

139 FERC ¶ 61,208
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

MATL LLP and Montana Alberta Tie, Ltd.

Docket No. EL12-26-000

ORDER ON PETITION FOR DECLARATORY ORDER

(Issued June 13, 2012)

1. On February 13, 2012, MATL LLP (MATL) and Montana Alberta Tie, Ltd. (Montana Alberta Tie) (collectively, Applicants) filed a Petition for Declaratory Order (Petition) requesting confirmation to continue exercising negotiated rate authority, previously granted by the Commission for the MATL merchant transmission project (Project), following a change in Applicants' upstream ownership.¹ Applicants also request waiver of certain filing requirements previously granted in the Negotiated Rate Order, in addition to new waivers Applicants request in the instant filing. In this order, the Commission grants MATL's request for negotiated rate authority for the Project under its new upstream ownership, and grants, in part, Applicants' requests for waiver, as discussed below.

I. Background

A. Applicants

2. Montana Alberta Tie is a merchant transmission company incorporated pursuant to the federal laws of Canada and registered to conduct business in the Province of Alberta and the state of Montana.² MATL is a limited liability partnership that is organized under the laws of, and is registered to conduct business in, the state of Montana.³

¹ *Montana Alberta Tie, Ltd.*, 116 FERC ¶ 61,071 (2006) (Negotiated Rate Order).

² Petition at 4.

³ Petition at 4.

MATL is a majority-owned subsidiary of Montana Alberta Tie.⁴ MATL is constructing, and will own and operate, the U.S. portion of the Project, a proposed 214-mile, 230 kV alternating current merchant transmission line originating near Alberta, Canada, and terminating near Great Falls, Montana.⁵ Montana Alberta Tie will own and operate the Canadian portion of the Project.⁶

3. Prior to October 13, 2011, the Applicants were solely owned by Tonbridge Power Inc. (Tonbridge), a publicly-traded company that operates as an independent transmission developer.⁷ On October 13, 2011, Enbridge Inc. (Enbridge), a publicly-owned corporation based in Calgary, Canada, became sole owner of Tonbridge and its subsidiaries, including the Applicants.

B. The Project

4. On April 1, 2005, as amended on March 31, 2006, Montana Alberta Tie, on behalf of MATL, filed an application to sell transmission rights at negotiated rates over the Project. Montana Alberta Tie stated that the Project would have a rated capacity of 300 MW in each of the northbound and southbound directions, for a total of 600 MW and each may be upgraded to 550 MW. Montana Alberta Tie explained that the Project would provide substantial benefits to both Canada and the United States through increased flexibility, reliability, and competition.

5. On July 20, 2006, the Commission granted Applicants' application for negotiated rate authority, stating that the innovative Project would link two regions and allow for efficient and economic access to existing and new generation sources.⁸ The Commission also accepted MATL's proposed OATT, subject to MATL submitting a compliance filing either to make revisions consistent with the *pro forma* OATT, to demonstrate that the deviations in MATL's proposed OATT are consistent with or superior to the *pro forma* OATT, or to fully explain how the *pro forma* OATT provisions are not applicable given Applicants' business model.⁹ The Commission found that the proposal met its then-

⁴ Petition at 6.

⁵ Petition at 5.

⁶ Petition at 6.

⁷ See *Enbridge Inc.*, 136 FERC ¶ 62,264 (2011).

⁸ Petition at 6, n.7.

⁹ The Commission accepted MATL's revisions to its proposed OATT as consistent with the Negotiated Rate Order and where applicable, as consistent with the

(continued...)

applicable ten-factor criteria¹⁰ and directed Applicants to file reports on any subsequent open seasons and to file any Coordinated Operating Agreements or Operating Agreements in order to satisfy the Commission's open season and reliability requirements.¹¹

6. Applicants held their first open season for the sale of transmission rights over the Project's 600 MW of capacity in April 2005, awarding transmission rights for 320 MW to three parties. The Commission accepted Applicants' first open season report in the Negotiated Rate Order, finding the April 2005 open season to be transparent, fair, and non-discriminatory.¹² In June 2006, Applicants held their second open season for the remainder of the Project's capacity and submitted a second open season report on August 24, 2006. Following the end of the second open season, Applicants committed all 600 MW of the Project's capacity. Applicants awarded the 300 MW of northbound capacity to NaturEner USA LLC's (NaturEner) predecessors-in-interest, and the parties entered into transmission service agreements. Applicants awarded the 300 MW of southbound capacity to two customers conditioned on, among other things, their ability to construct their proposed wind projects and enter into long-term power purchase agreements for their output.¹³

7. On September 26, 2011, the Commission approved a joint application requesting approval under section 203 of the Federal Power Act for the disposition of jurisdictional facilities resulting from the acquisition of Tonbridge by Enbridge.¹⁴ In the application, Enbridge proposed to purchase all of Tonbridge's outstanding stock, a transaction that included all of MATL's rate schedules and agreements, including MATL's OATT and two transmission service agreements filed with the Commission between MATL and

pro forma OATT on May 31, 2007. *Montana Alberta Tie, Ltd.*, 119 FERC ¶ 61,216 (2007).

¹⁰ See Negotiated Rate Order, 116 FERC ¶ 61,071 at P 26, (citing *Northeast Utilities Services Co.*, 98 FERC ¶ 61,310 (2002) at 62,326-30).

¹¹ Negotiated Rate Order, 116 FERC ¶ 61,071 at PP 39, 47.

¹² *Id.* at P 37 (accepting the 2005 open season report).

¹³ See Petition at 7 (noting however, that one customer has informed MATL that it will not need 50 MW of its contracted southbound transmission capacity).

¹⁴ *Enbridge Inc.*, 136 FERC ¶ 62,264 (2011).

NaturEner.¹⁵ Following the completion of the sale on October 13, 2011, Enbridge became the sole owner of Tonbridge and its subsidiaries, including Applicants.

C. The Petition

8. In the Petition, Applicants request that the Commission confirm that MATL continues to have negotiated rate authority under Enbridge's ownership. In the Petition, Applicants assert that the change in the Project's upstream ownership does not have a material effect on the factors that the Commission relied upon in granting MATL's request for negotiated rate authority in the Negotiated Rate Order. Applicants also explain that, at the time the Commission issued the Negotiated Rate Order, it evaluated merchant transmission proposals based on ten criteria. However, according to the Applicants, "since the issuance of [the Negotiated Rate Order], the Commission has refined and clarified its analytical methodology for granting negotiated rate authority to merchant transmission projects."¹⁶ Instead, Applicants state that the Commission established in *Chinook* a four-factor methodology for granting requests for negotiated rate authority.¹⁷ Applicants contend that the Project, under Enbridge's ownership, meets the Commission's criteria for granting negotiated rate authority.

9. Applicants also request that certain waivers the Commission granted in the Negotiated Rate Order remain in effect under the Project's new ownership. Specifically, Applicants request that the Commission confirm that the waiver previously granted to MATL continues to apply to the filing of cost-based data which Applicants claim is not applicable to merchant transmission developers.¹⁸ In addition, Applicants request waiver of the filing of information under Parts 41 (accounts, records, and disposition of audit findings), 101 (uniform system of accounts), and 141 (forms and reports, with the exception of sections 41.1 through 41.8, 141.14, and 141.15). Applicants assert that good cause exists to grant this request for waiver because, since the time that the Commission

¹⁵ *Id.*

¹⁶ Petition at 9.

¹⁷ *Chinook Power Transmission, LLC and Zephyr Power Transmission, LLC*, 126 FERC ¶ 61,134, *order on rehearing*, 128 FERC ¶ 61,074 (2009) (*Chinook*).

¹⁸ The Commission granted Applicants' request for waiver of Subparts B and C of Part 35 of the Commission's regulations, with the exception of Sections 35.12(a) (filing of initial rate schedule), 35.13(b) (general information to be filed with rate schedules), 35.15 (notices of cancellation or termination), and 35.16 (notices of succession); and waiver of the requirement to file Form No. 1, Annual Report of Major Electric Utilities, Licensees, and Others. Negotiated Rate Order, 116 FERC ¶ 61,071 at PP 63-66.

issued the Negotiated Rate Order, it has found that such regulations only apply to entities subject to traditional cost-based regulation.¹⁹

II. Notice and Intervention

10. Notice of Applicants' Petition was published in the *Federal Register*, 77 Fed. Reg. 10,502 (2012), with interventions, comments, and protests due on or before March 14, 2011. None were filed.

III. Discussion

A. Negotiated Rate Authority

11. In the Negotiated Rate Order, the Commission granted Applicants' request for MATL to charge negotiated rates for the Project based on the circumstances presented at that time, including the Project's ownership structure and affiliations. In light of Enbridge's acquisition of the Applicants' previous upstream owner, the specific circumstances that the Commission evaluated in granting Applicants' original request for negotiated rate authority have changed. Thus, we will conduct a *de novo* analysis to determine if the Project, under its new upstream ownership, meets the requirements for negotiated rate authority.

12. In addressing requests for negotiated rate authority from merchant transmission providers, the Commission has demonstrated a commitment to fostering the development of such projects where reasonable and meaningful protections are in place to preserve open access principles and to ensure that the resulting rates for transmission service are just and reasonable.²⁰ The Commission's analysis for evaluating negotiated rate applications focuses on four areas of concern: (1) the justness and reasonableness of rates; (2) the potential for undue discrimination; (3) the potential for undue preference,

¹⁹ Petition at 17 (citing *Hudson Transmission Partners, LLC*, 135 FERC ¶ 61,104 (2011) (*Hudson Transmission*)).

²⁰ See, e.g., *TransEnergie U.S., Ltd.*, 91 FERC ¶ 61,230, at 61,838-39 (2000) (accepting a request to charge negotiated rates on a merchant transmission project, subject to conditions addressing, among other things, the merchant's open season proposal); *Mountain States Transmission Intertie, LLC*, 127 FERC ¶ 61,270 (2009) (denying a request to charge negotiated rates on a merchant transmission project because, among other things, sufficient protections did not exist to ensure that rates for service would be just and reasonable); *Hudson Transmission*, 135 FERC ¶ 61,104 (authorizing Hudson Transmission to charge negotiated rates for transmission service).

including affiliate preference; and (4) regional reliability and operational efficiency requirements.²¹ This approach simultaneously acknowledges the financing realities faced by merchant transmission developers and the consumer protection mandates of the FPA and the Commission's open access requirements. Moreover, this approach allows the Commission to use a consistent framework to evaluate requests for negotiated rate authority from a wide range of merchant projects that can differ substantially from one project to the next.

Four-Factor Analysis

a. Just and Reasonable Rates

13. To approve negotiated rates for a transmission project, the Commission must find that the rates are just and reasonable.²² To do so, the Commission must determine that the merchant transmission owner has assumed the full market risk for the cost of constructing its proposed transmission project. Additionally, the Commission must determine whether the project is being built within the footprint of the merchant transmission owner's (or an affiliate's) traditionally-regulated transmission system; if so, the Commission must determine that there are no captive customers who would be required to pay the costs of the project. The Commission also considers whether the merchant transmission owner or an affiliate already owns transmission facilities in the region where the project is to be located, what alternatives customers have, whether the merchant transmission owner is capable of erecting any barriers to entry among competitors, and whether the merchant transmission owner would have any incentive to withhold capacity.

i. Applicants' Proposal

14. Applicants assert that Enbridge's acquisition of Tonbridge does not change the Commission's findings in the Negotiated Rate Order that relate to the justness and reasonableness of MATL's negotiated rates for the Project.²³ Applicants contend that MATL will continue to operate the project on a merchant transmission basis, bearing all risk for the Project and recovering costs only from customers with transmission rights on the Project.²⁴ Applicants reaffirm that they do not have affiliates that own transmission

²¹ *Chinook*, 126 FERC ¶ 61,134 at P 37.

²² *See Champlain Hudson*, 132 FERC ¶ 61,006 at P 17.

²³ Petition at 10.

²⁴ *Id.*

facilities in the region near the Project.²⁵ Further, MATL asserts that it will not exercise market power or establish barriers to entry because it will continue to offer non-discriminatory transmission service pursuant to its Commission-approved OATT.²⁶

ii. Commission Determination

15. The Commission finds that the Applicants' proposal supports a finding that negotiated rates for service on the Project will be just and reasonable. MATL does not have any native load customers and meets the definition of a merchant transmission owner because it assumes all market risk associated with the Project. As the Commission concluded in the Negotiated Rate Order, and as MATL affirms here, MATL does not have an affiliate that owns transmission facilities in the region or near the Project. MATL also confirms that it does not have, and will not have, any captive customers. Consequently, we find that MATL will not be able to pass on any costs of the Project to captive ratepayers.

16. As the Commission noted in the Negotiated Rate Order, MATL commits to providing non-discriminatory service under its OATT. Additionally, MATL affirms that neither it nor any of its affiliates own transmission facilities in the region, and that MATL will not exercise market power or establish barriers to entry. Based on these factors, we conclude that MATL's request for negotiated rate authority for service on the project under Enbridge's ownership is just and reasonable under its new upstream ownership.

b. Undue Discrimination

17. The Commission primarily looks at two factors to ensure that applicants cannot exercise undue discrimination when approving requests for negotiated rate authority: (1) the terms and conditions of a merchant developer's open season; and (2) its OATT commitments (or in the Regional Transmission Owner (RTO)/Independent System Operator (ISO) context, its commitment to turn operational control over to the RTO or ISO).²⁷ The Commission requires merchant transmission owners to file reports on their open season results in order to provide transparency and a basis for an entity to file a

²⁵ *Id.*

²⁶ *Id.* at 11.

²⁷ *Chinook*, 126 FERC ¶ 61,134 at P 40.

complaint if it believes it was treated in an unduly discriminatory manner during the open season.²⁸

i. Applicants' Proposal

18. Applicants argue that there is no potential for undue discrimination under Enbridge's ownership, as MATL has contracted all of the Project's capacity to third parties through fair, transparent, and non-discriminatory open seasons.²⁹ Since the April 2005 and June 2006 open seasons, Applicants explain that one of MATL's transmission customers announced that it no longer needs 50 MW of the southbound capacity for which it contracted.³⁰ Applicants assert that MATL will make this capacity, and any other unused capacity, available to customers pursuant to its OATT.³¹ Further, Applicants commit that MATL will provide transmission service pursuant to its OATT, which the Commission accepted, containing tariff revisions in compliance with the Negotiated Rate Order, on May 31, 2007.³²

ii. Commission Determination

19. The Commission looks specifically at the merchant transmission owner's open season and OATT commitments when determining whether negotiated rate authority could lead to undue discrimination on a particular merchant transmission project. Based on the commitments set forth in MATL's Petition, both with respect to its open season process and OATT commitments, we find that MATL will not be able to exercise undue discrimination. However, if MATL wishes to make additional capacity available it must hold an open season, and then file an open season report with the Commission within 30 days of the conclusion of that open season.

²⁸ See Negotiated Rate Order, 116 FERC ¶ 61,071 at P 37 (asserting that the Commission's concern in evaluating the open season process is to provide transparency in the bidding process and to enable unsuccessful bidders to determine if they were treated in a fair manner).

²⁹ Petition at 11.

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 12.

c. **Undue Preference and Affiliate Concerns**

20. In the context of merchant transmission, the Commission's concerns regarding the potential for affiliate abuse arise when the merchant transmission owner is affiliated with either the anchor customer, participants in the open season, and/or customers that subsequently take service on the merchant transmission line.

i. **Applicants' Proposal**

21. Applicants maintain that there remains no potential for undue preference, including affiliate preference, in light of the change in upstream ownership.³³ Applicants affirm that the Project will not interconnect with any existing facilities owned by Enbridge's affiliates and that none of Enbridge's affiliates' pipelines or generation projects are located or currently do business in the region where the Project is located.³⁴ Applicants state that Enbridge owns a public utility subsidiary, Cedar Point, located approximately 900 miles from the southern terminus of the Project. Applicants state that Cedar Point does not have captive customers and that its capacity is fully committed under a long-term contract with the Public Service Company of Colorado.³⁵ Applicants state that Enbridge also owns a 14 percent interest in two wind projects located in Alberta, Canada, both of which have made transmission service arrangements over facilities other than the Project.³⁶ In addition to its generation projects, Applicants note that Enbridge has a minority interest in Green Mountain, a distribution utility located in Vermont that has captive customers.³⁷

22. Applicants reassert that Enbridge has neither affiliates that own transmission facilities in the region where the Project is located nor affiliates that will take transmission service over the Project.³⁸ In the event that one of Enbridge's affiliates chooses to participate in one of MATL's future open seasons, Applicants assert that MATL will retain an independent consultant and comply with any of the Commission's applicable affiliate rules to ensure that the open season is conducted in a fair and non-

³³ *Id.* at 13.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at 13-14.

discriminatory manner. To date, however, Applicants contend that none of Enbridge's affiliates have participated in MATL's open seasons.³⁹

ii. Commission Determination

23. In light of the commitments made in the Petition, we find that MATL adequately addresses any affiliate abuse concerns. MATL is not affiliated with its anchor customer, or with any other customers that take service on the project, nor is it affiliated with participants in its open season. Cedar Point, a subsidiary of Enbridge, is MATL's closest affiliate, and is located approximately 900 miles from the southeast terminus of the Project. Cedar Point's capacity is fully subscribed. Further, MATL affirms that it will retain an independent consultant to ensure that it remains in compliance with the Commission's affiliate policies. Accordingly, we find there are no concerns regarding affiliate abuse in light of MATL's change in upstream ownership. Further, we will require that MATL inform the Commission of any change in circumstances with respect to the facts above regarding affiliate usage of the Project.

d. Regional Reliability and Operation Efficiency

24. Merchant transmission projects, like cost-based transmission projects, are subject to mandatory reliability requirements.⁴⁰ Merchant transmission developers are required to comport with all applicable requirements of the North American Electric Reliability Corporation (NERC) and any regional reliability council in which they are located.

i. Applicants' Proposal

25. Applicants assert that the Project continues to meet the Commission's reliability and operational efficiency requirements under Enbridge's ownership.⁴¹ As directed by the Negotiated Rate Order, MATL submitted, and the Commission accepted, a Coordination Operating Agreement between MATL, NorthWestern Energy (NorthWestern), and Alberta Electric System Operator (Alberta ESO) to coordinate the operation of their respective transmission systems. Applicants explain that this agreement satisfies the Commission's reliability requirements because the Project is not

³⁹ *Id.* at 14.

⁴⁰ *See, e.g., Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards*, Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh'g*, Order No. 672-A, FERC Stats. & Regs. ¶ 31,212 (2006).

⁴¹ Petition at 15.

located in an RTO/ISO.⁴² Further, Applicants commit that MATL will continue to meet all of NERC and Western Electricity Coordinating Council's (WECC) reliability requirements and procedures, as well as participate in WECC's regional planning process.⁴³

ii. Commission Determination

26. Because the Project is located in area without an RTO or ISO, MATL will retain operational control of the Project once it is placed into service. Based on the Applicants' commitment that MATL will continue to comply with all applicable NERC and WECC reliability requirements and procedures and will continue to participate in WECC's regional planning process, we find that MATL satisfies the Commission's regional reliability and operational efficiency requirements under Enbridge's ownership.

B. Requests for Waiver

1. Applicants' Request

27. Applicants state that in the Negotiated Rate Order, the Commission granted MATL's requests for waiver of the following filing requirements that the Commission found were not applicable to merchant transmission developers: (1) Subparts B and C of Part 35 of the Commission's regulations, with the exception of section 35.12 (a) (filing of initial rate schedules), 35.13(b) (general information to be filed with rate schedules), 35.15 (notices of cancellation or termination) and 35.16 (notices of succession); and (2) waiver of the requirement to file a Form No. 1, Annual Report of Major Electric Utilities, Licensee, and Others.⁴⁴ Applicants request that these waivers remain in effect under Enbridge's ownership.

28. In addition, Applicants request waiver of Parts 41 (accounts, records, and disposition audit findings), 101 (uniform system of accounts), and 141 (forms and reports, with the exception of sections 41.1 through 41.8, 141.14 and 141.15), consistent with Commission precedent.⁴⁵ Applicants argue that because they are not subject to cost-based regulation and the transmission rates will not be based on the costs booked to various Commission accounts, good cause exists to grant its request for waiver of these

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* at 16.

⁴⁵ *Hudson Transmission*, 135 FERC ¶ 61,104 at P 43.

requirements.⁴⁶ If the Commission does not grant the requested waivers, Applicants contend that MATL will continue to comply with these regulations in order to maintain its negotiated rate authority.

2. Commission Determination

29. Applicants request waiver of certain cost-based data filing requirements that the Commission previously granted in the Negotiated Rate Order. Because Applicants propose to charge negotiated rates, we find that the Part 35 regulations requiring the filing of cost-based data are not applicable. Therefore, for good cause shown, and consistent with our findings for other merchant transmission proposals, we will grant waiver of section 35.13(a) of the Commission's regulations and the filing requirements of Subparts B and C of Part 35 of the Commission's regulations except for sections 35.12(a), 35.13(b), 35.15, and 35.16.⁴⁷

30. We will also grant Applicants' request for waiver of Part 141 (with the exception of sections 141.14 and 141.15), including the Form No. 1 filing requirement. The Commission previously granted Applicants' request for waiver of the Form No. 1 filing requirement in the Negotiated Rate Order, and has granted waiver of the Part 141 requirements to merchant transmission owners in other Commission proceedings.⁴⁸

31. However, we will not grant Applicants' request for waiver of Parts 41 and 101. The Commission finds that it is important for all transmission-owning utilities, including merchant transmission owners not subject to cost-based regulation, to maintain their books and records in accordance with the Uniform System of Accounts in case the Commission requires a transmission owner to produce this information in the future.⁴⁹ This finding is consistent with the Commission's established policy of denying waiver of Parts 41 and 101 to merchant transmission owners in *TransEnergie*, *TransEnergie* -

⁴⁶ Petition at 17.

⁴⁷ See *Hudson Transmission*, 135 FERC ¶ 61,104 at P 42; *Tres Amigas LLC*, 130 FERC ¶ 61, 207, at P 103 (2010); *Wyoming Colorado Intertie, LLC*, 127 FERC ¶ 61,125, at P 62 (2009) (*Wyoming*); *Linden VFT, LLC*, 119 FERC ¶ 61,066, at P 42 (2007) (*Linden*).

⁴⁸ *Wyoming*, 127 FERC ¶ 61,125 at P 65; *Linden*, 119 FERC ¶ 61,066 at P 44; *MATL*, 116 FERC ¶ 61,071 at P 66.

⁴⁹ See *Rock Island Clean Line LLC*, 139 FERC ¶ 61,142 at P 47 (2012) (*Rock Island*).

*Hydro One, Northeast Utilities, and Neptune.*⁵⁰ While the Commission departed from this policy by granting waiver of Parts 41 and 101 to a merchant transmission owner in *Hudson Transmission*,⁵¹ the Commission concluded that this departure from prior policy was not warranted, as discussed in *Rock Island*.⁵² Consistent with our previous orders, we find that it is appropriate to deny waiver of these provisions to merchant transmission owners in order to facilitate regulatory oversight. Accordingly, we will require Applicants to maintain their books and records in accordance with the Uniform System of Accounts, consistent with Part 101 of the Commission's regulations, and be subject to examination by the Commission pursuant to Part 41 of the Commission's regulations.

The Commission orders:

(A) Applicants are hereby granted authority to sell transmission rights at negotiated rates, subject to conditions, as discussed in the body of this order.

(B) Applicants' open season report for the June 2006 capacity auction is hereby accepted.

(C) Applicants are hereby directed to file with the Commission the results of any open season within 30 days of the close of the open season.

(D) The Commission grants Applicants' requests for waiver of the provisions of Subparts B and C of Part 35 of the Commission's regulations, with the exception of sections 35.12(a), 35.13(b), 35.15 and 35.16, as discussed in the body of this order.

(E) The Commission grants Applicants' request for waiver of Part 141 of the Commission's regulations, with the exception of sections 141.14 and 141.15, as discussed in the body of this order.

⁵⁰ *TransEnergie U.S. Ltd.*, 98 FERC ¶ 61,147 at 61,457 (2002) (*TransEnergie*); *TransEnergie U.S. Ltd. and Hydro One Delivery Services Inc.*, 98 FERC 61,144, at 61,502 (2002) (*TransEnergie – Hydro One*); *Northeast Utilities*, 98 FERC ¶ 61,130 at 62,331; and *Neptune Regional Transmission System, LLC*, 96 FERC ¶ 61,147 at ordering para. (G) (2001) (*Neptune*).

⁵¹ *Hudson Transmission*, 135 FERC ¶ 61,104 at P 43; *Zephyr Power Transmission, LLC*, 139 FERC ¶ 61,020, at P 60 (2012).

⁵² *Rock Island*, 139 FERC ¶ 61,142 at P 47.

(F) The Commission denies Applicants' request for waiver of the provisions of Parts 41 and 101 of the Commission's regulations, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.