

169 FERC ¶ 61,089
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick and Bernard L. McNamee.

Electric Energy, Inc.

Docket Nos. ER19-1762-000
ER19-1762-001

ORDER ON COMPLIANCE

(Issued October 31, 2019)

1. On May 2, 2019 (May 2 Filing), as amended on August 28, 2019 (August 28 Amendment), Electric Energy, Inc. (Electric Energy) filed revisions to Attachments M and N of its Open Access Transmission Tariff (Tariff) in compliance with Commission Order Nos. 827,¹ 828,² and 842.³ In this order, we accept Electric Energy’s proposed Tariff revisions, to be effective April 30, 2019, as requested.

I. Background

2. In Order No. 827, the Commission revised the *pro forma* Large Generator Interconnection Agreement (LGIA) and *pro forma* Small Generator Interconnection Agreement (SGIA) to require all newly interconnecting non-synchronous generators⁴ to provide dynamic reactive power “within the range of 0.95 leading to 0.95 lagging at the

¹ *Reactive Power Requirements for Non-Synchronous Generation*, Order No. 827, 155 FERC ¶ 61,277, *order on clarification and reh’g*, 157 FERC ¶ 61,003 (2016).

² *Requirements for Frequency and Voltage Ride Through Capability of Small Generating Facilities*, Order No. 828, 156 FERC ¶ 61,062 (2016).

³ *Essential Reliability Services and the Evolving Bulk-Power System – Primary Frequency Response*, Order No. 842, 162 FERC ¶ 61,128, *order on clarification and reh’g*, 164 FERC ¶ 61,135 (2018).

⁴ “Non-synchronous generators are ‘connected to the bulk power system through power electronics, but do not produce power at system frequency (60 Hz)’ ... [and] ‘do not operate in the same way as traditional generators and respond differently to network disturbances.’” Order No. 827, 155 FERC ¶ 61,277 at P 10 n.24 (quoting *PJM Interconnection, L.L.C.*, 151 FERC ¶ 61,097, at P 1 n.3 (2015)).

high-side of the generator substation,” as a condition of interconnection.⁵ The Commission directed all affected public utility transmission providers to submit a compliance filing revising their tariffs to incorporate the changes by October 14, 2016.⁶ In Order No. 828, the Commission revised the *pro forma* SGIA to require newly interconnecting small generating facilities to ride through abnormal frequency and voltage events and to not disconnect during such events. The Commission directed all affected public utility transmission providers to submit a compliance filing revising their tariffs to incorporate the changes by October 14, 2016.⁷

3. In Order No. 842, the Commission modified the *pro forma* LGIA and the *pro forma* SGIA, as well as the *pro forma* Large Generator Interconnection Procedures and the *pro forma* Small Generator Interconnection Procedures, to require newly interconnecting large and small generating facilities, both synchronous and non-synchronous, to install, maintain, and operate equipment capable of providing primary frequency response as a condition of interconnection. The Commission directed all affected public utility transmission providers to submit a compliance filing revising their tariffs to incorporate the changes by May 15, 2018.⁸

II. Filing

4. In the May 2 Filing, Electric Energy filed Tariff revisions to comply with the changes required by Order Nos. 827, 828, and 842. Electric Energy explains that it only became aware that it had not filed to revise its Tariff to comply with Order Nos. 827, 828 and 842 after it was acquired by Vistra Energy Corp. in April 2018, and now “seeks to remedy this inadvertent administrative oversight.”⁹ Electric Energy states that it owns limited transmission assets, and although it has its Tariff on file with the Commission, it “has never provided transmission service under its Tariff to any unaffiliated third

⁵ *Id.* P 1.

⁶ *Id.* P 75 (compliance date established by notice issued in Docket Nos. RM16-1-000 and RM16-8-000 on August 8, 2016).

⁷ Order No. 828, 156 FERC ¶ 61,062 at PP 44-45 (compliance date established by notice referenced in *supra* note 6).

⁸ Order No. 842, 162 FERC ¶ 61,128 at P 253 (compliance date established by Order No. 842 issued in Docket No. RM16-6-000 on February 15, 2018).

⁹ May 2 Filing Transmittal at 3.

party.”¹⁰ Electric Energy explains that no one would be affected by its late-filed compliance filing because “no one is taking service under [its Tariff].”¹¹ Electric Energy notes that it has previously obtained waivers from the Commission for other compliance filing requirements generally applicable to transmission providers.¹² Electric Energy also requests that the Commission waive the portions of the three rulemakings that would require it to maintain and post information on an Open Access Same-Time Information System (OASIS), consistent with waivers the Commission has previously granted.¹³ In the May 2 Filing, Electric Energy requests an effective date as of the date of its filing.¹⁴

5. In its August 28 Amendment, Electric Energy states that it is amending its filing for the limited purpose of correcting what it called technical formatting errors identified in its Tariff sheets, and requests an April 30, 2019 effective date.¹⁵

III. Notice and Responsive Pleadings

6. Notice of the May 2 Filing was published in the *Federal Register*, 84 Fed. Reg. 20,351 (2019), with interventions and protests due on or before May 23, 2019. Ameren Services Company (Ameren) filed a timely motion to intervene. Notice of the August 28 Amendment was published in the *Federal Register*, 84 Fed. Reg. 46,511 (2019), with interventions and protests due on or before September 18, 2019. None was filed.

¹⁰ *Id.* at 2-3.

¹¹ *Id.* at 3.

¹² *Id.* (citing *Electric Energy, Inc.*, 147 FERC ¶ 61,082 (2014) (granting waiver of the requirements of Order No. 764); *Electric Energy, Inc.*, 144 FERC ¶ 61,028 (2013) (granting waiver of the requirements of Order No. 1000)).

¹³ *Id.* (citing *Northern States Power Company (Minnesota)*, 76 FERC ¶ 61,250 (1996) (granting waiver to Electric Energy and similarly-situated transmission operators of the requirements of Order No. 889 to implement an OASIS); *Electric Energy, Inc.*, 147 FERC ¶ 61,082; *Electric Energy, Inc.*, 144 FERC ¶ 61,028).

¹⁴ *Id.*

¹⁵ In the August 28 Amendment, Electric Energy incorrectly describes April 30, 2019 as its “originally proposed” effective date, even though the May 2 Filing had a proposed effective date of May 2, 2019. The Tariff records in eTariff for the August 28 Amendment have a proposed effective date of April 30, 2019.

IV. Discussion

A. Procedural Matters

7. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2019), Ameren's timely, unopposed motion to intervene serves to make it a party to this proceeding.

B. Substantive Matters

8. We find that Electric Energy's proposed Tariff revisions appropriately incorporate the tariff revisions required by Order Nos. 827, 828, and 842, and are in compliance with those orders.¹⁶ We therefore accept Electric Energy's proposed Tariff revisions, to be effective April 30, 2019, as requested in the August 28 Amendment.¹⁷

9. We also grant Electric Energy's request for waiver of the requirement to maintain and post changes on its OASIS because of the expense and burden of maintaining an OASIS, consistent with previous waivers the Commission has granted to Electric Energy.¹⁸

¹⁶ We remind Electric Energy that it must submit required filings on a timely basis, or face possible sanctions by the Commission.

¹⁷ Electric Energy did not include the associated filing identifier at the record level in the August 28 Amendment, which resulted in two versions of the Tariff record remaining open. Thus, the Tariff records for the May 2 Filing in Docket No. ER19-1762-000 are rejected as moot. *See FERC Staff's Responses to Discussion Questions*, Tariff Record Related Codes, Questions at 28, for the need to provide a complete set of associated tariff record information; and *Implementation Guide for Electronic Filing of Parts 35, 154, 284, 300, and 341 Tariff Filings*, at 12-13 (Nov. 14, 2016), for the definitions of the associated record data elements.

¹⁸ *See supra* note 13.

The Commission orders:

Electric Energy's proposed Tariff revisions are hereby accepted, to be effective April 30, 2019, as requested, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.