

139 FERC ¶ 61,088
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Philip D. Moeller, John R. Norris,
and Cheryl A. LaFleur.

Silver State Solar Power North, LLC

Docket No. ER12-1316-001

ORDER GRANTING MARKET-BASED RATE AUTHORIZATION AND REQUEST
FOR WAIVERS

(Issued May 1, 2012)

1. In this order, the Commission grants Silver State Solar Power North, LLC (Silver State North) authority to make wholesale sales of electric energy, capacity, and ancillary services at market-based rates, effective March 25, 2012, as requested. Also, as discussed below, we grant Silver State North waiver of the obligation to file an Open Access Transmission Tariff (OATT), to comply with the Commission's Standards of Conduct, and to establish and maintain an Open Access Same-Time Information System (OASIS). We also grant Silver State North's request for other waivers commonly granted to market-based rate sellers.

2. Additionally, we find that Silver State North meets the criteria for a Category 1 seller in the Northeast, Southeast, Central, Southwest, Northwest, and Southwest Power Pool regions and is so designated.¹

¹ See *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at PP 848-850, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010), *aff'd sub nom. Montana Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011).

I. Background

3. On March 22, 2012, as amended April 13, 2012, pursuant to section 205 of the Federal Power Act (FPA),² Silver State North filed an application for market-based rate authority with an accompanying tariff providing for the sale of electric energy, capacity, and ancillary services at market-based rates.³ Silver State North explains that it is constructing a 50 megawatt (MW) solar-powered electric generation facility near Primm, Nevada (Facility) in the Nevada Power Company (Nevada Power) balancing authority area.⁴ Silver State North represents that the output of the Facility is fully committed to Nevada Power under a long-term contract.

4. Silver State North states that the Facility will interconnect to the Bighorn Substation on the Nevada Power transmission system via a 0.4 mile, 230 kilovolt (kV) generator tie-line. Silver State North states that its ownership or control of this generator tie-line does not give Silver State North the ability to exercise vertical market power.

5. Silver State North states that its interconnection facilities are limited and discrete and requests that the Commission waive the requirements under Order Nos. 888⁵ and

² 16 U.S.C. § 824d (2006).

³ Silver State North requests authorization to sell ancillary services in the markets administered by the California Independent System Operator Corp., as well as authorization to engage in the sale of certain ancillary services as a third-party provider in other markets.

⁴ Silver State North states that the Facility is expected to begin generating test power in March of 2012 and to begin full commercial operations in May of 2012.

⁵ *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

890⁶ to file an OATT, the requirements under Order No. 889⁷ to establish an OASIS, and the requirements under Order No. 717⁸ to comply with the Standards of Conduct.

6. Silver State North states that it is a wholly-owned subsidiary of Enbridge Holdings (Power) L.L.C., which in turn is a wholly-owned indirect subsidiary of Enbridge, Inc. (Enbridge), a Canadian energy company whose subsidiaries transport, distribute, and produce energy across North America. Silver State North states that Enbridge is an indirect owner of MATL LLP and Montana Alberta Tie and that these two entities are constructing a 300 MW, 230-kV, 214-mile electrical transmission line that allows for the movement of power between Alberta, Canada and Montana, pursuant to a Commission-approved OATT.⁹ Silver State North further states that Enbridge's affiliate, Cedar Point Wind, LLC, owns the Cedar Point Project, a 252 MW wind powered electric generation project located in the Northwest region in the Public Service Company of Colorado balancing authority area. Silver State North explains that the output of the Cedar Point Project is sold under a long-term contract to Public Service Company of Colorado. Silver State North further states that the Commission has granted a waiver of Cedar Point's obligation to submit an OATT for the Cedar Point Project's generator lead line.¹⁰

⁶ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228, *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

⁷ *Open Access Same-Time Information System and Standards of Conduct*, Order No. 889, FERC Stats. & Regs. ¶ 31,035 (1996), *order on reh'g*, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049, *reh'g denied*, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

⁸ *Standards of Conduct for Transmission Providers*, Order No. 717, FERC Stats. & Regs. ¶ 31,280 (2008), *order on reh'g*, Order No. 717-A, FERC Stats. & Regs. ¶ 31,297, *order on reh'g*, Order No. 717-B, 129 FERC ¶ 61,123 (2009), *order on reh'g*, Order No. 717-C, 131 FERC ¶ 61,045 (2010), *order on reh'g*, Order No. 717-D, 135 FERC ¶ 61,017 (2011).

⁹ Silver State North's March 22, 2012 Filing at 6, 11 (citing *Montana Alberta Tie, Ltd.*, 119 FERC ¶ 61,216 (2007)).

¹⁰ Silver State North's March 22, 2012 Filing at 11 (citing *Cedar Point Wind, LLC*, 137 FERC ¶ 61,033 (2011)).

II. Notice of Filing

7. Notice of Silver State North's March 22, 2012 and April 13, 2012 filings were published in the *Federal Register*,¹¹ with interventions and comments due on or before April 23, 2012.¹² None was filed.

8. Notice of Silver State North's request for blanket authorization under Part 34 was separately published in the *Federal Register*,¹³ with interventions or protests due on or before April 17, 2012. None was filed.

III. Determination

9. As discussed below, we will grant Silver State North's request for authorization to make wholesale sales of electric energy, capacity, and ancillary services at market-based rates and we will accept its market-based rate tariff, effective March 25, 2012, as requested. We will also grant Silver State North's request for certain waivers.

A. Market-Based Rate Authorization

10. The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.¹⁴

1. Horizontal Market Power

11. The Commission has adopted two indicative screens for assessing horizontal market power: the pivotal supplier screen and the wholesale market share screen.¹⁵ The Commission has stated that passage of both screens establishes a rebuttable presumption

¹¹ 77 Fed. Reg. 19,659 (2012); 77 Fed. Reg. 24,481 (2012).

¹² See Errata Notice Shortening Comment Date, Docket No. ER12-1316-001 (April 17, 2012) (shortening comment date to April 23, 2012).

¹³ 77 Fed. Reg. 20,381 (2012).

¹⁴ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 62, 399, 408, 440.

¹⁵ *Id.* P 62.

that the applicant does not possess horizontal market power, while failure of either screen creates a rebuttable presumption that the applicant has horizontal market power.¹⁶

12. Silver State North states that, in the Nevada Power balancing authority area and first-tier markets, it and its affiliates will own or control only the 50 MW Facility and that the entire output of the Facility is committed under a long-term power purchase agreement with Nevada Power for a period of 25 years. Silver State North notes that the Commission consistently grants market-based rate authority where an applicant represents that the output of its facility is fully committed, meaning that the applicant controls no uncommitted capacity.

13. Based on Silver State North's representations, we find that Silver State North satisfies the Commission's requirements for market-based rates regarding horizontal market power.

2. Vertical Market Power

14. In cases where a public utility, or any of its affiliates, owns, operates, or controls transmission facilities, the Commission requires that there be a Commission-approved OATT on file or that the seller has received waiver of the OATT requirement before granting a seller market-based rate authorization.¹⁷

15. In this case, as discussed more fully below, the Commission will grant Silver State North's request for waiver of the requirement to have an OATT on file for its transmission facilities.¹⁸ In addition, as noted above, the Commission has granted Cedar Point Wind, LLC waiver of the obligation to submit an OATT for the Cedar Point Project's generator lead line. Also as noted above, the Commission has approved an OATT for the MATL LLP and Montana Alberta Tie transmission line.

¹⁶ *Id.* PP 33, 62-63.

¹⁷ *Id.* P 408.

¹⁸ A generator lead line is a transmission facility. *See* 16 U.S.C. §§ 796(23), 824(a)-(b) (2006). Silver State North is subject to the requirement under Order Nos. 888 and 890 to file an OATT, or seek a waiver of the requirement to file an OATT unless and until it receives a request for transmission service. *See Milford Wind Corridor, LLC*, 129 FERC ¶ 61,149, at P 24 (2009) (noting that the fact that the facilities merely tie a generator to the grid does not render a line exempt from the Commission's regulation of transmission facilities). *See also Evergreen Wind Power III, LLC*, 135 FERC ¶ 61,030, at P 15 n.18 (2011).

16. The Commission also considers a seller's ability to erect other barriers to entry as part of the vertical market power analysis.¹⁹ The Commission requires a seller to provide a description of its ownership or control of, or affiliation with an entity that owns or controls, intrastate natural gas transportation, storage or distribution facilities; sites for generation capacity development; and physical coal supply sources and ownership of or control over who may access transportation of coal supplies (collectively, inputs to electric power production).²⁰ The Commission also requires sellers to make an affirmative statement that they have not erected barriers to entry into the relevant market and will not erect barriers to entry into the relevant market.²¹ The Commission adopted a rebuttable presumption that the ownership or control of, or affiliation with any entity that owns or controls, inputs to electric power production does not allow a seller to raise entry barriers but will allow intervenors to demonstrate otherwise.²²

17. Regarding other barriers to entry, Silver State North represents that Enbridge subsidiaries own and operate four intrastate natural gas pipelines located in Texas and Oklahoma. Silver State North states that Enbridge subsidiaries also own or have ownership interest in: (1) two interstate natural gas pipelines which run from North Dakota to Chicago and from Chicago to Eastern Michigan; (2) numerous off-shore gas pipelines and gathering facilities; and (3) local gas distribution systems in New York and Vermont. Silver State North also states that neither it nor its affiliates currently have any ownership or development rights in land upon which generation capacity could be developed.

18. Consistent with Order No. 697, Silver State North affirmatively states that Silver State North and its affiliates have not erected barriers to entry, and will not erect barriers, in the relevant geographic market.

19. Based on Silver State North's representations, and our determinations discussed below, we find that Silver State North satisfies the Commission's requirements for market-based rates regarding vertical market power.

¹⁹ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 440.

²⁰ Order No. 697-A, FERC Stats. & Regs. ¶ 31,268 at P 176.

²¹ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 447.

²² *Id.* P 446.

B. Waiver Requests

1. OATT, OASIS, and Standards of Conduct

20. As explained above, Silver State North seeks waiver of the requirements to file an OATT, establish and maintain an OASIS, and abide by the Standards of Conduct with respect to its generator tie-line. In support of its request for waiver, Silver State North states that the interconnection facilities constitute limited discrete facilities that do not form an integrated transmission grid. Silver State North represents that the generator tie-line is necessary to connect the Facility to the transmission grid and that Silver State North is the only entity using this tie-line. Silver State North further states that the size of this 0.4 mile, 230 kV generator tie-line makes it infeasible for third parties to interconnect their generating assets to, or seek transmission over, this facility. It also states that it disposes of no more than 4 million MWh of energy annually.

21. Order Nos. 888 and 890 and section 35.28 of the Commission's regulations²³ require public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to file an OATT. Order No. 889 and Part 37 of the Commission's regulations²⁴ require public utilities to establish and maintain an OASIS. Order Nos. 889, 2004,²⁵ and 717 and Part 358 of the Commission's regulations²⁶ require public utilities to abide by certain standards of conduct.²⁷ In prior orders, the Commission has enunciated the standards for exemption from some or all of the

²³ 18 C.F.R. § 35.28 (2011).

²⁴ 18 C.F.R. Part 37 (2011).

²⁵ *Standards of Conduct for Transmission Providers*, Order No. 2004, FERC Stats. & Regs. ¶ 31,155 (2003), *order on reh'g*, Order No. 2004-A, FERC Stats. & Regs. ¶ 31,161, *order on reh'g*, Order No. 2004-B, FERC Stats. & Regs. ¶ 31,166, *order on reh'g*, Order No. 2004-C, FERC Stats. & Regs. ¶ 31,172 (2004), *order on reh'g*, Order No. 2004-D, 110 FERC ¶ 61,320 (2005), *vacated and remanded as it applies to natural gas pipelines sub nom. National Fuel Gas Supply Corp. v. FERC*, 468 F.3d 831 (D.C. Cir. 2006); *see Standards of Conduct for Transmission Providers*, Order No. 690, FERC Stats. & Regs. ¶ 31,237, *order on reh'g*, Order No. 690-A, FERC Stats. & Regs. ¶ 31,243 (2007).

²⁶ 18 C.F.R. Part 358 (2011).

²⁷ Order No. 889, FERC Stats. & Regs. ¶ 31,035 at 31,590; Order No. 2004, FERC Stats. & Regs. ¶ 31,155 at P 16; Order No. 717, FERC Stats. & Regs. ¶ 31,280 at P 313.

requirements of Order Nos. 888 and 889.²⁸ The criteria for waiver of these requirements are unchanged by Order Nos. 890, 2004, and 717.²⁹

22. The Commission may grant requests for waiver of the obligation to file an OATT to public utilities that can show that they own, operate, or control only limited and discrete transmission facilities (facilities that do not form an integrated transmission grid), until such time as the public utility receives a request for transmission service. Should the public utility receive such a request, the Commission has determined that the public utility must file with the Commission a *pro forma* tariff within 60 days of the date of the request, and must comply with any additional requirements that are effective on the date of the request.³⁰

23. The Commission has also determined that waiver of the requirement to establish an OASIS and abide by the Standards of Conduct would be appropriate for a public utility if the applicant: (1) owns, operates, or controls only limited and discrete transmission facilities (rather than an integrated transmission grid); or (2) is a small public utility that owns, operates, or controls an integrated transmission grid, unless other circumstances are present that indicate that a waiver would not be justified.³¹ The Commission has held that waiver of Order No. 889 will remain in effect until the Commission takes action in response to a complaint to the Commission that an entity evaluating its transmission needs could not get the information necessary to complete its evaluation (for OASIS waivers) or an entity complains that the public utility has unfairly

²⁸ See, e.g., *Black Creek Hydro, Inc.*, 77 FERC ¶ 61,232, at 61,941 (1996) (*Black Creek*); *Entergy Mississippi, Inc.*, 112 FERC ¶ 61,228, at P 22 (2005) (*Entergy*).

²⁹ See *Alcoa Power Generating Inc.*, 120 FERC ¶ 61,035, at P 3 (2007); Order No. 717, FERC Stats. & Regs. ¶ 31,280 at PP 31-33.

³⁰ *Black Creek*, 77 FERC at 61,941.

³¹ *Id.* Although the Commission originally precluded waiver of the requirements for OASIS and the Standards of Conduct for a small public utility that is a member of a tight power pool, in *Black Hills Power, Inc.*, 135 FERC ¶ 61,058, at PP 2-3 (2011), the Commission explained that membership in a tight power pool is no longer a factor in the determination for waiver of Standards of Conduct. Additionally, size is not relevant to whether waivers are granted to public utilities that participate in a Commission-approved Independent System Operator or Regional Transmission Organization. See 18 C.F.R. § 358.1(c) (2011).

used its access to information about transmission to benefit the utility or its affiliate (for Standards of Conduct waivers).³²

24. Based on the statements in Silver State North's application, we find that its transmission facilities qualify as limited and discrete. Accordingly, we will grant Silver State North waiver of the requirements of Order Nos. 888 and 890 and section 35.28 of the Commission's regulations to have an OATT on file. However, if Silver State North receives a request for transmission service, it must file with the Commission a *pro forma* OATT within 60 days of the date of the request, and must comply with any additional requirements that are effective on the date of the request.

25. The Commission will also grant Silver State North waiver of the requirements of Order No. 889 and Part 37 of the Commission's regulations with respect to OASIS and Order Nos. 889, 2004, and 717 and Part 358 with respect to the Standards of Conduct. We note that Silver State North's waiver of the requirement to establish an OASIS will remain in effect until the Commission takes action in response to a complaint to the Commission that an entity evaluating its transmission needs could not get the information necessary to complete its evaluation.³³ Likewise, Silver State North's waiver of the Standards of Conduct will remain in effect unless and until the Commission takes action on a complaint by an entity that Silver State North has unfairly used its access to information to unfairly benefit itself or its affiliate.³⁴

2. Other Waivers, Approvals, and Authorizations

26. Silver State North also requests the following waivers and authorizations: (1) waiver of the filing requirements of subparts B and C of Part 35, except sections 35.12(a), 35.13(b), 35.15, and 35.16; (2) waiver of the accounting and other requirements of Parts 41, 101, and 141, except sections 141.14 and 141.15; and (3) blanket

³² *Entergy*, 112 FERC ¶ 61,228 at P 23 (citing *Central Minnesota Municipal Power Agency*, 79 FERC ¶ 61,260, at 62,127 (1997); *Easton Utilities Commission*, 83 FERC ¶ 61,334, at 62,343 (1998)).

³³ *Id.*

³⁴ *Id.* Silver State North must notify the Commission if there is a material change in facts that affect its waiver, within 30 days of the date of such change. *Material Changes in Facts Underlying Waiver of Order No. 889 and Part 358 of the Commission's Regulations*, 127 FERC ¶ 61,141, at P 5 (2009).

authorization under section 204 of the FPA³⁵ and Part 34 for all future issuances of securities and assumptions of liability.

27. The Commission will grant the requested waivers and authorizations consistent with those granted to other entities with market-based rate authorizations.³⁶ Notwithstanding the waiver of the accounting and reporting requirements, the Commission expects Silver State North to keep its accounting records in accordance with generally accepted accounting principles.

C. Reporting Requirements

28. Consistent with the procedures the Commission adopted in Order No. 2001, an entity with market-based rate authorization must electronically file an Electric Quarterly Report (EQR) with the Commission containing: (1) a summary of the contractual terms and conditions in every effective service agreement for market-based power sales; and (2) transaction information for effective short-term (less than one year) and long-term (one year or longer) market-based power sales during the most recent calendar quarter.³⁷

³⁵ 16 U.S.C. § 824c (2006).

³⁶ We note that the Commission has examined and approved the continued applicability of the waiver of its accounting and reporting requirements in Parts 41, 101, and 141 of the Commission's regulations, as well as the continued applicability of the blanket authorization for the issuance of securities and the assumption of liabilities. *See* Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 984-985 (regarding waiver of Parts 41, 101, and 141) and PP 999-1000 (regarding blanket approval under Part 34).

³⁷ *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, FERC Stats. & Regs. ¶ 31,282 (2008). Attachments B and C of Order No. 2001 describe the required data sets for contractual and transaction information. Public utilities must submit EQRs to the Commission using the EQR Submission System Software, which may be downloaded from the Commission's website at <http://www.ferc.gov/docs-filing/eqr.asp>.

Public utilities must file EQRs no later than 30 days after the end of the reporting quarter.³⁸

29. Additionally, Silver State North must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.³⁹

30. In Order No. 697, the Commission created two categories of sellers.⁴⁰ Category 1 sellers are not required to file regularly scheduled updated market power analyses. Category 1 sellers are wholesale power marketers and wholesale power producers that own or control 500 MW or less of generation in aggregate per region; that do not own, operate, or control transmission facilities other than limited equipment necessary to connect individual generation facilities to the transmission grid (or have been granted waiver of the requirements of Order No. 888); that are not affiliated with anyone that owns, operates, or controls transmission facilities in the same region as the seller's generation assets; that are not affiliated with a franchised public utility in the same region as the seller's generation assets; and that do not raise other vertical market power issues.⁴¹ Sellers that do not fall into Category 1 are designated as Category 2 sellers and are required to file updated market power analyses.⁴²

31. Silver State North represents that it only owns generation in the Southwest region, and that it is not affiliated with more than 500 MW of generation in any region. Silver State North further states that neither it nor any of its affiliates own, operate, or control transmission facilities other than the limited facilities that are necessary to interconnect their generation facilities to the grid in the same region as Silver State North's generation

³⁸ The exact filing dates for these reports are prescribed in 18 C.F.R. § 35.10b (2011). Failure to file an EQR (without an appropriate request for extension), or failure to report an agreement in an EQR, may result in forfeiture of market-based rate authority requiring filing of a new application for market-based rate authority if the applicant wishes to resume making sales at market-based rates.

³⁹ *Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005); 18 C.F.R. § 35.42 (2011).

⁴⁰ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 848.

⁴¹ 18 C.F.R. § 35.36(a) (2011).

⁴² Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 850.

assets. Silver State North further states that it is not affiliated with a franchised public utility, and that it does not raise any other vertical market power issues. Based on Silver State North's representations, and the Commission's decision herein to grant waiver of the OATT requirement, we designate Silver State North as a Category 1 seller in the Northeast, Northwest, Southeast, Southwest, Central, and Southwest Power Pool regions; however, the Commission reserves the right to require an updated market power analysis at any time for any region.⁴³

The Commission orders:

(A) Silver State North's market-based rate tariff is hereby accepted for filing, effective March 25, 2012, as requested, as discussed in the body of this order.

(B) Waiver of the provisions of Subparts B and C of Part 35 of the Commission's regulations, with the exception of sections 35.12(a), 35.13(b), 35.15, and 35.16, is hereby granted.

(C) Waiver of Parts 41, 101, and 141 of the Commission's regulations is hereby granted, with the exception of sections 141.14 and 141.15.

(D) Blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability is hereby granted. Silver State North is hereby authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Silver State North, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(E) The Commission reserves the right to modify this order to require a further showing that neither the public nor private interests will be adversely affected by continued Commission approval of Silver State North's issuance of securities or assumptions of liability.

(F) Silver State North is hereby granted waiver of the requirements under Order Nos. 888 and 890 and section 35.28 of the Commission's regulations to file an OATT, the requirements under Order No. 889 and Part 37 of the Commission's regulations to establish and maintain an OASIS, and the requirements under Order

⁴³ See Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 853.

Nos. 889, 2004, and 717, and Part 358 to comply with the Standards of Conduct, as discussed in the body of this order.

(G) Silver State North is required to file EQRs in compliance with Order No. 2001. If the effective date of Silver State North's market-based rate tariff falls within a quarter of the year that has already expired, Silver State North's EQRs for the expired quarter are due within 30 days of the date of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.