

144 FERC ¶ 61,129
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

August 13, 2013

In Reply Refer To:
Midcontinent Independent System
Operator, Inc.
Docket No. ER13-1718-000

Midcontinent Independent System Operator, Inc.
PO Box 4202
Carmel, IN 46032-4202

Attention: Matthew R. Dorsett, Esq.

Dear Mr. Dorsett:

1. On June 17, 2013, Midcontinent Independent System Operator, Inc. (MISO) filed proposed revisions (June 17 Filing) to its Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff)¹ to reflect MISO's corporate name change.² MISO requests waiver of the Commission's 60-day prior notice and filing requirements³ to permit the proposed revisions to be effective as of June 1, 2013. MISO states that this date alleviates the need to file amendments to several unrelated filings in other dockets with proposed effective dates on or before June 1, 2013. Additionally, MISO requests waiver of the 30-day filing requirement of section 35.16 of the Commission's regulations,⁴ which pertains to notice of succession when a public utility changes its name. MISO states that the June 17 Filing proposes no rate changes and will have no

¹ Midcontinent Independent System Operator, Inc., FERC Electric Tariff, Tariff ID 9. *See* Appendix for a listing of the Tariff records associated with the June 17 Filing.

² Prior to April 26, 2013, MISO was known as Midwest Independent Transmission System Operator, Inc.

³ *See* sections 35.3(a)(1) and 35.11 of the Commission's regulations, 18 C.F.R. §§ 35.3(a)(1); 35.11 (2013).

⁴ 18 C.F.R. § 35.16 (2013).

adverse impact on MISO or any interested third party. MISO also requests waiver of section 35.16 to allow it to file Attachments O, GG, and MM in the future, after MISO has had an opportunity to coordinate such filing with its transmission-owning members, as required under the Agreement of Transmission Facilities Owners to Organize the Midwest Independent Transmission System Operator, Inc. a Delaware Non-Stock Corporation.⁵

2. As discussed below, the Commission will conditionally accept the June 17 Filing, effective June 1, 2013, as requested, subject to MISO making a compliance filing and to the outcome of pending proceedings concerning revisions to MISO's Tariff. The Commission will also conditionally grant the requested waiver of its regulations concerning the June 17 Filing but deny waiver concerning future filings.

3. Notice of the June 17 Filing was published in the *Federal Register*, 78 Fed. Reg. 38,708 (2013), with interventions and protests due on or before July 9, 2013. The MISO Transmission Owners (Transmission Owners)⁶ filed a timely motion to intervene and comments. On July 22, 2013, MISO filed a motion for leave to answer the Transmission Owners' comments and an answer.

⁵ MISO Second Revised Rate Schedule FERC No. 1.

⁶ The MISO Transmission Owners for this filing consist of: Ameren Services Company, as agent for Union Electric Company d/b/a Ameren Missouri, Ameren Illinois Company d/b/a Ameren Illinois and Ameren Transmission Company of Illinois; American Transmission Company LLC; Big Rivers Electric Corporation; Central Minnesota Municipal Power Agency; City Water, Light & Power (Springfield, IL); Dairyland Power Cooperative; Duke Energy Corporation for Duke Energy Indiana, Inc.; Entergy Arkansas, Inc.; Entergy Louisiana, LLC; Entergy Gulf States Louisiana, L.L.C.; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; Entergy Texas, Inc.; Great River Energy; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; International Transmission Company d/b/a ITC *Transmission*; ITC Midwest LLC; Michigan Electric Transmission Company, LLC; MidAmerican Energy Company; Minnesota Power (and its subsidiary Superior Water, L&P); Missouri River Energy Services; Montana-Dakota Utilities Co.; Northern Indiana Public Service Company; Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, subsidiaries of Xcel Energy Inc.; Northwestern Wisconsin Electric Company; Otter Tail Power Company; Prairie Power Inc.; South Mississippi Electric Power Association; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Company (d/b/a Vectren Energy Delivery of Indiana); Southern Minnesota Municipal Power Agency; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.

4. The Transmission Owners do not oppose the June 17 Filing. However, they find errors that need correction in Tariff sections 1.35, 1.311, and Schedule 7, which in turn reference other agreements. The Transmission Owners explain that in these Tariff sections, MISO changed the name “Midwest Independent Transmission System Operator, Inc.” or “Midwest ISO” to “Midcontinent Independent System Operator, Inc.” or “MISO” despite the fact that a revised version of the referenced agreement has not been filed with the Commission to reflect the name change. The Transmission Owners also state that in Tariff section 1.417 a reference to “Midwest Balancing Authority” should be replaced with “MISO Balancing Authority.”

5. MISO states, in its answer, that it does not disagree with the Transmission Owners’ comments and will make the proposed corrections if so ordered by the Commission on compliance.

6. Pursuant to Rule 214 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2013), the Transmission Owners’ timely, unopposed motion to intervene makes those entities parties to this proceeding.

7. In addition to the errors noted above, the June 17 Filing includes unexplained revisions to other Tariff provisions. Three examples of such unexplained revisions are in: (1) section III (A) of proposed Schedule 3, compared with the current version of that schedule, accepted for filing effective February 1, 2013;⁷ (2) proposed Footnote 2 of Schedule 16, compared with the current version of that schedule, accepted for filing effective March 6, 2013;⁸ and (3) the section titled “Applicability” in proposed Attachment L, compared with the current version of that schedule, conditionally accepted for filing effective July 12, 2012,⁹ and taking into account “as filed” language in pending Docket Nos. ER13-536-000 and ER13-868-001.¹⁰

8. For each Tariff section represented in the June 17 Filing, MISO should have shown the corporate name change compared to the currently effective version of that

⁷ *Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER13-420-000 (Jan. 25, 2013) (delegated letter order).

⁸ *Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER13-709-000 (Feb. 26, 2013) (delegated letter order).

⁹ *Midwest Indep. Transmission Sys. Operator, Inc.*, 143 FERC ¶ 61,146 (2013) (Docket No. ER12-1266-003).

¹⁰ *Midwest Indep. Transmission Sys. Operator, Inc.*, Application, Docket No. ER13-536-000 (filed Dec. 7, 2012); *Midcontinent Indep. Sys. Operator, Inc.*, Application, Docket No. ER13-868-001 (filed May 2, 2013).

Tariff section. In instances where MISO has filed proposed revisions in another pending proceeding to a Tariff section that MISO is revising in the June 17 Filing, and where the requested effective date in the pending proceeding precedes the requested effective date for this instant proceeding, the June 17 Filing should include those “as filed” Tariff sections. However, MISO should have noted, in the June 17 Filing, that those Tariff sections were “as filed” and should have identified the proceedings in which those Tariff sections are pending and for which acceptance here should be made subject. Commission acceptance in this proceeding of the “as filed” Tariff sections’ is conditional and subject to the outcome for those “as filed” tariff sections in the pending proceedings.

9. The Commission directs MISO to submit a compliance filing, within 60 days of the date of this order, that removes all unexplained changes to its Tariff other than to its corporate name and identifies the proceedings in which MISO has filed proposed revisions in another pending proceeding to a Tariff section that MISO is revising in the June 17 Filing. This compliance filing must also make the corrections identified by the Transmission Owners.

10. For good cause shown, the Commission grants MISO waiver of the Commission’s prior notice requirements¹¹ and conditionally accepts, as discussed above, the Tariff records listed in the Appendix to this order, effective as of June 1, 2013, as requested. Additionally, for good cause shown, the Commission grants waiver of the 30-day requirement of section 35.16 for the revisions proposed in the June 17 Filing. However, the Commission denies MISO’s request for waiver of section 35.16 for future filings of revised Attachments O, GG, and MM. It is premature to address in this proceeding potential waiver of the filing requirements in future filings under section 205 of the Federal Power Act.¹²

By direction of the Commission.

Kimberly D. Bose,
Secretary.

¹¹ *See supra*, note 3.

¹² 16 U.S.C. § 824d (2006).

Appendix**Tariff Records Conditionally Accepted To Be Effective June 1, 2013**

Midcontinent Independent System Operator, Inc.
FERC FPA Electric Tariff
FERC Electric Tariff

[1.35, Balancing Authority Agreement:, 1.0.0](#)
[1.141, Demand Response Resource - Type I \(DRR-Type I\):, 4.0.0](#)
[1.142, Demand Response Resource-Type II \(DRR-Type II\):, 4.0.0](#)
[1.143, Demand Response Resource-Type I Offer:, 1.0.0](#)
[1.144, Demand Response Resource-Type II Offer:, 2.0.0](#)
[1.190, Energy Deficient Region:, 1.0.0](#)
[1.191, Energy Emergency Alert:, 1.0.0](#)
[1.211, Export Schedule:, 1.0.0](#)
[1.218, External Resource:, 2.0.0](#)
[1.261, Funds Trust Agreement:, 1.0.0](#)
[1.264, Generation Offer:, 2.0.0](#)
[1.267, Generation Resource:, 1.0.0](#)
[1.307, Import Schedule:, 1.0.0](#)
[1.308a, Inadvertent Energy Value:, 3.0.0](#)
[1.311, IMM-Balancing Authority Area Agreement \(IMM-BAA\):, 2.0.0](#)
[1.330, Internal Delivery Point:, 1.0.0](#)
[1.339, ISO:, 1.0.0](#)
[1.340, ISO Agreement:, 1.0.0](#)
[1.358, Load Forecast:, 1.0.0](#)
[1.363, Load Zone:, 1.0.0](#)
[1.364, Local Balancing Authority:, 2.0.0](#)
[1.415, MISO Balancing Authority:, 1.0.0](#)
[1.416, MISO Balancing Authority Area:, 1.0.0](#)
[1.417, MISO Balancing Authority Load:, 1.0.0](#)
[1.418, MISO Regional Expansion Criteria and Benefits \(RECB\):, 1.0.0](#)
[1.419, MISO Transmission Expansion Plan \(MTEP\):, 3.0.0](#)
[1.550, Regulating Reserve Deployment:, 1.0.0](#)
[1.595, SCUC Instructed Hours of Operation:, 1.0.0](#)
[1.629, Stored Energy Resource Offer:, 2.0.0](#)
[1.630, Sub-Area:, 1.0.0](#)
[1.672, Transmission Provider:, 1.0.0](#)
[1.673, Transmission Provider Board:, 1.0.0](#)
[3, Ancillary Services, 1.0.0](#)

[29.2, Application Procedures, 3.0.0](#)
[30.4, Operation of Network Resources, 5.0.0](#)
[30.8, Use of Interface Capacity by the Network Customer, 3.0.0](#)
[38.1.1, Scope of Services, 1.0.0](#)
[38.9.1\(A\), Disclosure of Certain Confidential Market Participant Data t, 2.0.0](#)
[38.9.4.1, Basic Requirements for Disclosure, 1.0.0](#)
[39.2.1B, Resource Requirements for Operating Reserve, 5.0.0](#)
[39.2.3, External Demand, 1.0.0](#)
[39.2.5, Generation Offer and Demand Response Resource-Type II Offer, 4.0.0](#)
[39.2.8, External Supply, 1.0.0](#)
[39.2.12, Day Ahead Load Forecasts for the Next Operating Day, 1.0.0](#)
[40.1.2, RAC Resource Offer Obligation, 3.0.0](#)
[40.2.4, Resource Requirements for Operating Reserve, 6.0.0](#)
[40.2.5, Generation Offer and Demand Response Resource-Type II Offer, 8.0.0](#)
[40.2.11, External Supply in the Real-Time Energy and Operating Reserve, 3.0.0](#)
[40.2.15, Real-Time Energy and Operating Reserve Market Process, 4.0.0](#)
[40.2.20, Capacity Shortage Conditions in the Real-Time Energy and Ope, 4.0.0](#)
[40.2.21, Capacity Surplus under Minimum Load Conditions in Real-Time, 3.0.0](#)
[40.2.22, Emergency Energy Purchases, 1.0.0](#)
[40.3.3, Real-Time Energy and Operating Reserve Market Settlement Cal, 12.0.0](#)
[40.3.6.1, Rationale for DAMAP, 2.0.0](#)
[40.3.6.5, Calculation of DAMAP., 1.0.0](#)
[40.7, Determination of Inadvertent Energy, 1.0.0](#)
[40.7.1, Inadvertent Energy Accounting., 1.0.0](#)
[40.7.2, Joint Operating Agreement., 1.0.0](#)
[50.1, Purposes and Objectives, 2.0.0](#)
[53.1, Conditions, Functions or Actions Monitored, 4.0.0](#)
[54.1, Access to Transmission Provider's Data and Information, 2.0.0](#)
[63.3, Categories of Conduct that May Warrant Mitigation, 2.0.0](#)
[63.4.1, Determination of Narrow Constrained Areas, 2.0.0](#)
[64.1.4, Reference Levels, 3.0.0](#)
[I, INTRODUCTION, 2.0.0](#)
[69.3.1.a, Gen. Resources that are not Dispatchable Intermittent Res., 2.0.0](#)
[69.3.1.c, External Resources:, 3.0.0](#)
[69.3.1.e, Intermittent Generation, 1.0.0](#)
[68A, INTRODUCTION, 2.0.0](#)
[68A.4, Establishment of CIL and CEL Limits, 2.0.0](#)
[69A.3.1.e, Intermittent Generation Resources and Dispatchable Intermitt, 1.0.0](#)
[72.1.2, , 1.0.0](#)
[77.3, , 1.0.0](#)
[78.6, , 2.0.0](#)
[83.1, , 1.0.0](#)
[83.2, , 1.0.0](#)

[83.4.1, , 1.0.0](#)

[83.4.2, , 2.0.0](#)

[83.4.4, , 1.0.0](#)

[83.4.4.2, , 1.0.0](#)

[83.5.1, , 1.0.0](#)

[83.5.2, , 2.0.0](#)

[SCHEDULE 1, Scheduling, System Control And Dispatch Service, 5.0.0](#)

[SCHEDULE 1-HVDC, High-Voltage Direct Current Scheduling, System Control and D, 2.0.0](#)

[SCHEDULE 2, Reactive Supply and Voltage Control From Generation or Other, 3.0.0](#)

[SCHEDULE 3, Regulating Reserve, 5.0.0](#)

[SCHEDULE 4, Energy Imbalance Service, 1.0.0](#)

[SCHEDULE 5, Spinning Reserve, 3.0.0](#)

[SCHEDULE 6, Supplemental Reserve, 3.0.0](#)

[SCHEDULE 7, Long-Term and Short-Term Firm Point-To-Point Service, 11.0.0](#)

[SCHEDULE 8, Non-Firm Point-To-Point Transmission Service, 11.0.0](#)

[SCHEDULE 9, Network Integration Transmission Service, 10.0.0](#)

[SCHEDULE 10, ISO Cost Recovery Adder, 7.0.0](#)

[SCHEDULE 10-A, Midwest ISO Alternate Administrative Cost Adder, 2.0.0](#)

[SCHEDULE 10-D, ATSI and Eligible Customer Alternative Schedule 10 Administr, 4.0.0](#)

[SCHEDULE 16, FTR Administrative Service Cost Recovery Adder, 6.0.0](#)

[SCHEDULE 16-B, ATSI and Eligible Customer Alternative Schedule 16 Administr, 3.0.0](#)

[SCHEDULE 17, Energy Market Support Administrative Service Cost Recovery, 6.0.0](#)

[SCHEDULE 17-B, ATSI and Eligible Customer Alternative Schedule 17 Administr, 3.0.0](#)

[SCHEDULE 21, Interim Seams Elimination Charge/Cost Adjustments/Assignment, 3.0.0](#)

[SCHEDULE 22, Seams Elimination Charge/Cost Adjustments/Assignments Charge, 4.0.0](#)

[SCHEDULE 23, Recovery of Schedule 10 and Schedule 17 Costs from GFAs, 2.0.0](#)

[SCHEDULE 25, Cross-Border Allocation Tariff Provisions, 1.0.0](#)

[SCHEDULE 27, RTORSGP and DAMAP, 7.0.0](#)

[SCHEDULE 31, Reliability Coordination Service Cost Recovery Adder, 6.0.0](#)

[SCHEDULE 33, Blackstart Service, 2.0.0](#)

[SCHEDULE 33 - ATCLLC, Annual Revenue Requirement Blackstart Resource Service, 2.0.0](#)

[SCHEDULE 34, Allocation of Cost Associated with Reliability Penalty, 1.0.0](#)

[SCHEDULE 37, MTEP Project Cost Recovery for ATSI, 4.0.0](#)

[SCHEDULE 38, MTEP Project Cost Recovery for DEO and DEK, 2.0.0](#)

[ATTACHMENT A, Form of Service Agreement for Short-Term Firm Point-To-Point, 1.0.0](#)

[ATTACHMENT A-1, Form of Service Agreement - Long-Term Firm Point-to-Point, 1.0.0](#)

[ATTACHMENT A-2, Form of Service Agreement for Resale, Reassignment, Transfer, 1.0.0](#)

[ATTACHMENT A-3, Form of Service Agreement for Short-Term Firm High-Voltage D, 2.0.0](#)

[ATTACHMENT A-3-1, Form of Service Agreement for Long-Term Firm High-Voltage Di, 2.0.0](#)

[ATTACHMENT A-4, Form of Service Agreement for Resale, Reassignment, Transfer, 1.0.0](#)

[ATTACHMENT B, Form of Service Agreement for Non-Firm Point-to-Point, 1.0.0](#)

[ATTACHMENT B-1, Form of Service Agreement for Non-Firm High-Voltage Direct C, 2.0.0](#)

[ATTACHMENT D-1, Form of System Impact Study Agreement, 1.0.0](#)

[ATTACHMENT D-2, Form of System Facilities Study Agreement, 1.0.0](#)

[ATTACHMENT F, Form of Service Agreement For Network Service, 1.0.0](#)

[ATTACHMENT G, Form of Network Operating Agreement for Network Service, 3.0.0](#)

[ATTACHMENT L, Credit Policy, 10.0.0](#)

[ATTACHMENT P, List of Grandfathered Agreements, 7.0.0](#)

[ATTACHMENT S-1, Independent Market Monitor Retention Agreement, 2.0.0](#)

[ATTACHMENT U, Use of Outside Network Resources and Competing Requests, 3.0.0](#)

[ATTACHMENT W, Form of Market Participant Agreement, 1.0.0](#)

[ATTACHMENT X, Generator Interconnection Procedures \(GIP\), 12.0.0](#)

[ATTACHMENT Y, Notification of Potential Resource/SCU Change of Status, 4.0.0](#)

[ATTACHMENT Y-1, Standard Form System Support Resource \(SSR\) Agreement, 4.0.0](#)

[ATTACHMENT Z, Non-Disclosure and Confidentiality Agreement, 3.0.0](#)

[ATTACHMENT EE, Form of Non-Disclosure Agreement for Authorized Requestors, 1.0.0](#)

[ATTACHMENT FF, Transmission Expansion Planning Protocol, 12.0.0](#)

[ATTACHMENT FF, ATCLLC, 3.0.0](#)

[ATTACHMENT KK-1, Form of Service Agreement for Reliability Coordination, 1.0.0](#)

[ATTACHMENT KK-2, Form of Service Agreement Interconnected Operations, 1.0.0](#)

[ATTACHMENT LL, Congestion Management Process \(CMP\) Master, 3.0.0](#)

[ATTACHMENT NN, Form of Service Agreement to Provide Blackstart Service, 1.0.0](#)

[ATTACHMENT NN - ATCLLC, Agreement for Blackstart Resource Service, 1.0.0](#)

[ATTACHMENT RR, Real-Time Reserve Service Available to Balancing Authorities, 2.0.0](#)

[ATTACHMENT SS-1, , 1.0.0](#)