

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

Midwest Independent Transmission  
System Operator, Inc.

Docket No. ER06-1444-000

ORDER CONDITIONALLY ACCEPTING AMENDED AND RESTATED  
GENERATOR INTERCONNECTION AGREEMENT

(Issued October 30, 2006)

1. On August 31, 2006, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) filed an unexecuted revised Amended and Restated Generator Interconnection Agreement (Revised Agreement) among Consumers Energy Company (Consumers), the Midwest ISO, and Michigan Electric Transmission Company (METC) (collectively, the Parties) under section 205 of the Federal Power Act (FPA).<sup>1</sup> In this order, we accept the Revised Agreement without suspension or hearing, effective September 1, 2006, and subject to the compliance filing ordered below.

**Background**

2. In 2004, the Commission accepted a generation interconnection agreement (Original Agreement)<sup>2</sup> between Consumers and METC's predecessor as transmission owner. The Original Agreement provided for the interconnection of all of Consumers' generation resources with METC's transmission system. Consumers' Campbell Complex, comprised of Units 1, 2, 3 and A, was among the generation resources covered in the Original Agreement.

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<sup>1</sup> 16 U.S.C. § 824d (2000).

<sup>2</sup> See *Michigan Electric Transmission Company, LLC*, Docket No. EC02-23-000, *et al.* (unpublished letter order issued January 30, 2004 accepting, among other things, the Original Agreement filed with the Commission May 13, 2002).

3. Consumers recently requested to increase the capacity output of Campbell Unit 3. Under Order No. 2003, this is a request to increase capacity of an existing generation facility, the result being that the Original Agreement will no longer cover Campbell Unit 3.<sup>3</sup> Instead, interconnection service for Campbell Unit 3 will be covered by a separate Large Generator Interconnection Agreement (Campbell Interconnection Agreement).<sup>4</sup>

4. The Revised Agreement considered here amends the Original Agreement to reflect two things. First, Campbell Unit 3 is no longer covered under the agreement (because the Campbell Interconnection Agreement will cover it instead). Second, the Revised Agreement now identifies the Midwest ISO as the transmission provider with the authority and obligation to provide interconnection services.<sup>5</sup>

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<sup>3</sup> See *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 68 Fed. Reg. 49,845 (Aug. 19, 2003), FERC Stats. & Regs. ¶ 31,146 (2003), *order on reh'g*, Order No. 2003-A, 69 Fed. Reg. 15,932 (Mar. 26, 2004), FERC Stats. & Regs. ¶ 31,160 (2004), *order on reh'g*, Order No. 2003-B, 70 Fed. Reg. 265 (Jan. 4, 2005), FERC Stats. & Regs. ¶ 31,171 (2005), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005) FERC Stats. & Regs. P 31,190 (2005), *appeal docketed sub nom. National Association of Regulatory Utility Commissioners v. FERC*, Nos. 04-1148, *et al.* (D.C. Cir. Apr. 29, 2004 and later) (hereinafter Order No. 2003). See also Order No. 2003 at P 4, n. 5 (providing that “requests to increase capacity or modify the operating characteristics of an existing Generating Facility that is interconnected with the Transmission Provider's Transmission System” are New Interconnection Requests and Order No. 2003 applies to them).

<sup>4</sup> On August 31, 2006, the Midwest ISO submitted the unexecuted Campbell Interconnection Agreement, Docket No. ER06-1441-000, 71 *Fed. Reg.* 54,050 (2006), covering interconnection services for Campbell Unit 3. The Commission is issuing an order on that filing simultaneously with this order.

<sup>5</sup> By identifying the Midwest ISO as transmission provider, the Revised Agreement has been amended in accordance with Order 2003, which requires ISO-related interconnection agreements to be three-party agreements among the interconnection customer, the transmission provider and the transmission owner. See Order No. 2003 at P 909. Nevertheless, the Revised Agreement is a grandfathered interconnection agreement not subject to Order No. 2003 because the Original Agreement was filed prior to the Order No. 2003 effective date. See Order No. 2003 at P 911.

5. The Midwest ISO requests that the Commission waive its 60-day notice period and make the Revised Agreement effective as of September 1, 2006, consistent with the effective date requested for the Campbell Interconnection Agreement. The Midwest ISO states that, due to their interrelated nature, the two agreements here must take effect at the same time.

### **Notice and Responsive Pleadings**

6. Notice of the filing was published in the *Federal Register*, 71 Fed. Reg. 54,050 (2006), with interventions, protests, and comments due on or before September 21, 2006. Motions to intervene were timely filed by Consumers and METC. Consumers' motion to intervene included comments and METC's motion to intervene included comments in support of the filing. On October 3, 2006, the Midwest ISO filed an answer to Consumers' comments.

7. Consumers states that the filed copies of the facility drawings in Exhibit B to the Revised Agreement are illegible. Thus, Consumers requests that the Commission direct the Midwest ISO to provide legible facility drawings. In its answer, the Midwest ISO states that it now has access to legible copies of the facility drawings and agrees to file them as part of the Revised Agreement if requested by the Commission. The Midwest ISO also states that if the facility wiring diagrams are critical energy infrastructure information (CEII), as defined in the Commission's recent Order No. 683,<sup>6</sup> the Midwest ISO will request CEII treatment for the drawings and provide the Commission with required justification for CEII treatment.

### **Discussion**

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

8. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2006), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

#### **B. Analysis**

9. We find that the Midwest ISO's Revised Agreement continues to be just and reasonable and we will accept it for filing. The proposed revisions are minor; the first simply removes all reference to Campbell Unit 3 and the second adds the Midwest ISO as

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<sup>6</sup> See *Critical Energy Infrastructure Information*, Order No. 683, 116 FERC ¶ 61, 263 (2006), 71 Fed. Reg. 58,273 (2006).

a signatory, consistent with our precedent.<sup>7</sup> We will also grant waiver of the 60-day prior notice requirement to make the Revised Agreement effective September 1, 2006.<sup>8</sup> However, we will condition our acceptance on the Midwest ISO amending Exhibit B to the Revised Agreement by filing legible drawings.

The Commission orders:

(A) The Revised Agreement is conditionally accepted, to become effective September 1, 2006, as requested.

(B) The Midwest ISO is to make a compliance filing, consistent with this order, within 30 days of the date of this order.

By the Commission.

( S E A L )

Magalie R. Salas,  
Secretary.

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<sup>7</sup> See *Ameren Services Company*, 108 FERC ¶ 61,189 (2004) at P 4.

<sup>8</sup> *Central Hudson Gas & Electric Corp.*, 86 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992).