

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

August 29, 2006

In Reply Refer To:
Southwest Power Pool, Inc.
Docket Nos. ER06-1199-000 and
ER06-1204-000
(Not Consolidated)

Wright & Talisman, P.C.
Attention: Matthew K. Segers, Esquire
1200 G Street, N.W.
Suite 600
Washington, DC 20005-3802

Dear Mr. Segers:

1. On June 30, 2006, you submitted for filing on behalf of Southwest Power Pool, Inc. (SPP) two (2) unexecuted Network Integration Transmission Service Agreements (NITSA) with Kansas Power Pool (KPP) and two (2) unexecuted Network Operating Agreements (NOA) between SPP, KPP and Westar Energy in Docket Nos. ER06-1199-000 and ER06-1204-000.¹ You state that the filings are being tendered in order to allow the underlying service to begin and for the agreements to be submitted to the Commission on a timely basis. You also state that the parties are in the process of finalizing all of the terms of the agreements and once the agreements have been executed by the appropriate parties, SPP will resubmit them, along with a description of any changes to the Commission for approval. You request waiver of notice of the Commission's 60-day notice requirement to permit an effective date of June 1, 2006, for the filings. As discussed below, the proposed agreements are accepted effective June 1, 2006.

2. Notices of the filings were published in the *Federal Register*, 71 Fed. Reg. 40,485 (2006), with interventions and protests due on or before July 21, 2006. KPP filed a timely motion to intervene and protest, stating that the parties are currently involved in settlement proceedings in Docket No. ER05-1052-000, in which there are issues regarding network integration service agreements between SPP and KPP that are related in part to the agreements filed by SPP in the instant dockets. KPP therefore requests that

¹ Network service requested in Docket Nos. ER06-1199-000 and ER06-1204-000 will serve the cities of Erie and Fredonia, Kansas, respectively.

SPP's NITSA and NOA filings in Docket Nos. ER06-1204-000 and ER06-1199-000 be assigned to the settlement judge in Docket No. ER05-1052-000, and that the instant dockets and Docket No. ER05-1052-000 be handled in a coordinated manner since the currently-separate agreements should evolve into a single service agreement.

3. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2006), the timely unopposed motion to intervene and protest serves to make KPP a party to this proceeding.

4. We find that the NITSAs and NOAs are consistent with the *pro forma* NITSA and NOA agreements currently on file with the Commission under SPP's Open Access Transmission Tariff. Moreover, KPP has not explained how the proposed agreements and their terms and conditions are related to the issues pending in the settlement proceeding in Docket No. ER05-1052-000. Therefore, we will deny KPP's request and accept the proposed agreements for filing and grant waiver of the 60-day notice requirement to permit them to become effective June 1, 2006, as requested.² We note that SPP has committed to amend the agreements once they have been finalized and executed by the appropriate parties. Those amendments will be filed under section 205 of the Federal Power Act,³ and notice and an opportunity to comment will be afforded. To the extent KPP believes that issues remain at that time, it may make a filing with the Commission detailing its objections.

By direction of the Commission.

Magalie R. Salas,
Secretary.

² See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139 at 61,984, *order on reh'g*, 65 FERC ¶ 61,081 (1993) (explaining that the Commission will grant waiver of notice for a service agreement filed under an umbrella tariff if the agreement is filed within 30 days after service commences).

³ 16 U.S.C. § 824d (2000).