

141 FERC ¶ 61,055
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

October 22, 2012

In Reply Refer To:
PacifiCorp
Docket No. ER12-2508-000

PacifiCorp
825 NE Multnomah
Suite 1800
Portland, OR 97232

Attention: Mark M. Rabuano, Esq.
Senior Legal Counsel

Reference: Tariff Revision

Dear Mr. Rabuano:

1. On August 23, 2012, PacifiCorp filed a revised section 14.2 (Reservation Priority) to its Volume No. 11 Open Access Transmission Tariff (OATT) to add language that would apply to requests for non-firm point-to-point transmission service that are received within a five-minute simultaneous window where sufficient capacity is not available to grant all such requests. When this occurs, PacifiCorp proposes to establish a lottery method for allocating capacity between or among simultaneous requests.¹ As explained below, PacifiCorp's submittal is conditionally accepted for filing, effective October 23, 2012, subject to the compliance filing directed below.
2. After applying applicable priorities consistent with the existing provisions of its OATT, PacifiCorp proposes to allocate capacity among any remaining competing non-firm point-to-point transmission service requests made during the same submission window according to a lottery process. PacifiCorp states that the amended section 14.2 mirrors analogous language approved by the Commission for firm point-to-point transmission requests under section 13.2 of PacifiCorp's

¹ PacifiCorp Filing Letter at 1.

OATT.² To further support its request, PacifiCorp asserts that, while Order No. 890 did not mandate that transmission providers establish simultaneous submission windows for non-firm service requests, it allows transmission providers the discretion to determine which transmission services will be subject to a submittal window policy. PacifiCorp states that Order No. 890 reasons that transmission providers are in the best position to determine whether a submittal window for a specific transmission service can be accommodated.³ PacifiCorp also notes the Commission accepted a lottery method for allocating capacity in similar circumstances and found the lottery procedure to be a fair and reasonable method to allocate capacity in these situations.⁴

3. Additionally, PacifiCorp notes that, on or about September 5, 2012, it plans to transition from administering its Open Access Same-Time Information System (OASIS) site itself to using Open Access Technology International, Inc. (OATI) to administer its OASIS site. PacifiCorp states that OATI's software will determine (through a randomly generated selection) the order in which to process remaining competing requests within the simultaneous submission window, after priority has been afforded to non-firm service requests based on, for instance, the duration of service requests or other factors stipulated in OATT section 14.2. PacifiCorp states further that, if the transition to OATI is not complete by October 23, 2012, PacifiCorp will continue to treat requests for non-firm point-to-point service consistent with the current OATT section 14.2.⁵

4. Notice of PacifiCorp's filing was published in the *Federal Register*, 77 Fed. Reg. 53,880 (2012), with interventions and protests due on or before September 13, 2012. On September 13, 2012, Powerex Corp. (Powerex) filed a motion to intervene and comments, to which PacifiCorp filed an answer.

² See *PacifiCorp*, Docket No. ER12-2348-000 (Sept. 24, 2012) (delegated letter order).

³ PacifiCorp Filing Letter at 2-3 (citing *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, at P 135, *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)).

⁴ *Id.* at 3 (citing *Mid-Continent Area Power Pool*, 123 FERC ¶ 61,177, at PP 29-33 (2008)).

⁵ PacifiCorp Filing Letter at 5.

5. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2012), Powerex's timely, unopposed motion to intervene serves to make it a party to this proceeding. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2012), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept PacifiCorp's answer because it has provided us with information that has assisted us in our decision-making process.

6. Powerex requests clarification on one aspect of PacifiCorp's proposed revision. Powerex states that the tariff revision filed by PacifiCorp could be interpreted as establishing a "rolling" five-minute window.⁶ Powerex argues that, for example, under the proposed language filed by PacifiCorp, requests submitted during the sixth and ninth minute after the earliest time for the submission of transmission requests would be treated as if they were submitted simultaneously. Powerex requests that the Commission direct PacifiCorp to clarify that the simultaneous window should only apply for the first five minutes after the earliest time for the submission of transmission requests.

7. In its answer, PacifiCorp clarifies that the proposed window will only apply for the first five minutes following the earliest time for submitting transmission requests. PacifiCorp commits to file proposed revisions to reflect the clarification outlined in its answer in the Commission's eTariff system within 20 days of acceptance of its initial filing.

8. We conditionally accept PacifiCorp's proposed tariff revisions, effective October 23, 2012, as requested. We find PacifiCorp's proposal for a five-minute simultaneous submission window for non-firm point-to-point transmission service, and its proposed lottery allocation method during periods when there is insufficient capacity to accommodate all non-firm requests, to be reasonable and consistent with Commission precedent.⁷ We also find that PacifiCorp's clarification in its answer has addressed Powerex's concern. Therefore, we direct PacifiCorp to make a subsequent compliance filing, with revised tariffs sheets reflecting the language proposed in its answer, within 20 days of the date of

⁶ Powerex Comments at 6.

⁷ See *Mid-Continent Area Power Pool*, 123 FERC ¶ 61,177 at PP 29-31 (finding that use of a lottery to allocate capacity is reasonable, and complies with the requirements of Order No. 890 and a lottery procedure effectively ensures that in a tie-breaker situation, all customers whose bids were submitted within the five minute window will have an equal opportunity for the capacity, regardless of financial resources and sophistication, which was a Commission concern in Order No. 890-A).

issuance of this order. Additionally, if OATI's administration of PacifiCorp's OASIS has not begun by October 23, 2012, PacifiCorp must inform the Commission, in the compliance filing directed in this proceeding, as to the status of its transition.⁸

By direction of the Commission

Kimberly D. Bose,
Secretary.

⁸ We note that, if OATI's administration of PacifiCorp's OASIS has not begun by October 23, 2012, PacifiCorp must make a timely filing with revised tariff sheets or a request for waiver, as appropriate, to ensure that its treatment of requests for non-firm point-to-point service is consistent with the filed tariff.