s legally recognized name.

4. In the instant filing, NorthWestern files its revised Open Access Transmission Tariff (OATT) in compliance with the Commission’s September 15 Letter Order. In addition, NorthWestern proposes to amend Attachments E and I (indices of Transmission Customers) of its OATT to remove the indices of Point-to-Point Transmission Service Customers and Network Integrated Transmission Service Customers, respectively, and to reference the Electric Quarterly Report (EQR) as the source of the customer list instead of the list of transmission customers included in Attachments E and I.⁵

Notice of Filing, Interventions, Protests and Comments

5. Notice of NorthWestern’s compliance filing was published in the *Federal Register*, 70 Fed Reg. 60,812 (2005), with comments, interventions and protests due on or before October 21, 2005. PPL EnergyPlus, LLC and PPL Montana, LLC (PPL Parties) filed a timely motion to intervene and to comment. On October 31, 2005, NorthWestern filed an answer to the comments.

Discussion

A. Procedural Matters

6. Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2004), the timely, unopposed motion to intervene serve to make the entities that filed them parties to this proceeding. Rule 213(a)(2) of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2005), prohibits an answer

111 FERC ¶ 61,401 (2005); *see also* Notice Clarifying Compliance Procedures, 106 FERC ¶ 61,009 (2004).

⁴ *Designation of Electric Rate Schedule Sheets*, Order No. 614, 1996-2000 FERC Stats & Regs. Preambles ¶ 31,096 (2000).

⁵ NorthWestern’s proposal to amend Attachments E and I was assigned Docket No. ER05-1532-000.

to a protest unless otherwise ordered by the decisional authority. We are not persuaded to accept NorthWestern's answer and will, therefore, reject it.

B. Comments

7. The PPL Parties assert that the Commission should not accept the changes that NorthWestern proposes to make to Attachments E and I of its OATT to remove the indices of transmission customers. The PPL Parties argue that NorthWestern's compliance filing goes beyond the scope of what the Commission directed NorthWestern to do. PPL Parties further argue that NorthWestern did not provide appropriate justification for the removal of the indices of Transmission Customers in Attachments E and I. The PPL Parties state that the information and data contained in the EQR do not provide a reasonable substitute for the information currently contained in NorthWestern's Attachments E and I of the OATT.

C. Discussion

8. As stated above, in its September 30, 2005 compliance filing, NorthWestern submitted a revised OATT to comply with the Commission's September 15 Letter Order. However, NorthWestern also included in its compliance filing a proposal to amend Attachments E and I of its OATT to remove the indices of Transmission Customers.

9. The Commission has long established that compliance filings must be limited to the specific directives ordered by the Commission. The purpose of a compliance filing is to make the directed changes and the Commission's focus in reviewing them is whether or not they comply with the Commission's previously-stated directives. In this instance, NorthWestern proposes to amend its Attachments E and I to remove the indices of Transmission Customers. The Commission will reject these proposed changes⁶ to NorthWestern's revised OATT submitted with the September 30, 2005 compliance filing as outside the scope of that compliance filing. The Commission reaffirms that compliance filings must only provide the changes directed by the Commission.

⁶ Tariff sheet numbers 86 through 88 and 107 are rejected.

The Commission orders:

NorthWestern's tariff revisions are hereby accepted in part and rejected in part, as discussed in the body of this order, to become effective November 29, 2005.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.