

144 FERC ¶ 61,014
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Midwest Independent Transmission System
Operator, Inc.

Docket Nos. ER07-1372-019
ER07-1372-020

ORDER GRANTING REHEARING
AND ACCEPTING COMPLIANCE FILING

(Issued July 8, 2013)

1. On June 28, 2010, the Midwest Independent Transmission System Operator, Inc. (MISO)¹ requested clarification or, in the alternative, rehearing of the Commission's order issued May 28, 2010² concerning proposed revisions to MISO's current tariff, the Open Access Transmission, Energy and Operating Reserve Markets Tariff (ASM Tariff), and corresponding revisions to MISO's previous tariff, the Open Access Transmission, Energy and Markets Tariff (EMT).³ Concurrently, and in compliance with the May 2010 Order, MISO submitted proposed revisions to its ASM Tariff (2010 Compliance Filing). For the reasons discussed below, we will grant rehearing and will accept the 2010 Compliance Filing without conditions.

¹ Effective April 26, 2013, MISO changed its name from "Midwest Independent Transmission System Operator, Inc." to "Midcontinent Independent System Operator, Inc."

² *Midwest Indep. Transmission Sys. Operator, Inc.*, 131 FERC ¶ 61,195 (2010) (May 2010 Order).

³ These versions of MISO's tariff are also referred to as "Fourth Revised Volume" and "Third Revised Volume," respectively.

I. Background

2. On September 14, 2007, as amended on September 19, 2007, MISO submitted for Commission approval revisions and amendments to the EMT to implement a centralized and co-optimized Energy and Operating Reserve Market within the MISO region. On February 25, 2008, the Commission conditionally accepted the proposal.⁴

3. In compliance with the February 2008 Order, MISO filed tariff revisions that the Commission conditionally accepted, on June 23, 2008, subject to a further compliance filing.⁵ In compliance with the June 2008 Order, MISO filed further revisions that the Commission conditionally accepted in part and rejected in part on December 18, 2008.⁶ The December 2008 Order noted that although most of the tariff revisions sought an effective date of January 6, 2009, MISO had requested a December 31, 2008 effective date for certain provisions of its ASM filing.⁷ The December 2008 Order required that the provisions intended to become effective earlier be included in both the EMT, which was effective through January 5, 2009, and the ASM Tariff, which was to be effective on January 6, 2009.⁸

4. On January 22, 2009, in compliance with the December 2008 Order, MISO filed tariff revisions (2009 Compliance Filing) that the Commission conditionally accepted in the May 2010 Order but directed further compliance. The May 2010 Order found that MISO had not complied with the December 2008 Order's directives to submit tariff revisions to the ASM Tariff to refer to the defined terms "Binding Transmission Constraint" and/or "Binding Reserve Zone Constraint," as appropriate, throughout its monitoring and mitigation plan and any associated definitions, including sections 1.54, 1.433, 63.4.1.c, 63.4.1.e, 63.4.2.1, 65.2.2.b, and 65.3.1.d, and to insert language in section 53.3 that requires the Independent Market Monitor to apply the thresholds in sections 64.1.2.iii and 64.1.2.iv to determine whether to make a Commission referral

⁴ *Midwest Indep. Transmission Sys. Operator, Inc.* 122 FERC ¶ 61,172 (2008) (February 2008 Order).

⁵ *Midwest Indep. Transmission Sys. Operator, Inc.*, 123 FERC ¶ 61,296 (2008) (June 2008 Order).

⁶ *Midwest Indep. Transmission Sys. Operator, Inc.*, 125 FERC ¶ 61,322 (2008) (December 2008 Order). This order also denied the rehearing requests filed by several parties to the proceedings.

⁷ *See* December 2008 Order, 125 FERC ¶ 61,322 at P 61.

⁸ *Id.*

regarding the Real-Time Offer Revenue Sufficiency Guarantee Payments and the Day-Ahead Marginal Assurance Payments.⁹

5. With respect to the EMT, the May 2010 Order stated, at footnote 8 to paragraph 6 (Footnote 8), “Midwest ISO failed to submit Tariff sheets pertaining to the Midwest ISO’s Third Revised Volume No. 1 in the present compliance filing. In Midwest ISO’s next compliance filing, it must reference sections 64.1.2.iii and 64.1.2 in section 53.3 for the Third Revised Volume.” These sections, in the ASM Tariff, relate to the requirement that MISO’s Independent Market Monitor apply certain thresholds to determine whether to make a Commission referral regarding Real-Time Offer Revenue Sufficiency Guarantee Payments and the Day-Ahead Marginal Assurance Payments.

6. On June 28, 2010, MISO filed a request for clarification or, in the alternative, rehearing of the May 2010 Order’s requirement established in Footnote 8 as it would apply to MISO’s EMT.

II. MISO’s Rehearing Request and Compliance Filing

7. In its request for rehearing, MISO points out that the revisions concerning Real-Time Offer Revenue Sufficiency Guarantee Payments and the Day-Ahead Marginal Assurance Payments were intended to take effect only after the start of the ASM Tariff. MISO explains that these provisions were never included in the EMT and were intended to be part only of the ASM Tariff. Therefore, MISO asks the Commission to grant rehearing and find that MISO need not include these modifications in the 2010 Compliance Filing.¹⁰

8. MISO repeats this argument in the 2010 Compliance Filing and did not include the revision to its EMT noting its concurrent request for rehearing.¹¹ Additionally, the 2010 Compliance Filing presents MISO’s proposed revisions to sections 1.54, 1.85, 1.91, 1.433, 63.4.1.c, 63.4.1.e, 63.4.2.1, 64.1.2.d, 65.2.2.b, and 65.3.1.d of the ASM Tariff. Also, MISO submits a proposed revision to section 53.3 to insert the necessary language.

⁹ May 2010 Order, 131 FERC ¶ 61,195 at P 6.

¹⁰ Rehearing Request at 4-5 (citing December 2008 Order, 125 FERC ¶ 61,322 at P 48).

¹¹ Compliance Filing at 3.

III. Notice of Filing

9. Notice of the 2010 Compliance Filing was published in the *Federal Register*, 75 Fed. Reg. 39,226 (2010), with interventions or protests due on or before July 19, 2010. None was filed.

IV. Discussion

10. We grant rehearing and find that MISO has correctly described the situation concerning the identified tariff sections. Accordingly, we find that MISO need not revise the EMT to include the sections referenced in Footnote 8. In light of the grant of rehearing with respect to the directive in Footnote 8, we find that MISO's 2010 Compliance Filing fully complies with the directives of the May 2010 Order.

The Commission orders:

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

(B) MISO's 2010 Compliance Filing is hereby accepted, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.