

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Kansas City Power & Light Company

Docket Nos. EL04-75-000
ER06-479-000
(not consolidated)

ORDER ON WAIVER

(Issued July 7, 2006)

1. On January 21, 2004, Kansas City Power & Light Company (KCP&L) submitted a letter stating that it is not submitting Order No. 2003¹ compliance filings, and on January 13, 2006, KCP&L submitted a letter stating that it is not submitting Order Nos. 661 and 661-A compliance filings (jointly, KCP&L Letters). KCP&L states that, since it is a transmission-owning member of the Southwest Power Pool, Inc. (SPP), it is relying on SPP's *pro forma* open access transmission tariff (SPP OATT). As discussed below, the Commission accepts KCP&L Letters as requests for waiver of the Order Nos. 2003, 661 and 661-A requirements, and conditionally grants its requests.

Background

2. In Order No. 2003, the Commission required all public utilities that own, control or operate interstate transmission facilities and that are required to have on file an open

¹ *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 (2004), *order on reh'g*, Order No. 2003-C, 70 Fed. Reg. 37,661 (June 30, 2005), FERC Stats. & Regs. ¶ 31,190 (2005); *see also Notice Clarifying Compliance Procedures*, 106 FERC ¶ 61,009 (2004).

access transmission tariff to adopt the *pro forma* large generator interconnection procedures (LGIP) and large generator interconnection agreement (LGIA).

3. In a January 8, 2004 notice issued by the Commission in the Order No. 2003 proceeding,² the Commission clarified that for non-independent transmission providers that are members of a regional transmission organization (RTO) or independent system operators (ISO), Commission-approved standards and procedures shall govern the interconnections to its members' facilities that are under the operational control of the RTO or ISO.

4. In Order Nos. 661 and 661-A,³ the Commission adopted standard procedures and requirements for the interconnection of large wind plants and required all public utilities that own, control, or operate facilities transmitting electric energy in interstate commerce to incorporate the new Appendix G⁴ to include a supervisory control and data acquisition requirement applicable to all wind plants into their *pro forma* LGIP and LGIA. Specifically, the orders established standards for low voltage ride-through and power factor design criteria, and required wind plants to meet such standards, if a System Impact Study demonstrates the standards are required to ensure the safety and reliability of the transmission system.

5. KCP&L states that it is a transmission-owning (TO) member of SPP⁵ and as a TO member, all new transmission service using KCP&L transmission facilities, including all new generation interconnection service, is provided by and subject to the rates, terms and conditions of the SPP OATT. Further, KCP&L states that SPP has filed revisions to its

² *Notice Clarifying Compliance Procedures*, 106 FERC ¶ 61,009 (2004).

³ *Interconnection for Wind Energy*, Order No. 661, 70 Fed. Reg. 34,993 (June 16, 2005), FERC Stats. & Regs. ¶ 31,186 (2005), *order on reh'g*, Order No. 661-A, 70 Fed. Reg. 75,005 (Dec. 19, 2005), FERC Stats. & Regs. ¶ 31,198 (2005).

⁴ Appendix G applies only to wind plants.

⁵ On August 10, 2004, the Commission accepted SPP's *pro forma* LGIP and LGIA pursuant to Order Nos. 2003 and 2003-A. *Southwest Power Pool, Inc.*, 108 FERC ¶ 61,186 at P 11 (2004). On September 30, 2005, the Commission accepted SPP's revisions to its *pro forma* LGIA as required by Order No. 2003-C in an unpublished letter order in Docket No. ER04-434-004.

OATT in compliance with Order Nos. 661 and 661-A.⁶ Accordingly, KCP&L states that it believes it does not have to file in compliance with Order Nos. 2003, 661, and 661-A.

Notice of Filing and Interventions

6. The January 21, 2004 Letter was published in the *Federal Register*, 69 Fed. Reg. 6,965 (2004), with comments, protests, and interventions due on or before February 17, 2004. None was filed. The January 13 Letter was published in the *Federal Register*, 71 Fed. Reg. 4,361 (2006), with comments, protests, and interventions due on or before February 2, 2006. None was filed.

Discussion

7. The Commission is treating KCP&L Letters as requests for waiver of the Order Nos. 2003, 661, and 661-A requirements to adopt the LGIP and LGIA. We will conditionally grant these requests for waiver.⁷ Under Order No. 2003-A, a non-independent transmission provider that belongs to an RTO and ISO and has turned over control of all of its transmission system to the RTO or ISO may request that the Commission waive Order No. 2003's requirements that it adopt the LGIA and LGIP.⁸ While a transmission provider may also request that the Commission waive Order Nos. 661 and 661-A requirements, such a request is unnecessary if the transmission provider already has requested waiver of Order No. 2003. Since KCP&L is a member of SPP RTO, it will rely on SPP's transmission system to serve its customers, but neither of KCP&L's requests affirmatively state that interconnection to all of its Commission-jurisdictional facilities will be subject to the terms and conditions SPP OATT. Therefore, we grant the requested waivers on the condition that all requests for generator interconnections with KCP&L's jurisdictional facilities, including any request by KCP&L for wind power generators to interconnect with its transmission facilities, be subject to the rates, terms, and conditions of the SPP OATT. However, should KCP&L decide to leave SPP RTO or violate the condition, the waiver will no longer be valid and KCP&L will be required to seek Commission's approval for these requirements.

⁶ On March 8, 2006, the Commission accepted SPP's *pro forma* provisions pursuant to Order Nos. 661 and 661-A in an unpublished letter order in Docket No. ER06-512-000.

⁷ See *Empire District Electric Company*, 108 FERC ¶ 61,283 (2004); *Midwest ISO Transmission Owners*, 107 FERC ¶ 61,063 (2004).

⁸ Order No. 2003-A at P 55.

The Commission orders:

KCP&L's requests for waiver are hereby conditionally granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.