

I. Background

2. On August 21, 2012, MISO submitted filings in compliance with the Commission's directives concerning MISO's prior compliance filings with Order Nos. 719 and 745.⁶ On May 16, 2013, the Commission issued two orders with respect to conditionally accepting MISO's filings in compliance with Order Nos. 719 and 745.⁷

3. Among other directives, in each order, the Commission required MISO to make several minor modifications to its Tariff. Relevant to MISO's Request for Clarification/Rehearing and the instant order, the Commission directed MISO to capitalize the word "capacity" in sections 1.1a and 1.142 of the Tariff.⁸

II. Request for Clarification/Rehearing

4. In its Request for Clarification/Rehearing, MISO argues that the lower case form of "capacity" is correct in sections 1.1a and 1.142 of the Tariff and should not be changed. MISO argues that changing the lower case "c" to the upper case "C" is not supported by either: (1) the history of filings in these proceedings; or (2) the terminology used in related sections of MISO's Tariff. MISO asserts that changing the word "capacity" to "Capacity" in section 1.1a and 1.142 of the Tariff would insert inconsistencies into the Tariff and confuse, rather than clarify, Tariff provisions.⁹

5. First, regarding procedural history, MISO explains that its March 2012 compliance filings used lower case "capacity" in sections 1.1a and 1.142, which the Commission accepted in July 2012.¹⁰ MISO states that, as a result, it retained the use of lower case "capacity" in the August 21, 2012 compliance filings that were the subject of the May 16, 2013 orders. MISO adds that the use of lower case "capacity" appears "many times" in

⁶ MISO made separate filings in the respective Order Nos. 719 and 745 dockets; however, MISO submitted identical Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff) modifications in each filing "to avoid the potential concern that Commission acceptance of one set of Tariff revisions would negate the changes put forward in the other docket." MISO August 21, 2013 Order No. 745 Compliance Filing, Docket No. ER12-1266-003, Transmittal Letter at 14.

⁷ *See supra* n.5.

⁸ Order No. 719 Rehearing and Compliance Order, 143 FERC ¶ 61,145 at P 109; Order No. 745 Compliance Order, 143 FERC ¶ 61,146 at P 97.

⁹ Request for Clarification/Rehearing at 4.

¹⁰ *Id.*

the Tariff provisions of the compliance filings to express the same concept, and the Commission has not directed MISO to change those parts of the Tariff.¹¹

6. Next, regarding syntax, MISO contends there is a meaningful distinction in the Tariff between the use of the upper case word “Capacity,” on the one hand, and the use of the lower case word “capacity,” on the other. MISO states that “Capacity” is used in the Tariff “to designate a megawatt measured output.”¹² In support of this proposition, MISO quotes section 1.66 of the Tariff, which defines “Capacity” as: “The instantaneous rate at which Energy can be delivered, received or transferred, including Energy associated with Operating Reserve, measured in MW.”¹³ MISO contrasts this definition with the use of “capacity,” lower case, in Module E of the Tariff (Resource Adequacy).¹⁴ MISO asserts that “capacity” is used in Module E “in connection with a product, such as the means by which Resource Adequacy Requirements can be satisfied.”¹⁵ MISO concludes that, in its August 21, 2012 compliance filings, MISO intentionally used the lower case term “capacity” in sections 1.1a and 1.142 of the Tariff because it was designating a *product*, and not a megawatt measured output. In support of its argument, MISO provides several examples.¹⁶

III. Commission Determination

7. We grant the rehearing request MISO seeks based on its use of the lower-case term “capacity” when designating a product and upper-case term “Capacity” when referring to a megawatt measured output. Accordingly, we will not require MISO to capitalize the word capacity in sections 1.1a and 1.142 of its Tariff.

¹¹ *Id.* at 4 & n.11 (“The lower case use of the term ‘capacity’ was used in other sections of the compliance tariff sheets, including section 1.141 that uses the same phrase as located in section 1.1a and is adjacent to section 1.142.”).

¹² Request for Clarification/Rehearing at 5.

¹³ *Id.* at 5-6 (quoting MISO, FERC Electric Tariff, [1.66, Capacity:, 0.0.0](#)).

¹⁴ Module E is located in sections 68 through 69A.11 of the Tariff. *See id.* at n.14.

¹⁵ *Id.* at 6 & n.15 (citing, for example, MISO, FERC Electric Tariff, [69.3.1.c, External Resources:, 0.0.0](#) (use of “capacity” by power purchase agreement to satisfy requirements)).

¹⁶ *See id.* at 6-7.

The Commission Orders:

MISO's request for rehearing is hereby granted, as discussed in the body of this order.

By the Commission. Chairman Wellinghoff is not participating.

(S E A L)

Kimberly D. Bose,
Secretary.