

136 FERC ¶ 61,164
FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

September 7, 2011

In Reply Refer To:
Midwest Independent Transmission
System Operator, Inc.,
International Transmission Company
Docket No. ER11-4020-000

Troutman Sanders LLP
Attention: David B. Rubin
401 9th Street, NW
Suite 1000
Washington, DC 20004

Dear Mr. Rubin:

1. On July 8, 2011, International Transmission Company (ITC)¹ filed a Revenue Distribution Agreement (Revenue Agreement), dated October 26, 2006, between ITC and Michigan Public Power Agency (MPPA).² ITC states that ITC and its affiliates have undertaken a comprehensive review of all of their agreements to ensure compliance with the Commission's filing requirements for agreements that affect or relate to Commission-jurisdictional rates, charges, classifications, or services, and that the Revenue Agreement is one of a number of ITC agreements to be filed with the Commission as a result of that review. The Revenue Agreement provides that ITC will pass through to MPPA certain revenues due to MPPA that ITC receives from MISO. ITC states that it does not charge or receive any fees in association with its performance under the Revenue Agreement. We accept for filing the Revenue Agreement, effective September 8, 2011, as requested.
2. Notice of the filing was published in the *Federal Register*, 76 Fed. Reg. 41,780 (2011), with interventions and protests due on or before July 8, 2011. MPPA filed a timely motion to intervene and comments.

¹ Midwest Independent Transmission System Operator, Inc. (MISO) joined the filing as administrator of the MISO Tariff, but takes no position on the substance of the filing.

² The Revenue Agreement is designated as MISO Rate Schedule 31.

3. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure,³ the timely, unopposed motion to intervene serves to make MPPA a party to this proceeding.

4. MPPA does not object to the filing. Rather, MPPA seeks to eliminate any implication that ITC's request for a September 8, 2011 effective date should or could be construed to suggest that the Revenue Agreement has not been valid and in effect since its inception in 2006.⁴ MPPA states that ITC has authorized it to represent that: (1) ITC intends no such implication; (2) ITC agrees that the Revenue Agreement has been valid and in effect since October 26, 2006 and remains valid and effective in accordance with its terms; and (3) ITC agrees that the fact that ITC did not previously file the Revenue Agreement with the Commission does not affect MPPA's rights under the Revenue Agreement.⁵

5. We find that the Revenue Agreement is just, reasonable and not unduly discriminatory or preferential. Therefore, we will accept it effective September 8, 2011, as requested.⁶ Further, we agree with MPPA that ITC's request for a September 8, 2011 effective date does not impact the validity or enforceability of the Revenue Agreement since its inception on October 26, 2006.⁷

By direction of the Commission.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

³ 18 C.F.R. § 385.214 (2011).

⁴ MPPA Comments at 3.

⁵ *Id.*

⁶ Although the Revenue Agreement was filed after service commenced, no fees were collected by ITC for performance of the agreement and no time value refunds are due. *See Entergy Services, Inc.*, 76 FERC ¶ 61, 034, at 61,185-86 (1996); *see also Virginia Electric and Power Co.*, 76 FERC ¶ 61,005, at 61,016-17 (1996).

⁷ *See, e.g., El Paso Electric Company*, 105 FERC ¶ 61,131, at P 39 (2003).