

142 FERC ¶ 61,064  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Midwest Independent Transmission  
System Operator, Inc.

Docket Nos. ER13-242-000  
ER13-242-001

ORDER ACCEPTING REVISIONS  
TO GENERATOR INTERCONNECTION AGREEMENT

(Issued January 25, 2013)

1. On October 31, 2012, the Midwest Independent Transmission System Operator, Inc. (MISO) filed an executed Amended and Restated Generator Interconnection Agreement (Executed GIA) among itself (as Transmission Provider), Community Wind North, LLC (Community Wind) (as Interconnection Customer), and Northern States Power Company (Northern States) (as Transmission Owner) regarding Project No. G586.<sup>1</sup> MISO requests an effective date of November 1, 2012. Community Wind belongs to Group 5, a collection of interconnection customers in southwest Minnesota, northwest Iowa, and eastern South Dakota that, pursuant to MISO's generator interconnection procedures (GIP), was studied as a group for the purpose of conducting interconnection studies.
2. On November 27, 2012, MISO filed an unexecuted Amended and Restated GIA (Unexecuted GIA) among the same parties. The Unexecuted GIA proposed several revisions to the list of MISO Group 5 projects, as set forth in Exhibit A10 of the Unexecuted GIA. MISO requests an effective date of November 1, 2012 for the Unexecuted GIA.<sup>2</sup> For the reasons discussed below, we reject the Executed GIA as moot

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<sup>1</sup> Midwest Independent Transmission System Operator, Inc., FERC FPA Electric Tariff, Midwest ISO Agreements, [SA 2013, Community Wind North LLC-NSP GIA, 0.0.0.](#)

<sup>2</sup> Midwest Independent Transmission System Operator, Inc. FERC FPA Electric Tariff, Midwest ISO Agreements, [SA 2013, Community Wind North LLC-NSP GIA, 1.0.0.](#)

and conditionally accept the proposed revisions in the Unexecuted GIA, subject to any subsequent revisions required in the MISO Queue Reform proceeding in Docket No. ER12-309-000,<sup>3</sup> *et seq.*, to be effective November 1, 2012.

## **I. Background and Filing**

3. In 2008, MISO executed a GIA involving Project No. G586, a 30 MW wind generation project located in Minnesota that was included as part of MISO's Group 5 study projects. Since the 2008 agreement conformed to the pro forma GIA in effect at that time, it was reported in MISO's Electric Quarterly Report (EQR).

4. In 2009, MISO submitted an unexecuted, amended version of the GIA. The Commission accepted those proposed amendments in October 2010 after several compliance filings.<sup>4</sup>

5. MISO filed the Executed GIA for Project No. 586 on October 31, 2012. According to MISO, the revisions were needed to increase the amount of Network Resource Interconnection Service (NRIS) for the project.<sup>5</sup> MISO also proposed amendments to ensure that the Executed GIA was consistent with the Commission's recent orders in the MISO Queue Reform proceeding. Finally, MISO updated several appendices to reflect updated restudy results, including upgrades identified in the Group 5 restudy, as well as the results of the limited restudy that took place as a result of the MISO Queue Reform proceeding.<sup>6</sup> In the transmittal letter associated with this Executed GIA, however, MISO acknowledges that there were additional Group 5 restudy results for Appendix A, Exhibit A10 that were necessary, but it was unable to include them in this agreement without missing the deadline for filing.<sup>7</sup> MISO stated that it would consult with the parties to the Executed GIA and file an amended agreement.

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<sup>3</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 138 FERC ¶ 61,233 (2012), *order on reh'g and compliance filing*, 139 FERC ¶ 61,253 (2012), *clarification requested*.

<sup>4</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 129 FERC ¶ 61,019 (2009); *Midwest Indep. Transmission Sys. Operator, Inc.*, 131 FERC ¶ 61,165 (2010); *Midwest Indep. Transmission Sys. Operator, Inc.*, 133 FERC ¶ 61,011 (2010).

<sup>5</sup> NRIS was increased from 6 MW to 30 MW.

<sup>6</sup> MISO Transmittal Letter, Executed GIA, at 4, citing *Midwest Indep. Transmission Sys. Operator, Inc.*, 131 FERC ¶ 61,165 at PP 28, 45.

<sup>7</sup> MISO Transmittal Letter, Executed GIA, at 5.

6. MISO subsequently filed the Unexecuted GIA on November 27, 2012, which included the additional Group 5 restudy results MISO had intended to file in the Executed GIA. According to MISO, the GIA was unexecuted because Community Wind would not agree to an updated list of Group 5 projects, as set forth in Exhibit A10, unless MISO made the same revisions to all of the Group 5 GIAs.<sup>8</sup> MISO stated, however that it, “plans to correct Exhibit A10 in Group 5 GIAs going forward and in response to deficiency letters, but MISO would only update the filed and accepted Group 5 GIAs (or those GIAs that were only reported in the Electric Quarterly Reports (EQR) for known errors as time permits or as the opportunity arises.”<sup>9</sup> Revisions to Exhibit A10 of the Unexecuted GIA include (1) the addition of three Multi-Value Projects (MVPs) listed as contingencies;<sup>10</sup> (2) the addition of one project in the MISO Prior Queued Generation table; (3) the deletion of one project from the MidAmerican Energy Company (MEC) and Western Area Power Administration (WAPA) Prior Queued Projects table; and (4) various revisions to the table entitled “Group 5 Study Projects that impact this GIA” to bring it up to date.

7. MISO requests waiver of the Commission’s 60-day prior notice requirement in order to permit an effective date of November 1, 2012. MISO requests that the November 1, 2012 date be used to provide certainty to the parties as to the status of the agreement.

## **II. Notices of Filing and Responsive Pleadings**

8. Notice of the Executed GIA was published in the *Federal Register*, 77 Fed. Reg. 67,356 (2012), with interventions and protests due on or before November 21, 2012. A timely motion to intervene was filed by Community Wind.

9. Notice of the Unexecuted GIA was published in the *Federal Register*, 77 Fed. Reg. 72,341 (2012), with interventions and protests due on or before December 18, 2012. A timely protest was submitted by Community Wind.

10. On December 27, 2012, MISO timely submitted an answer to the protest.

11. On January 4, 2013, Community Wind submitted a response to MISO’s answer.

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<sup>8</sup> MISO Transmittal Letter, Unexecuted GIA, at 3.

<sup>9</sup> *Id.* at 3-4.

<sup>10</sup> Under Section 1.429A of MISO’s Open Access Transmission, Energy and Operating Reserves Markets Tariff (Tariff) an MVP is one or more Network Upgrades that address a common set of Transmission Issues and satisfy the conditions listed in Sections II.C.1, II.C.2, and II.C.3 of Attachment FF.

### **III. Discussion**

#### **A. Procedural Matters**

12. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2012), the timely, unopposed motion to intervene serves to make the entity that filed it a party to this proceeding.

13. 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 or answer unless otherwise ordered by the decisional authority. We accept the answers of Midwest ISO and Community Wind because they have provided information that assisted us in our decision-making process.

#### **B. Substantive Matters**

14. We will reject the Executed GIA as moot.<sup>11</sup>

15. We will accept the Unexecuted GIA. The revisions proposed in the Executed GIA are incorporated here in the Unexecuted GIA, and the Commission finds these revisions to be consistent with the orders in the MISO Queue Reform proceedings and its pro forma GIA. Community Wind does not object to these changes. Accordingly, we find these proposed revisions to be just and reasonable.

16. The Commission also finds the revisions to Exhibit A10 proposed in the Unexecuted GIA to be just and reasonable. As noted above, the Unexecuted GIA contains revisions to several tables in Exhibit A10 that accurately reflect updated information resulting from a recent restudy of the Group 5 projects. Community Wind does not dispute the accuracy of these tables. Nor does it challenge the justness or reasonableness of the proposed changes to Exhibit A10. Rather, Community Wind argues that it may be treated disparately from other projects in Group 5 unless MISO files similar revisions to all of their GIAs. The Commission finds this argument to be speculative and unsupported as the record demonstrates MISO intends to make similar revisions to all Group 5 GIAs.

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<sup>11</sup> MISO did not include the associated filing identifier at the record level in its amended filing, which resulted in two versions of the tariff record remaining open. See [FERC Staff's Responses to Discussion Questions](#), Tariff Record Related Codes, Questions 28 at 29 for the need to provide a complete set of associated tariff record information; and the [Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings](#) at 23, for the definitions of the associated record data elements.

17. As MISO emphasizes in its transmittal letter and answer, MISO will apply the restudy results, as memorialized in Exhibit A10 of the Unexecuted GIA, equally to all Group 5 interconnection customers. In other words, all of the projects in Group 5 will have the restudy results applied to them as MISO moves forward with their respective interconnections. However, rather than amending all of the GIAs now, MISO proposes to update the other GIAs as time permits or when the opportunity arises—i.e., when the Commission issues a deficiency letter or when the GIA needs to be amended for other reasons (e.g., as in this case, when there has been a change to the NRIS).<sup>12</sup> That approach is permitted under the tariff.

18. For the reasons set forth above, the Commission finds that the Unexecuted GIA is just and reasonable and, accordingly, will accept it subject to the outcome of the MISO Queue Reform proceeding in Docket No. ER12-309-000, *et seq.*, to be effective November 1, 2012.

The Commission orders:

(A) The Executed GIA is hereby rejected as moot.

(B) The Unexecuted GIA is hereby conditionally accepted for filing, as discussed above, effective November 1, 2012, subject to the outcome of the proceeding in Docket No. ER12-309-000, *et seq.*

(C) Waiver of the 60 day prior-notice requirement is granted.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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<sup>12</sup> MISO already began the process of amending other Group 5 GIAs and has proposed similar amendments to Exhibit A10 in those proceedings. *See Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER12-2617-000; *Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER12-2258-000; *Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER12-2471-000; *Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER12-2277-000.