

170 FERC ¶ 61,114
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

Deseret Generation & Transmission Co-operative, Inc. Docket No. ER19-1902-001

ORDER ON COMPLIANCE

(Issued February 20, 2020)

1. On May 20, 2019, as amended on July 11, 2019, Deseret Generation & Transmission Co-operative, Inc. (Deseret) submitted proposed revisions to its Open Access Transmission Tariff (Tariff) in compliance with the requirements of Order Nos. 845 and 845-A,¹ which amended the Commission's *pro forma* Large Generator Interconnection Agreement (LGIA) and *pro forma* Large Generator Interconnection Procedures (LGIP).² As discussed below, we find that Deseret's filing partially complies with the requirements of Order Nos. 845 and 845-A. Accordingly, we accept Deseret's compliance filing, effective May 20, 2019 and direct Deseret to submit a further compliance filing within 60 days of the date of this order.

I. Background

2. On April 19, 2018, the Commission issued Order No. 845, which revised the Commission's *pro forma* LGIA and the *pro forma* LGIP to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the interconnection process. The Commission stated that it expects that these reforms will provide interconnection customers better information and more options for obtaining interconnection service, and as a result, there will be fewer overall interconnection requests and fewer interconnection requests failing to reach commercial

¹ *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 163 FERC ¶ 61,043 (2018), *errata notice*, 167 FERC ¶ 61,123, (Errata Notice), *order on reh'g*, Order No. 845-A, 166 FERC ¶ 61,137, *errata notice*, 167 FERC ¶ 61,124, *order on reh'g*, Order No. 845-B, 168 FERC ¶ 61,092 (2019).

² The *pro forma* LGIP and *pro forma* LGIA establish the terms and conditions under which public utilities that own, control, or operate facilities for transmitting energy in interstate commerce must provide interconnection service to large generating facilities. Order No. 845, 163 FERC ¶ 61,043 at P 6.

operation. The Commission also stated that it expects that, as a result of these reforms, transmission providers will be able to focus resources on those interconnection requests most likely to reach commercial operation.³ In Order No. 845-A, the Commission generally upheld the reforms it required in Order No. 845 but granted certain requests for rehearing and clarification.

3. In Order No. 845, the Commission adopted 10 different reforms in three categories to improve the interconnection process. First, in order to improve certainty for interconnection customers, the Commission: (1) removed the limitation that interconnection customers may exercise the option to build the transmission provider's interconnection facilities⁴ and stand alone network upgrades⁵ only in instances when the transmission provider cannot meet the dates proposed by the interconnection customer;⁶ and (2) required that transmission providers establish interconnection dispute resolution procedures that allow a disputing party unilaterally to seek non-binding dispute resolution.⁷

4. Second, to promote more informed interconnection decisions, the Commission: (1) required transmission providers to outline and make public a method for determining contingent facilities;⁸ (2) required transmission providers to list the specific study

³ *Id.* P 2; Order No. 845-A, 166 FERC ¶ 61,137 at P 1.

⁴ Transmission provider's interconnection facilities are "all facilities and equipment owned, controlled or operated by the Transmission Provider from the Point of Change of Ownership to the Point of Interconnection as identified in Appendix A to the Standard Large Generator Interconnection Agreement, including any modifications, additions or upgrades to such facilities and equipment. Transmission Provider's Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades." *Pro forma* LGIA art. 1.

⁵ Stand alone network upgrades are "Network Upgrades that an Interconnection Customer may construct without affecting day-to-day operations of the Transmission System during their construction. Both the Transmission Provider and the Interconnection Customer must agree as to what constitutes Stand Alone Network Upgrades and identify them in Appendix A to the Standard Large Generator Interconnection Agreement." *Id.*

⁶ Order No. 845, 163 FERC ¶ 61,043 at P 85.

⁷ *Id.* P 3.

⁸ Contingent facilities are "those unbuilt Interconnection Facilities and Network Upgrades upon which the Interconnection Request's costs, timing, and study findings are

processes and assumptions for forming the network models used for interconnection studies; (3) revised the definition of “Generating Facility” to explicitly include electric storage resources; and (4) established reporting requirements for aggregate interconnection study performance.⁹

5. Third, the Commission adopted reforms to enhance the interconnection process by: (1) allowing interconnection customers to request a level of interconnection service that is lower than their generating facility capacity; (2) requiring transmission providers to allow for provisional interconnection agreements that provide for limited operation of a generating facility prior to completion of the full interconnection process; (3) requiring transmission providers to create a process for interconnection customers to use surplus interconnection service¹⁰ at existing points of interconnection; and (4) requiring transmission providers to set forth a procedure to follow when assessing and, if necessary, studying an interconnection customer’s technology changes without affecting the interconnection customer’s queue position.¹¹

II. Deseret’s Compliance Filing

6. Deseret states that it has incorporated all of the Commission’s *pro forma* LGIP and *pro forma* LGIA reforms as required by Order Nos. 845 and 845-A. Specifically, Deseret states that it adopts without modification the following *pro forma* LGIP and *pro forma* LGIA reforms: interconnection customer’s option to build, dispute resolution, definition of contingent facilities, transparency regarding study models and assumptions, definition of a generating facility, requesting interconnection service below generating facility capacity, and provisional interconnection service.¹²

dependent, and if delayed or not built, could cause a need for Re-Studies of the Interconnection Request or a reassessment of the Interconnection Facilities and/or Network Upgrades and/or costs and timing.” *Pro forma* LGIP § 1.

⁹ Order No. 845, 163 FERC ¶ 61,043 at P 4.

¹⁰ Order No. 845 added a definition for “Surplus Interconnection Service” to section 1 of the *pro forma* LGIP and article 1 of the *pro forma* LGIA, defining the term as “any unused portion of Interconnection Service established in a Large Generator Interconnection Agreement, such that if surplus interconnection service is utilized the Interconnection Service limit at the Point of Interconnection would remain the same.” *Id.* P 459.

¹¹ *Id.* P 5.

¹² Deseret May 20, 2019 Compliance Filing at 3 (Filing).

7. Deseret proposes Tariff revisions in instances where the Commission requires modification to the *pro forma* LGIP and *pro forma* LGIA and afforded transmission providers the discretion to develop their own tariff language. Specifically, Deseret proposes Tariff revisions for the following reforms: identification of contingent facilities, interconnection study deadlines, surplus interconnection service, and material modifications and incorporation of advanced technologies. Deseret asserts its proposed language is just and reasonable and not unduly discriminatory or preferential.¹³

8. Deseret requests that the proposed Tariff revisions become effective on May 20, 2019.¹⁴

III. Notice and Responsive Pleadings

9. Notice of Deseret's compliance filing was published in the *Federal Register*, 84 Fed. Reg. 24,129 (2019), with interventions and protests due on or before June 10, 2019. None was filed.

10. On June 13, 2019, Commission staff issued a deficiency letter that requested additional clarification regarding Deseret's procedure for allowing surplus interconnection service (Deficiency Letter). On July 11, 2019, Deseret filed its response to the Deficiency Letter (Deficiency Response), proposing additional revisions to Deseret's LGIP.¹⁵ Notice of Deseret's Deficiency Response was published in the *Federal Register*, 84 Fed. Reg. 34,174 (2019), with interventions and protests due on or before August 1, 2019. None was filed.

IV. Discussion

11. As discussed below, we find that Deseret's filing partially complies with the requirements of Order Nos. 845 and 845-A. Accordingly, we accept Deseret's compliance filing, effective May 20, 2019, and direct Deseret to submit a further compliance filing within 60 days of the date of this order.

¹³ *Id.* at 3-4.

¹⁴ *Id.* at 1.

¹⁵ On July 24, 2019, Deseret clarified in a filing that the only additional changes proposed to its LGIP in its Deficiency Response related to the subject matter of the Deficiency Letter. Specifically, Deseret stated that it proposed changes to the Table of Contents of its LGIP and a new section 3.3.2 of its LGIP in the Deficiency Response. *See* Deseret July 24, 2019 Clarification Filing at 1.

A. Interconnection Customer's Option to Build

12. In Order No. 845, the Commission revised articles 5.1, 5.1.3, and 5.1.4 of the *pro forma* LGIA to allow interconnection customers to unilaterally exercise the option to build for stand alone network upgrades and the transmission provider's interconnection facilities, regardless of whether the transmission provider can complete construction of such facilities by the interconnection customer's proposed in-service date, initial synchronization date, or commercial operation date.¹⁶ Prior to Order No. 845, this option to build was available to an interconnection customer only if the transmission provider did not agree to the interconnection customer's preferred construction timeline.¹⁷ The Commission stated in Order No. 845 that this reform of the option to build will "benefit the interconnection process by providing interconnection customers more control and certainty during the design and construction phases of the interconnection process."¹⁸

13. In Order No. 845-A, the Commission granted rehearing and clarification of certain aspects of the revised option to build. Specifically, the Commission revised the definition of stand alone network upgrade in the *pro forma* LGIP and *pro forma* LGIA to: (1) state that, when there is a disagreement, the transmission provider must provide the interconnection customer a written technical explanation outlining why the transmission provider does not consider a specific network upgrade to be a stand alone network upgrade;¹⁹ and (2) clarify that the option to build does not apply to stand alone network upgrades on affected systems.²⁰ The Commission also made revisions to article 5.2 of the *pro forma* LGIA to allow transmission providers to recover oversight costs related to the interconnection customer's option to build.²¹ In addition, the Commission clarified that the revised option to build provisions apply to all public utility transmission providers, including those that reimburse the interconnection customer for network upgrades.²²

¹⁶ Order No. 845, 163 FERC ¶ 61,043 at PP 85-87.

¹⁷ Order No. 2003, 104 FERC ¶ 61,103 at P 353; *see also pro forma* LGIP § 5.1.3.

¹⁸ Order No. 845, 163 FERC ¶ 61,043 at P 85.

¹⁹ Order No. 845-A, 166 FERC ¶ 61,137 at P 68.

²⁰ *Id.* P 61.

²¹ *Id.* P 75.

²² *Id.* P 33.

1. Deseret's Compliance Filing

14. Deseret proposes revisions to its *pro forma* LGIP section 1 Definitions to incorporate the *pro forma* LGIP revisions adopted by Order Nos. 845 and 845-A without modification.²³ Deseret also proposes revisions to its *pro forma* LGIA to amend articles 5.1, 5.1.3, 5.1.4, and 5.2 to incorporate the *pro forma* LGIA revisions adopted by Order Nos. 845 and 845-A without modification.²⁴

2. Commission Determination

15. We find that Deseret's proposed revisions regarding the option to build comply with the requirements of Order Nos. 845 and 845-A because Deseret adopts the Commission's *pro forma* LGIA and *pro forma* LGIP revisions without modification.

B. Dispute Resolution

16. In Order No. 845, the Commission revised the *pro forma* LGIP by adding new section 13.5.5, which establishes generator interconnection dispute resolution procedures that allow a disputing party to unilaterally seek non-binding dispute resolution.²⁵ The Commission established these new procedures because dispute resolution was previously unavailable when the parties did not mutually agree to pursue a binding arbitration under section 13.5 of the pre-Order No. 845 *pro forma* LGIP. The Commission further explained that participation in the new non-binding dispute resolution process in *pro forma* LGIP section 13.5.5 does not preclude disputing parties from pursuing binding arbitration after the conclusion of the non-binding dispute resolution process if they seek a binding result.²⁶

²³ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 1 (Definitions); Deseret, OATT, Attachment O, Standard Large Generator Interconnection Agreement (5.0.1), art. 1 (Definitions).

²⁴ Deseret, OATT, Attachment O, Standard Large Generator Interconnection Agreement (5.0.1), art. 5.1 (Options), 5.1.3 (Option to Build), 5.1.4 (Negotiated Option), and 5.2 (General Conditions Applicable to Option to Build).

²⁵ Order No. 845, 163 FERC ¶ 61,043 at P 133; *see also pro forma* LGIP § 13.5.5.

²⁶ Order No. 845, 163 FERC ¶ 61,043 at P 139.

1. Deseret's Compliance Filing

17. Deseret proposes revisions to its LGIP that adopt the dispute resolution language in *pro forma* LGIP section 13.5.5 required by Order Nos. 845 and 845-A without modification.²⁷

2. Commission Determination

18. We find that Deseret's proposed LGIP revisions regarding dispute resolution comply with the requirements of Order Nos. 845 and 845-A because Deseret adopts the Commission's *pro forma* revisions without modification.

C. Identification and Definition of Contingent Facilities

19. In Order No. 845, the Commission added a new definition to section 1 of the *pro forma* LGIP, providing that contingent facilities shall mean those unbuilt interconnection facilities and network upgrades upon which the interconnection request's costs, timing, and study findings are dependent, and if delayed or not built, could cause a need for restudies of the interconnection request or a reassessment of the interconnection facilities and/or network upgrades and/or costs and timing.²⁸ The Commission also added new section 3.8 to the *pro forma* LGIP, which requires transmission providers to include, within section 3.8, a method for identifying the contingent facilities that they will provide to the interconnection customer at the conclusion of the system impact study and include in the interconnection customer's generator interconnection agreement.²⁹ The Commission specified that the method must be sufficiently transparent to determine why a specific contingent facility was identified and how it relates to the interconnection request.³⁰ The Commission stated that this transparency will ensure that the method is applied on a non-discriminatory basis.³¹ The Commission further required that transmission providers provide, upon the interconnection customer's request, the estimated network upgrade costs and estimated in-service completion date associated

²⁷ Deseret, OATT, Attachment N, Standard Generator Large Interconnection Procedures (4.0.1), § 13.5.5 (Non-Binding Dispute Resolution Procedures).

²⁸ Order No. 845, 163 FERC ¶ 61,043 at P 218; *see also pro forma* LGIP § 1.

²⁹ Order No. 845, 163 FERC ¶ 61,043 at P 199.

³⁰ *Id.*; *see also pro forma* LGIP § 3.8.

³¹ Order No. 845, 163 FERC ¶ 61,043 at P 200.

with each identified contingent facility when this information is readily available and not commercially sensitive.³²

1. Deseret's Compliance Filing

20. Deseret adopts the Commission's *pro forma* LGIP definition of contingent facilities. Deseret also proposes revisions to its LGIP to add a new section 3.8 to implement the changes to the Commission's *pro forma* LGIP set forth in Order Nos. 845 and 845-A. Specifically, Deseret proposes language stating that the system impact study will identify any contingent facilities, explain how each contingent facility was identified, and explain how it relates to the interconnection request. Deseret also proposes to provide, upon the request of the interconnection customer, the estimated costs and timelines to construct any necessary interconnection facilities and/or network upgrades when available and not commercially sensitive.³³

2. Commission Determination

21. We find that the revised provisions that identify and describe Deseret's method for determining contingent facilities, as Deseret proposes in its LGIP, partially comply with the requirements of Order Nos. 845 and 845-A. We find that Deseret complies with the requirements of Order Nos. 845 and 845-A because Deseret has adopted the definition of contingent facilities without modification. Further, Deseret's proposed Tariff revisions comply with the requirements related to providing estimated network upgrade costs and estimated in-service completion dates associated with contingent facilities to the interconnection customer.

22. However, as specified in Order No. 845, transmission providers must include, in section 3.8 of their LGIPs, a method for determining contingent facilities.³⁴ The Commission required that this method provide sufficient transparency to determine why a specific contingent facility was identified and how it relates to the interconnection request.³⁵ The Commission also required that a transmission provider's method to identify contingent facilities be transparent enough to ensure that it will be applied on a

³² *Id.* P 199; *see also pro forma* LGIP § 3.8.

³³ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 3.8 (Identification of Contingent Facilities).

³⁴ Order No. 845, 163 FERC ¶ 61,043 at P 199.

³⁵ *Id.* P 200.

non-discriminatory basis.³⁶ Deseret's proposed Tariff revisions lack the requisite transparency required by Order Nos. 845 and 845-A because the proposed Tariff revisions do not detail the specific technical screens or analyses and the specific thresholds or criteria that Deseret will use as part of its method to identify contingent facilities. Without this information, an interconnection customer will not understand how Deseret will evaluate potential contingent facilities to determine their relationship to an individual interconnection request.³⁷ Further, including provisions regarding specific thresholds or criteria in Deseret's LGIP will ensure Deseret's technical screens or analyses will be applied to interconnection requests on a consistent, not unduly discriminatory or preferential basis.

23. We therefore direct Deseret to describe in section 3.8 of its LGIP the specific technical screens and/or analyses that it will employ to determine which facilities are contingent facilities. Further, we also direct Deseret to describe the specific triggering thresholds or criteria, including the quantitative triggers, that are applied to identify a facility as a contingent facility. In Order No. 845, the Commission declined to implement a standard threshold or criteria, such as a specific distribution factor threshold, because different thresholds may be more appropriate for different queue types and geographical footprints.³⁸ However, if, for instance, a transmission provider chooses to use a distribution factor analysis as a technical screen for determining how a new generating facility impacts the surrounding electrically-relevant facilities, its tariff must specify the triggering percentage impact that causes a facility to be considered contingent. Similarly, if a transmission provider relies on the system impact study to identify which facilities the new generating facility will impact, it must specify in its tariff which power system performance attributes (voltages, power flows, etc.) violated a specific threshold of a facility³⁹ such that the transmission provider would conclude that the facility is contingent for the new generating facility. A transmission provider may use multiple screens or analyses as part of its method, but it must include a corresponding, specific triggering threshold or criterion to indicate how it will apply each screen or analysis.

³⁶ *Id.*

³⁷ *See pro forma* LGIP § 3.8 ("The method shall be sufficiently transparent to determine why a specific Contingent Facility was identified.").

³⁸ Order No. 845, 163 FERC ¶ 61,043 at P 220.

³⁹ For example, a range for facility per unit voltage may constitute a specific triggering threshold, beyond which the transmission provider will identify the facility as contingent.

24. Because Deseret has not provided the specificity outlined above and thus does not fully comply with the contingent facility requirements of Order Nos. 845 and 845-A, we direct Deseret to submit a further compliance filing, within 60 days of the date of this order, which adds in section 3.8 of Deseret's LGIP: (1) the method Deseret will use to determine contingent facilities, including technical screens or analyses it proposes to use to identify these facilities, and (2) the specific thresholds or criteria it will use in its technical screens or analysis to achieve the level of transparency required by Order No. 845, as discussed above.

25. Additionally, as noted below, Deseret omits language that explicitly requires the transmission provider to provide certain information to the interconnection customer. Accordingly, we direct Deseret to file, within 60 days of the date of this order, a further compliance filing that implements the following revision to section 3.8 of its LGIP (new text in italics):

Upon request of the Interconnection Customer, *the Transmission Provider shall provide* the estimated costs and timelines to construct Interconnection Facilities and/or Network Upgrades of each Contingent Facility when available and not commercially sensitive.

D. Transparency Regarding Study Models and Assumptions

26. In Order No. 845, the Commission revised section 2.3 of the *pro forma* LGIP to require transmission providers to maintain network models and underlying assumptions on either an Open Access Same-Time Information System (OASIS) site or a password-protected website. If the transmission provider posts this information on a password-protected website, a link to the information must be provided on its OASIS site. Revised *pro forma* LGIP section 2.3 also requires that “network models and underlying assumptions reasonably represent those used during the most recent interconnection study and be representative of current system conditions.”⁴⁰ In addition, the Commission revised *pro forma* LGIP section 2.3 to allow transmission providers to require interconnection customers, OASIS site users, and password-protected website users to sign a confidentiality agreement before the release of commercially sensitive information or critical energy infrastructure information (CEII).⁴¹

27. In Order No. 845-A, the Commission reiterated that neither the Commission's CEII regulations nor Order No. 845 precludes a transmission provider from taking necessary steps to protect information within its custody or control to ensure the safety

⁴⁰ Order No. 845, 163 FERC ¶ 61,043 at P 236.

⁴¹ *Id.*; see also *pro forma* LGIP § 2.3.

and security of the electric grid.⁴² The Commission also clarified that, to the extent any party would like to use the Commission's CEII regulations as a model for evaluating entities that request network model information and assumptions (prior to signing a non-disclosure agreement), it may do so.⁴³ The Commission further clarified that the phrase "current system conditions" does not require transmission providers to maintain network models that reflect current real-time operating conditions of the transmission provider's system. Instead, the network model information should reflect the system conditions currently used in interconnection studies.⁴⁴

1. Deseret's Compliance Filing

28. Deseret proposes revisions to its LGIP to add a new section 2.3 that incorporates the study models and assumptions language adopted by Order Nos. 845 and 845-A without modification.⁴⁵

2. Commission Determination

29. We find that Deseret's proposed LGIP revisions regarding study models and assumptions comply with the requirements of Order Nos. 845 and 845-A because Deseret adopts the *pro forma* LGIP provisions without modification.

E. Definition of Generating Facility

30. In Order No. 845, the Commission revised the definition of "Generating Facility" to include electric storage resources and to allow electric storage resources to interconnect pursuant to the Commission-jurisdictional large generator interconnection processes. Specifically, the Commission revised the definition of "Generating Facility" in the *pro forma* LGIP and *pro forma* LGIA as follows:

Generating Facility shall mean Interconnection Customer's device for the production *and/or storage for later injection* of electricity identified in the Interconnection Request, but shall

⁴² Order No. 845-A, 166 FERC ¶ 61,137 at P 84 (citing Order No. 845, 163 FERC ¶ 61,043 at P 241).

⁴³ *Id.* P 85 (citing 18 C.F.R. § 388.113(g)(5)(i) (2019)).

⁴⁴ *Id.* P 88.

⁴⁵ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 2.3 (Base Case Data).

not include the Interconnection Customer's Interconnection Facilities.⁴⁶

The Commission found that this definitional change will reduce a potential barrier to large electric storage resources with a generating facility capacity above 20 MW that wish to interconnect pursuant to the terms in the *pro forma* LGIP and *pro forma* LGIA.⁴⁷

1. Deseret's Compliance Filing

31. Deseret proposes revisions to section 1 of its LGIP and article 1 of its *pro forma* LGIA to incorporate the revised definition of "Generating Facility" adopted by Order Nos. 845 and 845-A without modification.⁴⁸

2. Commission Determination

32. We find that Deseret's revisions regarding the definition of a "Generating Facility" comply with the requirements of Order Nos. 845 and 845-A because Deseret adopts the Commission's *pro forma* LGIP and *pro forma* LGIA provisions without modification.

F. Interconnection Study Deadlines

33. In Order No. 845, the Commission modified the *pro forma* LGIP to add sections 3.5.2 and 3.5.3, which require transmission providers to calculate and maintain on their OASIS sites or public websites summary statistics related to the timing of the transmission provider's processing of interconnection studies and to update those statistics on a quarterly basis.⁴⁹ In these sections, the Commission included bracketed Tariff language to be completed by the transmission provider in accordance with the timelines established for the various studies in their LGIPs.⁵⁰ The Commission also

⁴⁶ Order No. 845, 163 FERC ¶ 61,043 at P 275 (additions italicized); *see also pro forma* LGIP § 1 (Definitions).

⁴⁷ Order No. 845, 163 FERC ¶ 61,043 at P 275.

⁴⁸ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 1 (Definitions); Deseret, OATT, Attachment O, Standard Large Generator Interconnection Agreement (5.0.1), art. 1 (Definitions).

⁴⁹ Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP §§ 3.5.2, 3.5.3.

⁵⁰ Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP §§ 3.5.2, 3.5.3.

revised the *pro forma* LGIP to add section 3.5.4 to require transmission providers to file informational reports with the Commission if a transmission provider exceeds its interconnection study deadlines for more than 25 percent of any study type for two consecutive calendar quarters.⁵¹ In adopting these reporting requirements, the Commission found that the reporting requirements strike a reasonable balance between providing increased transparency and information to interconnection customers and not unduly burdening transmission providers.⁵² In Order No. 845-A, the Commission revised *pro forma* LGIP section 3.5.3 to clarify that the data reporting and retention requirements begin in the first calendar quarter of 2020.⁵³

1. Deseret's Compliance Filing

34. Deseret proposes revisions to its LGIP to add new sections 3.5.2, 3.5.3, and 3.5.4 that incorporate the *pro forma* language of Order Nos. 845 and 845-A without modification.⁵⁴ Additionally, Deseret proposes Tariff revisions to LGIP section 3.5.2.1 with a feasibility study completion deadline of 45 days, to LGIP section 3.5.2.2 with a system impact study completion deadline of 90 days, and to LGIP section 3.5.2.3 with a facilities study completion deadline of 90 days (with a cost variance of 20 percent) or 180 days (with a cost variance of 10 percent).⁵⁵

2. Commission Determination

35. We find that the revised provisions that address Deseret's study deadline statistics and informational reporting requirements, as proposed in Deseret's LGIP, comply with the requirements of Order Nos. 845 and 845-A because Deseret proposes to include *pro forma* LGIP sections 3.5.2, 3.5.3, and 3.5.4 without modification, except to replace

⁵¹ Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP § 3.5.4.

⁵² Order No. 845, 163 FERC ¶ 61,043 at P 307.

⁵³ Order No. 845-A, 166 FERC ¶ 61,137 at P 107.

⁵⁴ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), §§ 3.5.2 (Requirement to Post Interconnection Study Metrics), 3.5.3, and 3.5.4.

⁵⁵ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), §§ 3.5.2.1 (Interconnection Feasibility Studies Processing Time), 3.5.2.2 (Interconnection System Impact Studies Processing Time), and 3.5.2.3 (Interconnection Facilities Studies Processing Time).

the bracketed placeholders with timelines that align with the timelines already in its Tariff.

G. Requesting Interconnection Service below Generating Facility Capacity

36. In Order No. 845, the Commission modified sections 3.1, 6.3, 7.3, 8.2, and Appendix 1 of the *pro forma* LGIP to allow interconnection customers to request interconnection service that is lower than the proposed generating facility's capacity,⁵⁶ recognizing the need for proper control technologies and flexibility for transmission providers to propose penalties to ensure that the generating facility does not inject energy above the requested level of service.⁵⁷

37. The Commission required, in *pro forma* LGIP revised section 3.1, that transmission providers have a process in place to consider requests for interconnection service below the generating facility capacity. The Commission stipulated that such requests should be studied at the level of interconnection service requested for purposes of determining interconnection facilities, network upgrades, and associated costs, but that such requests may be subject to other studies at the full generating facility capacity to ensure safety and reliability of the system.⁵⁸ In addition, *pro forma* LGIP revised section 3.1 states that the interconnection customer is responsible for all study costs and interconnection facility and/or network upgrade costs required for safety and reliability. The Commission also required in *pro forma* LGIP revised section 3.1 that any necessary control technologies and/or protection systems be memorialized in the LGIA.

38. The Commission required, in *pro forma* LGIP revised sections 6.3, 7.3, and 8.2, that the feasibility, system impact, and facilities studies be performed at the level of interconnection service that the interconnection customer requests, unless the transmission provider is otherwise required to study the full generating facility capacity due to safety and reliability concerns. The Commission stated that, if the transmission provider determines that additional network upgrades are necessary based on these studies, it must specify which additional network upgrade costs are based on which

⁵⁶ The term generating facility capacity is defined as "the net capacity of the Generating Facility and the aggregate net capacity of the Generating Facility where it includes multiple energy production devices." *Pro forma* LGIA art. 1.

⁵⁷ Order No. 845, 163 FERC ¶ 61,043 at P 367; *see also pro forma* LGIP §§ 3.1, 6.3, 7.3, 8.2, *pro forma* LGIP app. 1.

⁵⁸ Order No. 845, 163 FERC ¶ 61,043 at PP 383-84.

studies and provide a detailed explanation of why the additional network upgrades are necessary.⁵⁹

39. Finally, the Commission revised sections 4.4.1 and 4.4.2 of the *pro forma* LGIP to allow an interconnection customer to reduce the size of its interconnection request either prior to returning to the transmission provider an executed system impact study agreement or an executed facilities study agreement.⁶⁰

1. Deseret's Compliance Filing

40. Deseret proposes revisions to its LGIP that adopt the Commission's proposed reforms to *pro forma* LGIP sections 3.1, 4.4.1, 4.4.2, 6.3, 7.3, and 8.2 and Appendix 1 to incorporate the language set forth in Order Nos. 845 and 845-A without modification.⁶¹ However, Deseret's proposed Tariff revisions do not fully incorporate the *pro forma* LGIP language adopted by Order No. 845.⁶² Order No. 845 adopted the following language as the second sentence of the final paragraph in *pro forma* LGIP section 3.1:

These requests for Interconnection Service shall be studied at the level of Interconnection Service requested for purposes of Interconnection Facilities, Network Upgrades, *and associated costs*, but may be subject to other studies at the full Generating Facility Capacity to ensure safety and reliability

⁵⁹ *Id.* P 384. The Commission clarified that, if the transmission provider determines, based on good utility practice and related engineering considerations and after accounting for the proposed control technology, that studies at the full generating facility capacity are necessary to ensure safety and reliability of the transmission system when an interconnection customer requests interconnection service that is lower than full generating facility capacity, then it must provide a detailed explanation for such a determination in writing to the interconnection customer. *Id.*

⁶⁰ *Id.* P 406; *see also pro forma* LGIP §§ 4.4.1, 4.4.2.

⁶¹ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), §§ 3.1 (General), 4.4.1, 4.4.2, 6.3 (Interconnection Feasibility Study Procedures), 7.3 (Scope of Interconnection System Impact Study), and 8.2 (Scope of Interconnection Facilities Study) and app. 1 (Interconnection Request for a Large Generating Facility).

⁶² *See* Order No. 845-A, 166 FERC ¶ 61,137 at P 117.

of the system, with the study costs borne by the Interconnection Customer.⁶³

2. Commission Determination

41. We find that Deseret's proposed LGIP revisions that allow an interconnection customer to request interconnection service below its full generating facility capacity partially comply with the requirements of Order Nos. 845 and 845-A because they incorporate most of the *pro forma* LGIP language without modification. However, as discussed above, Deseret's revisions to section 3.1 of its LGIP omit some of the *pro forma* LGIP language required by Order No. 845.⁶⁴ Accordingly, we direct Deseret to file, within 60 days of the date of this order, a further compliance filing that incorporates the *pro forma* revisions to section 3.1 of its LGIP, as required by Order No. 845.

H. Provisional Interconnection Service

42. In Order No. 845, the Commission required transmission providers to allow all interconnection customers to request provisional interconnection service.⁶⁵ The Commission explained that interconnection customers may seek provisional interconnection service when available studies or additional studies, as necessary, indicate that there is a level of interconnection service that can occur to accommodate an interconnection request without the construction of any additional interconnection facilities and/or network upgrades, and the interconnection customer wishes to make use of that level of interconnection service while the facilities required for its full interconnection request are completed.⁶⁶ To implement this service, the Commission revised the *pro forma* LGIP and *pro forma* LGIA to add a definition for "Provisional

⁶³ Order No. 845, 163 FERC ¶ 61,043 at P 347; *see also id.* P 367. The italics indicate language adopted by Order No. 845 that Deseret's Tariff revisions failed to include. We recognize however, that the *pro forma* LGIP that was available on the Commission's website failed to include that language.

⁶⁴ *Id.* PP 347, 367, & app. B.

⁶⁵ *Id.* P 438.

⁶⁶ *Id.* P 441.

Interconnection Service”⁶⁷ and for a “Provisional Large Generator Interconnection Agreement.”⁶⁸

43. In addition, the Commission added *pro forma* LGIA article 5.9.2, which details the terms for provisional interconnection service.⁶⁹ The Commission also explained that transmission providers have the discretion to determine the frequency for updating provisional interconnection studies to account for changes to the transmission system to reassess system capacity available for provisional interconnection service, and included bracketed tariff language to be completed by the transmission provider, to specify the frequency at which they perform such studies in their *pro forma* LGIA.⁷⁰ The Commission stated that interconnection customers are responsible for the costs for performing these provisional interconnection studies.⁷¹

1. Deseret’s Compliance Filing

44. Deseret proposes revisions to adopt the Commission’s *pro forma* definitions related to provisional interconnection service and the *pro forma* language in LGIA article 5.9.2 without modification.⁷² As part of its revisions, Deseret proposes to add article 5.9.2 to its *pro forma* LGIA, as required by Order Nos. 845 and 845-A, and proposes no changes to the bracketed placeholder in the following sentence: “[t]he maximum permissible output of the Generating Facility in the Provisional Large

⁶⁷ *Pro forma* LGIP § 1; *pro forma* LGIA art. 1.

⁶⁸ *Pro forma* LGIP § 1; *pro forma* LGIA art. 1. The Commission declined, however, to adopt a separate *pro forma* provisional large generator interconnection agreement. Order No. 845, 163 FERC ¶ 61,043 at P 444.

⁶⁹ *Id.* P 438; *see also pro forma* LGIP § 5.9.2.

⁷⁰ Order No. 845, 163 FERC ¶ 61,043 at P 448.

⁷¹ *Id.*

⁷² Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 1 (defining “Provisional Interconnection Service”); Deseret, OATT, Attachment O, Standard Large Generator Interconnection Agreement (5.0.1), art. 1 (defining “Provisional Interconnection Service”).

Generator Interconnection Agreement shall be studied and updated [*on a frequency determined by Transmission Provider and at the Interconnection Customer's expense*].”⁷³

2. Commission Determination

45. We find that the proposed revisions to Deseret’s LGIP and *pro forma* LGIA to establish provisional interconnection service partially comply with the requirements of Order Nos. 845 and 845-A. Deseret’s proposed revisions comply with the Commission’s required *pro forma* definition of provisional interconnection service, and with the requirement to establish the terms of service specified in *pro forma* LGIA article 5.9.2.

46. However, we find that Deseret has failed to comply with the requirement to replace the bracketed placeholder in article 5.9.2 of its *pro forma* LGIA with language specifying the frequency with which it will study and update the maximum output of the generating facility subject to a provisional LGIA. Accordingly, we direct Deseret to file, within 60 days of the date of this order, a further compliance filing that revises article 5.9.2 of its *pro forma* LGIA to specify a frequency for studying and updating the maximum permissible output of a generating facility subject to a provisional LGIA.

I. Surplus Interconnection Service

47. In Order No. 845, the Commission adopted *pro forma* LGIP sections 1, 3.3, and 3.3.1 and *pro forma* LGIA article 1 to establish surplus interconnection service, which the Commission defined as any unneeded portion of interconnection service established in an LGIA such that if the surplus interconnection service is utilized the total amount of interconnection service at the point of interconnection would remain the same.⁷⁴ Surplus interconnection service enables a new interconnection customer to utilize the unused portion of an existing interconnection customer’s interconnection service within specific parameters.⁷⁵ The Commission required transmission providers to revise their tariffs to include the new definition of surplus interconnection service in their *pro forma* LGIP and *pro forma* LGIA, and provide in the *pro forma* LGIP an expedited interconnection

⁷³ *Pro forma* LGIA art. 5.9.2 (emphasis supplied); *see also* Deseret, OATT, Attachment O, Standard Large Generator Interconnection Agreement (5.0.1), art. 5.9.2 (Provisional Interconnection Service).

⁷⁴ Order No. 845, 163 FERC ¶ 61,043 at P 467; *see also pro forma* LGIP § 1; *pro forma* LGIA art. 1.

⁷⁵ Order No. 845, 163 FERC ¶ 61,043 at P 467; Order No. 845-A, 166 FERC ¶ 61,137 at P 119.

process outside of the interconnection queue for surplus interconnection service.⁷⁶ That expedited process must allow affiliates of the existing interconnection customer to use surplus interconnection service for another interconnecting generating facility and allow for the transfer of surplus interconnection service that the existing interconnection customer or one of its affiliates does not intend to use.⁷⁷ The transmission provider must perform reactive power, short circuit/fault duty, and stability analyses studies as well as steady-state (thermal/voltage) analyses as necessary to ensure evaluation of all required reliability conditions to provide surplus interconnection service and ensure the reliable use of surplus interconnection service.⁷⁸ The original interconnection customer must be able to stipulate the amount of surplus interconnection service that is available, designate when that service is available, and describe any other conditions under which surplus interconnection service at the point of interconnection may be used.⁷⁹ When the original interconnection customer, the surplus interconnection service customer, and the transmission provider enter into agreements for surplus interconnection service, they must be filed by the transmission provider with the Commission, because any surplus interconnection service agreement will be an agreement under the transmission provider's open access transmission tariff.⁸⁰

1. Deseret's Compliance Filing

48. Deseret proposes revisions to sections 1, 3.3, and 3.3.1 of its LGIP, and article 1 of its *pro forma* LGIA, to comply with the Commission's directives in Order Nos. 845 and 845-A.⁸¹ Deseret adopts the Commission's *pro forma* LGIP and *pro forma* LGIA

⁷⁶ Order No. 845, 163 FERC ¶ 61,043 at P 467; *see also pro forma* LGIP §§ 3.3, 3.3.1.

⁷⁷ Order No. 845, 163 FERC ¶ 61,043 at P 483; *see also pro forma* LGIP § 3.3.

⁷⁸ Order No. 845, 163 FERC ¶ 61,043 at PP 455 and 467.

⁷⁹ *Id.* P 481.

⁸⁰ *Id.* P 499.

⁸¹ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), §§ 1 (Definitions) (defining "Provisional Interconnection Service"), 3.3 (Utilization of Surplus Interconnection Service), and 3.3.1 (Surplus Interconnection Service Requests); Deseret, OATT, Attachment O, Standard Large Generator Interconnection Agreement (5.0.1), art. 1 (Definitions) (defining "Provisional Interconnection Service").

revisions for surplus interconnection service as required by Order Nos. 845 and 845-A without modification.

49. In its Deficiency Response, Deseret proposes to add a new section 3.3.2 to its LGIP to provide a process for evaluating surplus interconnection service requests. Under the proposed process, should Deseret receive a request for surplus interconnection service, the original interconnection customer or its affiliate will have 10 days to exercise its priority right over a third party to surplus interconnection service at a point of interconnection. Failure to exercise priority rights by the original interconnection customer will result in all excess capacity available through surplus interconnection service being released to other potential interconnection customers for a period of up to 180 days. In addition, the original interconnection customer has the right to either release all claims to priority on a permanent basis or to transfer its priority right to surplus interconnection service to a third party.⁸² Once this right has either been exercised, waived, released, or transferred, Deseret proposes that the request will be studied pursuant to service request criteria in section 3.3.1 of the LGIP. Deseret further proposes to require a \$10,000 study deposit within five business days of execution of the study agreement, with any difference in actual cost to be paid by or refunded to the surplus interconnection customer. Deseret proposes to perform surplus interconnection studies outside of the regular interconnection study queue, to complete the studies within 60 calendar days after execution of the study agreement and receipt of the study deposit, and to communicate the results to the surplus interconnection customer as soon as practicable.

2. Commission Determination

50. We find that Deseret's proposed Tariff revisions regarding surplus interconnection service partially comply with the requirements of Order Nos. 845 and 845-A. We find that Deseret's proposed revisions to its LGIP and *pro forma* LGIA related to the definition of surplus interconnection service and the procedure for submitting surplus interconnection service requests adopt the Commission's revisions to the *pro forma* LGIP and LGIA without modification, and thus comply with the requirements of Order Nos. 845 and 845-A. In addition, we find that Deseret's proposed revisions to section 3.3.2 in its LGIP also comply with the requirements to establish an expedited process outside of the interconnection queue and to propose a process for evaluating and transferring surplus interconnection service.

51. However, although Deseret's surplus interconnection service proposal provides that the transmission provider and interconnection customer will enter into a study agreement, the proposal does not explicitly state whether the original interconnection

⁸² Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 3.3.2 (Process for Surplus Interconnection Service).

customer, the surplus interconnection service customer, and the transmission provider will enter into an agreement for surplus interconnection service prior to the commencement of service. Order No. 845 requires transmission providers to enter into agreements between the original interconnection customer, the surplus interconnection service customer, and the transmission provider for surplus interconnection and to file such agreements with the Commission, pursuant to the transmission provider's open access transmission tariff.⁸³ Further, Order No. 845 clarified that original interconnection customers are not required to make surplus interconnection service available to potential customers.⁸⁴ However, Deseret's proposed revisions in section 3.3.2 provide that an original interconnection customer's failure to exercise priority rights results in the release of all surplus interconnection service excess capacity to other potential interconnection customers for a period of up to 180 days.⁸⁵ Accordingly, we direct Deseret to submit a further compliance filing, within 60 days of the date of this order that revises section 3.3.2 of its LGIP to explicitly state that the original interconnection customer, the surplus interconnection service customer, and the transmission provider will enter into an agreement for surplus interconnection service prior to the commencement of service.⁸⁶

J. Material Modifications and Incorporation of Advanced Technologies

52. In Order No. 845, the Commission modified section 4.4.2(c) of the *pro forma* LGIP to allow an interconnection customer to incorporate certain technological advancements to its interconnection request, prior to the execution of the interconnection facilities study agreement,⁸⁷ without risking the loss of its queue position. The

⁸³ Order No. 845, 163 FERC ¶ 61,043 at P 499.

⁸⁴ *Id.* P 488.

⁸⁵ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 3.3.2 (Process for Surplus Interconnection Service).

⁸⁶ We clarify that, consistent with Order No. 845, the original interconnection customer has no obligation to make surplus interconnection service available to potential customers if it does not wish to and that failure to "exercise its priority rights" does not constitute the original interconnection customer's agreement to make surplus interconnection service available.

⁸⁷ While the Commission clarified that interconnection customers may submit a technological advancement request up until execution of the facilities study agreement, the Commission stated that it will permit transmission providers to propose rules limiting the submission of technological advancement requests to a single point in the study process (prior to the execution of a facilities study agreement), to the extent the

Commission required transmission providers to develop and include in their LGIPs a definition of permissible technological advancements that will create a category of technological changes that, by definition, do not constitute a material modification and, therefore, will not result in the loss of queue position.⁸⁸ In addition, the Commission modified section 4.4.6 of the *pro forma* LGIP to require transmission providers to insert a technological change procedure that includes the requisite information and process that the transmission provider will follow to assess whether an interconnection customer's proposed technological advancement is a material modification.⁸⁹

53. The Commission required that the technological change procedure specify what technological advancements can be incorporated at various stages of the interconnection process and clearly identify which requirements apply to the interconnection customer and which apply to the transmission provider.⁹⁰ Additionally, the technological change procedure must state that, if the interconnection customer seeks to incorporate technological advancements into its proposed generating facility, it should submit a technological advancement request, and the procedure must specify the information that the interconnection customer must submit as part of that request.⁹¹

54. The Commission also required that the technological change procedure specify the conditions under which a study will or will not be necessary to determine whether a proposed technological advancement is a material modification.⁹² The Commission explained that the technological change procedure must also state that, if a study is necessary to evaluate whether a particular technological advancement is a material modification, the transmission provider shall clearly indicate to the interconnection customer the types of information and/or study inputs that the interconnection customer must provide to the transmission provider, including, for example, study scenarios, modeling data, and any other assumptions.⁹³ In addition, the Commission required that the technological change procedure explain how the transmission provider will evaluate

transmission provider believes it appropriate. Order No. 845, 163 FERC ¶ 61,043 at P 536.

⁸⁸ *Id.* P 518.

⁸⁹ *Id.*; *see also pro forma* LGIP § 4.4.6.

⁹⁰ Order No. 845, 163 FERC ¶ 61,043 at P 519.

⁹¹ *Id.*

⁹² *Id.*; Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

⁹³ Order No. 845, 163 FERC ¶ 61,043 at P 521.

the technological advancement request to determine whether it is a material modification.⁹⁴

55. Further, the Commission required that the technological change procedure outline a time frame of no more than 30 days after the interconnection customer submits a formal technological advancement request for the transmission provider to perform and complete any necessary additional studies.⁹⁵ The Commission also found that, if the transmission provider determines that additional studies are needed to evaluate whether a technological advancement is a material modification, the interconnection customer must tender a deposit, and the transmission provider must specify the amount of the deposit in the transmission provider's technological change procedure.⁹⁶ In addition, the Commission explained that, if the transmission provider cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP, the transmission provider must provide an explanation to the interconnection customer regarding why the technological advancement is a material modification.

56. In Order No. 845-A, the Commission clarified that: (1) when studies are necessary, the interconnection customer's technological change request must demonstrate that the proposed incorporation of the technological change will result in electrical performance that is equal to or better than the electrical performance expected prior to the technological change and will not cause any reliability concerns; (2) if the interconnection customer cannot demonstrate in its technological change request that the proposed technological change would result in equal or better electrical performance, the change will be assessed pursuant to the existing material modification provisions in the *pro forma* LGIP; (3) information regarding electrical performance submitted by the interconnection customer is an input into the technological change study, and this factor alone is not determinative of whether a proposed technological change is a material modification; and (4) the determination of whether a proposed technological change (that the transmission provider does not otherwise include in its definition of permissible technological advancements) is a material modification should include an analysis of

⁹⁴ *Id.* P 521

⁹⁵ *Id.* P 535.

⁹⁶ *Id.* P 534. The Commission set the default deposit amount at \$10,000 but stated that a transmission provider may propose a reasonable alternative deposit amount in its compliance filing and include justification supporting this alternative amount. *Id.*

whether the proposed technological change materially impacts the timing and costs of lower-queued interconnection customers.⁹⁷

1. Deseret's Compliance Filing

57. Deseret proposes revisions to section 1 of its LGIP to incorporate the following definition of permissible technological advancement:

Permissible Technological Advancement shall mean a new, upgraded, updated or improved technology that an Interconnection Customer intends to utilize in the design, construction or operation of generation or transmission facilities but does not (a) include a change in the generation technology or fuel type or (b) constitute a Material Modification.⁹⁸

58. In addition, Deseret proposes revisions to section 4.4.2 of its LGIP that adopt the Commission's *pro forma* language without modification.

59. Deseret also proposes the following new section 4.4.6 to its LGIP to establish a technological change procedure:

In accordance with Section 4.4.2, at any time before the conclusion of the System Impact Study the Interconnection Customer may submit proposed modifications to the Large Generating Facility's technology. The proposed modifications should include an analysis and other supporting information to explain how its proposed modifications affects its original Interconnection Request. If it is determined that the proposed modifications do not change the technical specifications for the Large Generating Facility submitted by the Interconnection Customer to the Transmission Provider, the modifications shall be deemed a Permissible Technological Advancement and no further action shall be required. If the modifications do change the submitted technical specifications, the Transmission Provider may request a supplemental study deposit of \$10,000. Upon receipt of the supplemental study deposit, the Transmission Provider shall

⁹⁷ Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

⁹⁸ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 1 (Definitions).

update the studies related to the request. If the study results are such that the previously identified Interconnection Facilities and Network Upgrades are adequate, the modification to the Large Generating Facility's technology shall be deemed a Permissible Technological Advancement and no further action shall be required. If the study results are impacted such that the previously identified Interconnection Facilities or Network Upgrades are inadequate remedies for identified system impacts, the modification to the Large Generating Facility's technology shall be deemed a Material Modification in accordance with Section 4.4.3.

2. Commission Determination

60. We find that Deseret's proposed LGIP revisions to incorporate a definition of a permissible technological advancement and technological change procedure partially comply with the requirements of Order Nos. 845 and 845-A. Specifically, we find that Deseret's proposed definition of a permissible technological advancement meets the Commission's requirement to provide a category of technological change that does not constitute a material modification.

61. With regard to the deadline for completion of a technological advancement request, Order No. 845 provides that the determination of whether a change is a material modification must be made within 30 days of the initial request.⁹⁹ However, Deseret's proposed revisions to section 4.4.6 do not provide a timeline for informing the interconnection customer of its determination. Accordingly, we direct Deseret to file, within 60 days of the date of this order, a further compliance filing that revises its proposed technological change procedure to provide that Deseret will determine whether or not a technological advancement is a material modification within 30 calendar days of receipt of the initial request.

62. Deseret's technological advancement procedure states that an interconnection customer "may submit proposed modifications to the Large Generating Facility's technology."¹⁰⁰ However, Order No. 845 requires the technological change procedure to state that the interconnection customer should submit a technological advancement request if it seeks to incorporate technological advancements into its proposed generating

⁹⁹ Order No. 845, 163 FERC ¶ 61,043 at P 535; Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

¹⁰⁰ Deseret, OATT, Attachment N, Standard Large Generator Interconnection Procedures (4.0.1), § 4.4.6 (Technological Change Procedure).

facility.¹⁰¹ Requiring the interconnection customer to submit a technological advancement request provides clarity with regard to whether the transmission provider is evaluating the request under the new technological advancement procedure, or the existing material modification assessment procedures. Therefore, we direct Deseret to submit a further compliance filing, within 60 days of the date of this order, that revises its technological advancement procedure to state that an interconnection customer must submit a technological advancement request if it seeks to incorporate technological advancements into its proposed generating facility.

63. We also find that the use of the undefined term “technical specifications” in Deseret’s proposed technological advancement procedure makes it unclear how Deseret will determine whether a proposed technological change is a permissible technological advancement. Accordingly, we direct Deseret to submit a further compliance filing, within 60 days of the date of this order, that revises section 4.4.6 of its LGIP to clarify how it will assess changes to a generating facility’s technical specifications.

64. With respect to the timing of incorporating technological change requests, in Order No. 845, the Commission stated that establishing a reasonable cut-off point for allowing technological advancements would enhance the transmission provider’s ability to tender an interconnection service agreement and, consequently, would not delay other projects.¹⁰² We find that Deseret has not justified its proposal to accept technological advancement requests up until the conclusion of the system impact study rather than prior to the execution of the facilities study agreement as required by Order No. 845.¹⁰³ Accordingly, we direct Deseret to file, within 60 days of the date of this order, a further compliance filing that justifies its proposal.

65. Further, because Deseret’s filing is silent on whether it will provide an explanation to the interconnection customer regarding why the technological advancement is a material modification, we reiterate that the transmission provider is required to do so if it

¹⁰¹ Order No. 845, 163 FERC ¶ 61,043 at P 519.

¹⁰² *Id.* P 536.

¹⁰³ The Commission stated in Order No. 845 that, “to the extent that a transmission provider believes that it is appropriate to establish rules that permit technological advancements only at a single point in its interconnection process (prior to the execution of the interconnection facilities study agreement), we permit transmission providers to propose such a practice in their compliance filings.” *Id.*

cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP.¹⁰⁴

K. Other Compliance Requirements

66. In the Commission's Errata Notice, issued on May 13, 2019,¹⁰⁵ the Commission made various corrections to internal section references in the *pro forma* LGIP. We find that Deseret failed to implement one of these required changes, and accordingly direct Deseret to file, within 60 days of the date of this order, a further compliance filing to revise the first sentence of section 8.3 of its LGIP to read: "Transmission Provider shall coordinate the Interconnection Facilities Study with any Affected System pursuant to Section 3.6 above."¹⁰⁶

67. In addition, we note that the discussion of the timeline and requirements for surplus interconnection service studies in Deseret's proposed section 3.3.2 of its LGIP contains a ministerial error. We direct Deseret to file, within 60 days of the date of this order, a further compliance filing to revise section 3.3.2 of its LGIP to read "Any difference in actual cost will be paid by, or refunded to, the surplus Interconnection Customer."

The Commission orders:

(A) Deseret's compliance filing is hereby accepted, effective May 20, 2019, subject to a further compliance filing, as discussed in the body of this order.

¹⁰⁴ *Id.* P 522.

¹⁰⁵ Errata Notice, 167 FERC ¶ 61,123.

¹⁰⁶ *Id.* P 13.

(B) Deseret is hereby directed to submit a compliance filing within 60 days of the date of this order, as discussed in the body of this order.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.