

Comments on Cleco's Draft Attachment K Compliance Filing

Presented to FERC
Order 890 Technical Conference
October 2, 2007
Atlanta, Georgia

Gary Newell
Thompson Coburn LLP
Counsel for LUS, LEPA,
MEAM and MDEA

Principal Concerns with Cleco's Draft Attachment K

- ❑ Insufficient detail provided on key points.
 - Example: Cost allocation for economic upgrades left to future proposal. (§ 13.2.1) No *ex ante* certainty for customers.
 - Cleco draft does not address many elements of Staff White Paper.

**Principal Concerns with
Cleco's Draft Attachment K
(cont'd)**

- ❑ **“Coordination” begins too late in planning process.**
 - § 5.1: Purpose of summit is to “inform stakeholders of planned transmission expansion.”
 - Inconsistent with Order 890 mandate that stakeholders be included in early stages of plan development. (P 454)

**Principal Concerns with
Cleco's Draft Attachment K
(cont'd)**

- ❑ Limited stakeholder access to planning information.
 - Planning information not posted; must be requested. (§ 7.1.1)
 - Excessive use of confidentiality protections. (§ 6.1)
 - Could result in preferential access due to non-simultaneous disclosure. (See P 476 of Order 890)

Principal Concerns with Cleco's Draft Attachment K (cont'd)

- ❑ Economic upgrade study rights are too limited.
 - Costs of only one study per year will be rolled in. (§ 12.1.5)
 - ✓ Inconsistent with P 547 of Order 890 (costs of high priority studies to be rolled in).
 - Requesting parties subject to risk of study costs exceeding estimates. (*id.*)

**Principal Concerns with
Cleco's Draft Attachment K
(cont'd)**

- ❑ Regional planning activities are *ad hoc*.
 - No formal vehicle for ongoing regional coordination. (§ 11.1)
 - No mention of inter-regional coordination.

Principal Concerns with Cleco's Draft Attachment K (cont'd)

- ❑ Dispute resolution provisions reach too far.
 - Could be read to encompass disputes arising in relation to pre-existing transmission contracts. (§ 10.0)
 - Remedies under existing contracts should not be affected by Attachment K.