191 FERC ¶ 61,230
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Mark C. Christie, Chairman;
David Rosner, Lindsay S. See,
and Judy W. Chang.

Southwest Power Pool, Inc. Docket No. ER24-2026-000

ORDER ON COMPLIANCE

(Issued June 26, 2025)

1. On May 16, 2024, Southwest Power Pool, Inc. (SPP) submitted proposed revisions to Attachment V of its Open Access Transmission Tariff (Tariff)[1] in compliance with the requirements of Order Nos. 2023 and 2023-A,[2] which amended the Commission's *pro forma* Large Generator Interconnection Procedures (LGIP), *pro forma* Large Generator Interconnection Agreement (LGIA), *pro forma* Small Generator Interconnection Procedures (SGIP), and *pro forma* Small Generator Interconnection Agreement (SGIA).[3] As discussed below, we find that SPP's filing partially complies with the requirements of Order Nos. 2023 and 2023-A. Accordingly, we accept SPP's compliance filing in part, effective the date of this order, and direct SPP to submit a further compliance filing within 60 days of the date of this order, as discussed below.

[1] *Sw. Power Pool, Inc.*, Open Access Transmission Tariff, Sixth Revised Volume No. 1, attach. V (Generator Interconnection Procs. (GIP), including Generator Interconnection Agreement (GIA)) (7.0.0) (Proposed Tariff).

[2] *Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, *order on reh'g*, 185 FERC ¶ 61,063 (2023), *order on reh'g*, Order No. 2023-A, 186 FERC ¶ 61,199, *errata notice*, 188 FERC ¶ 61,134 (2024).

[3] 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 generating facilities larger than 20 megawatts (MW). The *pro forma* SGIP and *pro forma* SGIA 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 generating facilities no larger than 20 MW. Order No. 2023, 184 FERC ¶ 61,054 at P 2.

I. Background

2. On July 28, 2023, the Commission issued Order No. 2023. Order No. 2023 requires all public utility transmission providers to adopt revised *pro forma* LGIPs, *pro forma* LGIAs, *pro forma* SGIPs, and *pro forma* SGIAs. These revisions ensure that interconnection customers are able to interconnect to the transmission system in a reliable, efficient, transparent, and timely manner, and will prevent undue discrimination.[4] In Order No. 2023, the Commission adopted a comprehensive package of reforms in three general categories: (1) reforms to implement a first-ready, first-served cluster study process; (2) reforms to increase the speed of interconnection queue processing; and (3) reforms to incorporate technological advancements into the interconnection process.

3. To implement a first-ready, first-served cluster study process, Order No. 2023: (1) requires transmission providers to post public interconnection information in an interactive heatmap to provide interconnection customers information before they enter the queue; (2) eliminates individual serial feasibility and system impact studies; (3) creates a cluster study; (4) creates a range of allowable allocations of cluster study costs; (5) requires transmission providers to use a proportional impact method to assign network upgrade costs within a cluster; (6) requires increased financial commitments and readiness requirements from interconnection customers, including increased study deposits, site control, commercial readiness deposits, and an LGIA deposit; (7) requires transmission providers to institute penalties for withdrawn interconnection requests; and (8) creates a transition mechanism for moving to the cluster study process adopted in Order No. 2023 from the existing serial study process.[5]

4. To increase the speed of interconnection queue processing, Order No. 2023: (1) eliminates the reasonable efforts standard for completing interconnection studies and adopts study delay penalties applicable when transmission providers fail to complete interconnection studies by the deadlines in their tariff; and (2) establishes a more detailed affected system study process in the *pro forma* LGIP, including *pro forma* affected system agreements and uniform modeling standards.[6]

5. To incorporate technological advancements into the interconnection process, Order No. 2023: (1) requires transmission providers to allow more than one generating facility to co-locate on a shared site behind a single point of interconnection and share a single interconnection request; (2) requires transmission providers to evaluate the

[4] *Id.* P 1.

[5] *Id.* P 5.

[6] *Id.* P 6.

proposed addition of a generating facility to an existing interconnection request prior to deeming such an addition a material modification; (3) requires transmission providers to allow interconnection customers to access the surplus interconnection service process once the original interconnection customer has an executed LGIA or requests the filing of an unexecuted LGIA; (4) requires transmission providers, at the request of the interconnection customer, to use operating assumptions in interconnection studies that reflect the proposed charging behavior of electric storage resources; (5) requires transmission providers to evaluate an enumerated list of alternative transmission technologies during the study process; (6) requires each interconnection customer requesting to interconnect a non-synchronous generating facility to submit to the transmission provider certain specific models of the generating facility; (7) establishes ride through requirements during abnormal frequency conditions and voltage conditions within the "no trip zone" defined by North American Electric Reliability Corporation Reliability Standard PRC-024-3 or successor mandatory ride through reliability standards; and (8) requires that all newly interconnecting large generating facilities provide frequency and voltage ride through capability consistent with any standards and guidelines that are applied to other generating facilities in the balancing authority area on a comparable basis.[7]

6. In Order No. 2023-A, the Commission granted certain requests for rehearing and clarification. The Commission set aside Order No. 2023 in part, to specify that: (1) where an interconnection customer is in the interconnection queue of a transmission provider that currently uses, or is transitioning to, a cluster study process and the transmission provider proposes on compliance to adopt the new readiness requirements in Order No. 2023 or a variation for its annual cluster study, the interconnection customer must comply with the transmission provider's new readiness requirements within 60 days of the Commission-approved effective date of the transmission provider's compliance filing, where such readiness requirements are applicable given the status of the individual interconnection customer in the queue; (2) a network upgrade that is required for multiple interconnection customers in a cluster, not part of an affected system, and may be constructed without affecting day-to-day operations of the transmission system during its construction, may be considered a stand alone network upgrade if all such interconnection customers mutually agree to exercise the option to build; (3) a transmission provider must complete its determination that an interconnection request is valid by the close of the cluster request window such that only interconnection customers with valid interconnection requests proceed to the customer engagement window; and (4) acceptable forms of security for the commercial readiness deposit and deposits prior to the transitional serial study, the transitional cluster study, the cluster restudy, and the interconnection facilities study should include not only cash or an irrevocable letter of

[7] *Id.* P 7.

credit, but also surety bonds or other forms of financial security that are reasonably acceptable to the transmission provider.[8]

7. Additionally, in Order No. 2023-A, the Commission granted several clarifications on the following topics: (1) conflicts with ongoing interconnection queue reform efforts; (2) public interconnection information; (3) the cluster study process; (4) allocation of cluster network upgrade costs; (5) shared network upgrades; (6) withdrawal penalties; (7) study delay penalties and the appeal structure; (8) affected systems; (9) revisions to the material modification process to require consideration of generating facility additions; (10) availability of surplus interconnection service; (11) operating assumptions for interconnection studies; (12) consideration of the enumerated alternative transmission technologies in interconnection studies; and (13) ride-through requirements.[9]

II. SPP's Compliance Filing

8. SPP proposes modifications to the *pro forma* LGIP and *pro forma* LGIA adopted in Order Nos. 2023 and 2023-A and requests independent entity variations regarding the directives in Order Nos. 2023 and 2023-A.[10]

9. SPP explains that it has undertaken a series of reforms to its interconnection queue since the Commission's issuance of Order No. 2003.[11] SPP states that, as part of those reforms, in 2019, it implemented a three-stage interconnection study process with increasing financial milestones at each stage, including: (1) Definitive Interconnection System Impact Study (DISIS) Phase One, which involves a cluster study consisting of a steady-state thermal and voltage analysis; (2) DISIS Phase Two, which involves a cluster study consisting of a steady-state thermal and voltage analysis, and a transient and dynamic stability and short-circuit analysis; and (3) the interconnection facilities study,

[8] Order No. 2023-A, 186 FERC ¶ 61,199 at P 7.

[9] *Id.* P 8.

[10] Filing at 7-8. SPP notes that it removed its SGIP and *pro forma* SGIA from its Tariff and replaced it with a single Generator Interconnection Procedures (GIP) and *pro forma* Generator Interconnection Agreement (GIA) applicable to all interconnection requests regardless of size. *Id.* (citing *Sw. Power Pool, Inc.*, Docket No. ER10-681-000 (Mar. 26, 2010) (delegated order)).

[11] *Id.* at 2-6 (citing *Standardization of Generator Interconnection Agreements & Procs.*, Order No. 2003, 104 FERC ¶ 61,103 (2003), *order on reh'g*, Order. No. 2003-A, 106 FERC ¶ 61,220, *order on reh'g*, Order No. 2003-B, 109 FERC ¶ 61,287 (2004), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005), *aff'd sub nom. Nat'l Ass'n of Regul. Util. Comm'rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007)).

which includes a refresh of the cluster analysis followed by an individual study that consists of facility scoping and estimation of costs and construction lead-time for any needed facilities identified in studies.[12] DISIS Phases One and Two are followed by an interconnection customer decision point (Decision Point One follows DISIS Phase One, and Decision Point Two follows DISIS Phase Two).[13] The decision points provide interconnection customers opportunities to evaluate study results and decide whether to proceed with or withdraw their interconnection requests. To continue in the queue, interconnection customers must post Financial Security Two at the end of Decision Point One and Financial Security Three at the end of Decision Point Two.

10. SPP states that, in its compliance filing, it proposes Tariff revisions that comply with Order Nos. 2023 and 2023-A and, in some instances, proposes to retain its existing Tariff provisions that it argues meet or exceed the Commission's goals in Order Nos. 2023 and 2023-A.[14] SPP contends that its proposal to continue with its existing cluster study process and various other related Tariff requirements is just and reasonable under the independent entity variation standard of review and that its proposed deviations to continue exercising its existing interconnection study processes are consistent with the intent of Order Nos. 2023 and 2023-A to "address interconnection queue backlogs, improve certainty, and prevent undue discrimination for new technologies."[15] Specifically, SPP proposes variations related to public interconnection information, the cluster study process, the allocation of cluster study costs, the allocation of cluster network upgrade costs, study deposits, site control, commercial readiness, GIA deposits, withdrawal penalties, the transition process, the elimination of reasonable efforts, the affected system study process and modeling, affected system *pro forma* agreements, co-located generating facilities, revisions to the modification process, surplus interconnection service, operating assumptions for interconnection studies, incorporating enumerated alternative transmission technologies, and modeling and ride-through requirements for non-synchronous generating facilities, as discussed below. SPP requests that the proposed Tariff revisions become effective as of the date the Commission issues an order accepting the proposed Tariff revisions.[16]

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[12] *Id.* at 5 (citing *Sw. Power Pool, Inc*., 167 FERC ¶ 61,275 (2019) (*SPP*)).

[13] SPP, Tariff, attach. V, § 8 (Definitive Planning Phase) (19.0.0), §§ 8.5.1 (Decision Point One), 8.5.2 (Decision Point Two).

[14] Filing at 7.

[15] *Id.* at 7-8 (citing Order No. 2023, 184 FERC ¶ 61,054 at P 1).

[16] *Id.* at 51.

III. Notice and Responsive Pleadings

11. Notice of SPP's compliance filing was published in the *Federal Register*, 89 Fed. Reg. 44969 (May 22, 2024), with interventions and protests due on or before June 6, 2024.

12. Louisiana Public Service Commission filed a notice of intervention.

13. Timely motions to intervene were filed by: Accelergen Energy LLC; Advanced Energy United; AES Clean Energy Development, LLC; American Clean Power Association (ACP) and Advanced Power Alliance (APA); American Electric Power Service Corporation, on behalf of its affiliates Public Service Company of Oklahoma, Southwestern Electric Power Company, AEP Oklahoma Transmission Company, Inc., and AEP Southwestern Transmission Company, Inc.; Arevon Energy, Inc.; Basin Electric Power Cooperative; Clearway Energy Group LLC; EDF Renewables, Inc.; Kansas Electric Power Cooperative, Inc.; Longroad Energy Holdings, LLC (Longroad); Minnkota Power Cooperative, Inc.; Natural Resource Defense Council and Sustainable FERC Project; Pine Gate Renewables, LLC; Shell Energy North America (US), L.P., Shell New Energies US, LLC, and Savion LLC (collectively, Shell Companies); Solar Energy Industries Association (SEIA); and Sunflower Electric Power Corporation. Late motions to intervene were filed by Midcontinent Independent System Operator, Inc. (MISO) and Western Area Power Administration (WAPA).

14. Protests were filed by Clean Energy Associations,[17] Longroad, and Shell Companies. On June 21, 2024, SPP filed a motion for leave to answer and answer in response to protests. On July 8, 2024, Longroad and Shell Companies filed motions for leave to answer and answers to SPP's answer.

IV. Discussion

A. Procedural Matters

15. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2024), the notice of intervention and timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

16. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(d), we grant MISO's and WAPA's late-filed motions to intervene given their interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.

[17] Clean Energy Associations are ACP, APA, Advanced Energy United, and SEIA.

17. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2024), prohibits an answer to a protest or an answer unless otherwise ordered by the decisional authority. We accept the answers filed by SPP, Longroad, and Shell Companies because they have provided information that assisted us in our decision-making process.

B. Substantive Matters

18. As discussed below, we find that SPP's filing partially complies with the requirements of Order Nos. 2023 and 2023-A. Accordingly, we accept SPP's compliance filing in part, effective the date of this order, and direct SPP to submit a further compliance filing within 60 days of the date of this order.

1. Proposed Variations

19. As discussed further below, SPP has proposed certain variations from the Commission's requirements in Order Nos. 2023 and 2023-A. The Commission explained in Order No. 2023 that such variations would be reviewed under the same standard allowed by Order Nos. 2003, 2006, and 845.[18] In Order No. 2003, the Commission permitted Regional Transmission Organizations/Independent System Operators (RTO/ISO) to seek "independent entity variations" for pricing and non-pricing provisions, and stated that RTOs/ISOs "shall have greater flexibility to customize [their] interconnection procedures and agreement to fit regional needs."[19] The Commission stated that this approach recognizes that an RTO/ISO is less likely to act in an unduly discriminatory manner than a transmission provider that is a market participant.[20] The Commission has granted independent entity variations from interconnection-related rulemakings where the RTO/ISO demonstrates that the proposed variation: (1) is just and reasonable and not unduly discriminatory or preferential; and (2) accomplishes the purposes of the order.[21] It is not a sufficient justification to state that a variation

[18] Order No. 2023, 184 FERC ¶ 61,054 at P 1764 (citing Order No. 2003, 104 FERC ¶ 61,103 at P 826; *Standardization of Small Generator Interconnection Agreements & Procs*., Order No. 2006, 111 FERC ¶ 61,220, at PP 447, 549, *order on reh'g*, Order No. 2006-A, 113 FERC ¶ 61,195 (2005), *order granting clarification*, Order No. 2006-B, 116 FERC ¶ 61,046 (2006); *see also Reform of Generator Interconnection Procs. & Agreements*, Order No. 845, 163 FERC ¶ 61,043, at P 556 (2018), *order on reh'g*, Order No. 845-A, 166 FERC ¶ 61,137, *order on reh'g*, Order No. 845-B, 168 FERC ¶ 61,092 (2019)).

[19] Order No. 2003, 104 FERC ¶ 61,103 at P 826.

[20] *Id.* P 827.

[21] *See, e.g.*, *ISO New England Inc.*, 164 FERC ¶ 61,222, at P 9 (2018) (citing

conforms to current RTO/ISO practices or to the RTO's/ISO's tariff definitions and terminology.[22] Even if the transmission provider is an RTO/ISO, it must still justify its variations in light of the Commission's *pro forma* LGIP and/or *pro forma* LGIA and/or *pro forma* SGIP and/or *pro forma* SGIA.[23] We evaluate SPP's proposed variations from the requirements of Order Nos. 2023 and 2023-A accordingly.

2. Public Interconnection Information

20. In Order No. 2023, the Commission adopted section 6.1 (Publicly Posted Interconnection Information)[24] of the *pro forma* LGIP to require transmission providers to maintain and make publicly available an interactive visual representation of available interconnection capacity (commonly known as a "heatmap") as well as a table of relevant interconnection metrics that is produced in response to user-specified input about each prospective generating facility.[25] The table will allow prospective interconnection customers to see certain estimates of a potential generating facility's effect on the transmission provider's transmission system. Specifically, the Commission required transmission providers to post on their public website a heatmap of estimated incremental injection capacity (in MW) available at each point of interconnection to the whole transmission provider's footprint under N-1 conditions, as well as provide a table of results in response to a specific user's input showing the estimated impact of the addition of the proposed project (based on the user-specified MW amount, voltage level, and point of interconnection) for each monitored facility impacted by the proposed project on: (1) the distribution factor; (2) the MW impact (based on the proposed project size and the distribution factor); (3) the percentage impact on the monitored facility (based on the MW values of the proposed project and the monitored facility rating); (4) the percentage of power flow on the monitored facility before the proposed project; and (5) the

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Order No. 2003, 104 FERC ¶ 61,103 at PP 26, 827; *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,247, at P 20 (2016); *Cal. Indep. Sys. Operator Corp.*, 140 FERC ¶ 61,070, at P 44 (2012)).

[22] *See Cal. Indep. Sys. Operator Corp.*, 170 FERC ¶ 61,112, at P 11 (2020); *Sw. Power Pool, Inc.*, 170 FERC ¶ 61,042, at P 14 (2020); *ISO New England Inc.*, 170 FERC ¶ 61,209, at P 14 (2020); *Midcontinent Indep. Sys. Operator, Inc.*, 169 FERC ¶ 61,221, at P 18 (2019); *PJM Interconnection, L.L.C.*, 169 FERC ¶ 61,226, at P 15 (2019).

[23] *See PJM Interconnection, L.L.C.*, 108 FERC ¶ 61,025, at P 16 (2004).

[24] We note that the section or article title appears in parentheticals following the first usage of that section or article in this order.

[25] Order No. 2023, 184 FERC ¶ 61,054 at P 135; *see also pro forma* LGIP § 6.1.

percentage power flow on the monitored facility after the injection of the proposed project.

21. The Commission required that heatmaps be calculated under N-1 conditions and studied based on the power flow model of the transmission system used in the most recent cluster study or restudy, and with the transfer simulated from each point of interconnection to the whole transmission provider's footprint (to approximate Network Resource Interconnection Service (NRIS)[26]), and with the incremental capacity at each point of interconnection decremented by the existing and queued generation at that location (based on the existing or requested interconnection service limit of such generation). The Commission required transmission providers to update their heatmaps within 30 calendars days after the completion of each cluster study and cluster restudy. Further, the Commission clarified that transmission providers are not required to make their heatmaps available until after their transition periods.

a. SPP's Compliance Filing

22. SPP proposes revisions to GIP section 6.1 to incorporate the Commission's *pro forma* LGIP revisions related to public interconnection information adopted in Order Nos. 2023 and 2023-A.[27] Specifically, SPP proposes revisions to GIP section 6.1 to incorporate the Commission's *pro forma* LGIP section 6.1 in its entirety but proposes to replace the terms "cluster study" and "cluster restudy" with "DISIS" and "DISIS Restudy."[28]

b. Commission Determination

23. We find that SPP's proposed Tariff revisions related to public interconnection information, including the requested independent entity variation, comply with the

[26] The *pro forma* LGIP defines NRIS service as "an Interconnection Service that allows the Interconnection Customer to integrate its Large Generating Facility with the Transmission Provider's Transmission System (1) in a manner comparable to that in which the Transmission Provider integrates its generating facilities to serve native load customers; or (2) in an RTO or ISO with market-based congestion management, in the same manner as Network Resources. Network Resource Interconnection Service in and of itself does not convey transmission service." *Pro forma* LGIP § 1.

[27] SPP, Proposed Tariff, attach. V, § 6 (Interconnection Information Access) (4.0.0), § 6.1 (Publicly Posted Interconnection Information).

[28] Filing at 13. SPP also states that it is developing a pre-screening tool, which includes a heatmap, and anticipates that it will be available for use by interconnection customers by January 1, 2025. *Id.*

requirements of Order Nos. 2023 and 2023-A. SPP's proposed revisions to GIP section 6.1 incorporate the public interconnection information requirements of Order Nos. 2023 and No. 2023-A, with minor modifications to retain defined terms that are consistent with SPP's existing interconnection study process. Therefore, we find that SPP's proposal is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A because it will provide prospective interconnection customers with the required information early in SPP's study process.

3. Cluster Study Process

24. In Order No. 2023, the Commission revised the *pro forma* LGIP and *pro forma* LGIA to require transmission providers to study interconnection requests in clusters. The Commission added several new, and revised several existing, defined terms to facilitate this change.[29]

25. The Commission adopted section 3.1.2 (Submission) of the *pro forma* LGIP to require an interconnection customer to select a definitive point of interconnection when executing the cluster study agreement.[30] The Commission adopted section 3.4.1 (Cluster Request Window), section 3.4.4 (Deficiencies in Interconnection Request), and section 3.4.5 (Customer Engagement Window) of the *pro forma* LGIP to provide a process for interconnection customers to submit a cluster study interconnection request.[31] The Commission adopted section 3.4.6 (Cluster Study Scoping Meetings) of the *pro forma* LGIP to require transmission providers to hold a scoping meeting with interconnection customers in the cluster.[32] The Commission revised section 3.5.2 (Requirement to Post Interconnection Study Metrics) of the *pro forma* LGIP to require transmission providers to post metrics for cluster study and restudy processing time.[33] Additionally, the Commission required the transmission provider to include the number of calendar days after the conclusion of the transition process that the initial cluster request window will open, as well as the month and date of the opening of the annual cluster request window, in *pro forma* LGIP section 3.4.1.

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[29] Order No. 2023, 184 FERC ¶ 61,054; *see also pro forma* LGIP § 1; *pro forma* LGIA art. 1.

[30] Order No. 2023, 184 FERC ¶ 61,054 at P 200; *see also pro forma* LGIP § 3.1.2.

[31] Order No. 2023, 184 FERC ¶ 61,054 at P 223; *see also pro forma* LGIP §§ 3.4.1, 3.4.4, 3.4.5.

[32] Order No. 2023, 184 FERC ¶ 61,054 at P 245; *see also pro forma* LGIP § 3.4.6.

[33] Order No. 2023, 184 FERC ¶ 61,054 at P 259; *see also pro forma* LGIP § 3.5.2.

26. The Commission adopted several revisions to the *pro forma* LGIP related to the process by which an interconnection customer can make an interconnection request. The Commission revised section 4.1 (Queue Position) of the *pro forma* LGIP to provide that all interconnection requests within a cluster be considered equally queued and accordingly modified the definition of "queue position."[34] The Commission renamed and revised section 4.2 (General Study Process) of the *pro forma* LGIP to require transmission providers to perform interconnection studies within the cluster study process.[35] The Commission revised section 4.4 (Modifications) of the *pro forma* LGIP to provide that moving a point of interconnection shall result in the loss of a queue position if it is deemed a material modification by the transmission provider.[36] The Commission also revised section 4.4.1 of the *pro forma* LGIP to incorporate the material modification process as part of the cluster study process.[37] The Commission revised section 4.4.5 of the *pro forma* LGIP to require that an interconnection customer receive an extension of fewer than three cumulative years of the generating facility's commercial operation date without requiring it to request such an extension from the transmission provider.[38]

27. The Commission adopted revisions to the *pro forma* LGIP to implement several cluster study provisions. The Commission revised section 7 (Cluster Study) of the *pro forma* LGIP to set out the requirements and scope of the cluster study agreement, as well as the cluster study and restudy procedures.[39] The Commission revised *pro forma* LGIP section 7.1 (Cluster Study Agreement) to provide that the transmission provider must tender to each interconnection customer that submitted a valid interconnection request a cluster study agreement no later than five business days after the close of the cluster request window.[40] The Commission revised *pro forma* LGIP section 7.2 (Execution of Cluster Study Agreement) to provide that, if the interconnection customer does not provide technical data when it delivers the cluster study agreement, the transmission provider must notify the interconnection customer of the deficiency within five business days, and the interconnection customer must cure the deficiency within 10 business

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[34] Order No. 2023, 184 FERC ¶ 61,054 at PP 277, 283; *see also pro forma* LGIP § 4.1.

[35] Order No. 2023, 184 FERC ¶ 61,054 at P 278; *see also pro forma* LGIP § 4.2.

[36] Order No. 2023, 184 FERC ¶ 61,054 at P 283; *see also pro forma* LGIP § 4.4.

[37] Order No. 2023, 184 FERC ¶ 61,054 at P 285; *see also pro forma* LGIP § 4.4.1.

[38] Order No. 2023, 184 FERC ¶ 61,054 at P 293; *see also pro forma* LGIP § 4.4.5.

[39] Order No. 2023, 184 FERC ¶ 61,054 at P 317; *see also pro forma* LGIP § 7.

[40] Order No. 2023, 184 FERC ¶ 61,054 at P 317; *see also pro forma* LGIP § 7.1.

days.[41] The Commission modified *pro forma* LGIP section 7.3 (Scope of Cluster Study Agreement) to provide that the stability analysis, power flow analysis, and short circuit analysis will be conducted on a clustered basis.[42]

28. The Commission also modified *pro forma* LGIP section 7.4 (Cluster Study Procedures) to provide that the transmission provider shall complete the cluster study within 150 calendar days, using subgroups if it chooses. Within 10 business days of simultaneously furnishing a cluster study report and draft facilities study agreement to each interconnection customer and posting such report on its Open Access Same-Time Information System (OASIS), the transmission provider shall convene an open meeting to discuss the study results.[43] The Commission revised *pro forma* LGIP section 7.5 (Cluster Study Restudies) to require that the interconnection customer must provide, within 20 calendar days after the cluster study report meeting, a study deposit, demonstration of site control, and a commercial readiness deposit. The Commission also required the transmission provider to complete any cluster restudy within 150 calendar days.[44]

29. The Commission revised section 8.5 (Restudy) of the *pro forma* LGIP to make clear that restudies can be triggered by the withdrawal or modification by a higher- or equally-queued interconnection request.[45] The Commission revised sections 11.1 (Tender) and 11.3 (Execution and Filing) of the *pro forma* LGIP regarding the tendering, execution, and filing of the LGIA to incorporate the site control demonstrations and LGIA deposit requirements of Order No. 2023.[46]

30. The Commission also revised Appendix 2 (formerly Appendix 3) (Cluster Study Agreement) from the *pro forma* interconnection system impact study agreement to the new *pro forma* cluster study agreement.[47]

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[41] Order No. 2023, 184 FERC ¶ 61,054 at P 317; *see also pro forma* LGIP § 7.2.

[42] Order No. 2023, 184 FERC ¶ 61,054 at P 317; *see also pro forma* LGIP § 7.3.

[43] Order No. 2023, 184 FERC ¶ 61,054 at P 317; *see also pro forma* LGIP § 7.4.

[44] Order No. 2023, 184 FERC ¶ 61,054 at P 317; *see also pro forma* LGIP § 7.5.

[45] Order No. 2023, 184 FERC ¶ 61,054 at P 335; *see also pro forma* LGIP § 8.5.

[46] Order No. 2023, 184 FERC ¶ 61,054 at P 344; *see also pro forma* LGIP §§ 11.1, 11.3.

[47] *See pro forma* LGIP app. 2.

31. In Order No. 2023-A, the Commission modified the *pro forma* LGIP and *pro forma* LGIA definitions of "stand alone network upgrades" and *pro forma* LGIA article 5.1.3 (Option to Build) to allow an interconnection customer to exercise the option to build whether the stand alone network upgrade is attributable to a single interconnection customer, or multiple interconnection customers in a single cluster study that agree to exercise this option.[48]

32. The Commission also modified *pro forma* LGIP section 3.4.5 to clarify that any interconnection request for which the interconnection customer has not executed a cluster study agreement by the end of the customer engagement window will be deemed withdrawn from the interconnection queue.[49] The Commission also modified *pro forma* LGIP section 3.4.4 to clarify that all items in *pro forma* LGIP section 3.4.2 (Initiating an Interconnection Request) must be received during the cluster request window and, if they are not, the interconnection request will be deemed withdrawn.[50]

33. The Commission modified *pro forma* LGIP sections 7.3 and 8.1 (Interconnection Facilities Study Agreement) to remove the requirement for the transmission provider to tender an interconnection facilities study agreement simultaneously with the issuance of a cluster study (or restudy) report and instead add a requirement for the transmission provider to tender the interconnection facilities agreement within five business days after the transmission provider notifies the interconnection customers that no further restudies are required.[51]

34. The Commission modified sections 3.4.2, 5.1.1.1 (Transitional Serial Study), 5.1.1.2 (Transitional Cluster Study), 7.5, and 8.1 of the *pro forma* LGIP to reflect that acceptable forms of security for the commercial readiness deposit and deposits prior to the transitional serial study, the transitional cluster study, the cluster restudy, and the interconnection facilities study should include not only cash or an irrevocable letter of

[48] Order No. 2023-A, 186 FERC ¶ 61,199 at PP 141-143; *see also pro forma* LGIP § 1; *pro forma* LGIA arts. 1, 5.1.3.

[49] Order No. 2023-A, 186 FERC ¶ 61,199 at P 159; *see also pro forma* LGIP § 3.4.5.

[50] Order No. 2023-A, 186 FERC ¶ 61,199 at P 161; *see also pro forma* LGIP § 3.4.4.

[51] Order No. 2023-A, 186 FERC ¶ 61,199 at P 163; *see also pro forma* LGIP §§ 7.3, 8.1.

credit, but also surety bonds or other forms of financial security that are reasonably acceptable to the transmission provider.[52]

35. Finally, the Commission revised *pro forma* LGIP sections 3.4.6, 3.5.2.4 (Interconnection Service Requests Withdrawn from Interconnection Queue), and 7.5, as well as the *pro forma* LGIP definition of "interconnection study," to remove inadvertent errors and add minor clarifying edits.[53]

a. SPP's Compliance Filing

36. SPP proposes revisions to GIP sections 1, 3.5.1, and 4.4.5, as well as article 1 of its *pro forma* GIA,[54] to incorporate, without modification or with only SPP-specific modifications, certain cluster study process requirements adopted in Order Nos. 2023 and 2023-A.[55]

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[52] Order No. 2023-A, 186 FERC ¶ 61,199 at P 185; *see also pro forma* LGIP §§ 3.4.2, 5.1.1.1, 5.1.1.2, 7.5, 8.1.

[53] Order No. 2023-A, 186 FERC ¶ 61,199 at P 167; *see also pro forma* LGIP §§ 1, 3.4.6, 3.5.2.4, 7.5.

[54] SPP also proposes conforming revisions to its *pro forma* Interim GIA, as well as to its *pro forma* GIA and *pro forma* Interim GIA for use when Western Area Power Administration-Upper Great Plains region (Western-UGP) is a party to the GIA as the transmission owner. SPP, Proposed Tariff, attach. V, app. 8 (*pro forma* Interim GIA) (20.0.0); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0). Unless otherwise indicated, SPP's proposed revisions to its *pro forma* GIA also apply to its *pro forma* Interim GIA, *pro forma* Western-UGP GIA, and *pro forma* Western-UGP Interim GIA.

[55] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Cluster, Clustering, Interconnection Facilities, Interconnection Facilities Study Report, Interconnection Request, Material Modification, Queue Position, Stand Alone Network Upgrades; *id.* § 3 (Interconnection Requests) (21.0.0), § 3.5.1 (OASIS Posting); *id.* § 4 (Interconnection Request Evaluation Process) (9.0.0), § 4.4.5; *id.* app. 6 (GIA) (23.0.0), art. 1 (Definitions), Clustering, Interconnection Facilities, Interconnection Request, Material Modification, Queue Position, and Stand Alone Network Upgrades; *id.* app. 8 (*pro forma* Interim GIA) (20.0.0), art. 1 (Definitions), *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0), art. 1 (Definitions); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), art. 1 (Definitions), Cluster, Clustering, Interconnection Facilities, Interconnection Request, Material Modification, Queue Position, and Stand Alone Network Upgrades.

37. SPP also proposes revisions to GIP sections 1, 3.1.2, 3.4.1, 3.4.4, 3.4.5, 3.5.2, 3.5.2.2, 3.5.2.3, 3.5.2.4, 3.5.2.5, 3.5.3, 3.5.4, 4, 4.1, 4.1.1, 4.1.2, 4.2, 4.2.1, 4.3, 4.4, 4.4.3, 4.4.4, 4.4.6, 8.4.1, 8.8, 8.10, 8.13, and 11.3, as well as articles 1 and 5.1.2 of its *pro forma* GIA, to incorporate, with modification, many of the cluster study process requirements adopted in Order Nos. 2023 and 2023-A.[56]

38. SPP explains that it transitioned to a cluster study process with its 2019 queue reforms and, as such, its existing interconnection study processes comply with many of the Commission's directives in Order Nos. 2023 and 2023-A.[57] SPP also states that it proposes to retain its existing Tariff provisions where those provisions meet or exceed the Commission's goals in Order Nos. 2023 and 2023-A.[58] SPP contends that its proposal to continue with its existing cluster study process and various other related Tariff requirements is just and reasonable under the independent entity variation standard of review, and its proposed deviations to continue exercising its existing interconnection study processes are consistent with the intent of Order Nos. 2023 and 2023-A to "address interconnection queue backlogs, improve certainty, and prevent undue discrimination for new technologies."[59]

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[56] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0); *id.* § 3 (Interconnection Requests) (21.0.0), §§ 3.1.2 (Submission), 3.4.1 (DISIS Queue Cluster Window), 3.4.4 (Deficiencies in Interconnection Requests), 3.4.5 (Scoping Meeting), 3.5.2 (Requirement to Post Interconnection Study Metrics), 3.5.2.2 (Definitive Interconnection System Impact Study Phase Two processing time), 3.5.2.3 (DISIS Restudies Processing Time), 3.5.2.4 (Interconnection Facilities Studies processing time), 3.5.2.5 (Interconnection Service Requests withdrawn from interconnection queue), 3.5.3, 3.5.4; *id.* § 4 (Interconnection Request Evaluation Process) (9.0.0), §§ 4.1 (Queue Position), 4.1.1 (Assignment of Queue Position), 4.1.2 (Higher Queue Position), 4.2 (General Study Process), 4.2.1 (DISIS Queue Study Procedures), 4.3 (Transferability of Queue Position), 4.4 (Modification), 4.4.3, 4.4.4, 4.4.6; *id.* § 8 (Definitive Planning Phase) (17.0.0), §§ 8.4.1, 8.8 (DISIS Restudy), 8.10 (Scope of Interconnection Facilities Study), 8.13 (Re-study); *id.* app. 6 (GIA) (23.0.0), arts. 1 (Definitions), 5.1.2; *id.* app. 8 (*pro forma* Interim GIA) (20.0.0), arts. 1 (Definitions), 5.1.2; *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0), arts. 1 (Definitions), 5.1.2; *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), arts. 1 (Definitions), 5.1.2.

[57] Filing at 13.

[58] *Id.* at 7.

[59] *Id.* at 7-8 (citing Order No. 2023, 184 FERC ¶ 61,054 at P 1).

i. Defined Terms

39. SPP proposes revisions to GIP section 1 and its *pro forma* GIA article 1 to incorporate in part, with modifications, new definitions required by Order Nos. 2023 and 2023-A.[60] However, SPP does not propose to adopt certain definitions in the Commission's *pro forma* LGIP and LGIA, including definitions for "cluster request window," "cluster restudy," "cluster restudy report," "cluster restudy report meeting," "cluster study," "cluster study agreement," "cluster study process," "cluster study report," "cluster study report meeting," "customer engagement window," and "interconnection facilities study agreement."[61] Instead, SPP proposes to retain its existing provisions related to its DISIS process and the associated definitions. For example, (1) SPP does not propose to adopt the defined term or *pro forma* definition of "cluster request window" but proposes to retain its existing defined term "DISIS queue cluster window," which is the period during which the transmission provider shall accept interconnection requests for definitive interconnection system impact studies; (2) SPP proposes to adopt the definition of "cluster restudy" but modify the definition by replacing the term with "DISIS Restudy;" (3) SPP does not propose to adopt the defined term or *pro forma* definition of "cluster study" but retains its existing defined term "DISIS" and existing DISIS definition; and (4) SPP does not propose to adopt the *pro forma* terms "cluster study agreement" or "interconnection facilities study agreement," but proposes to retain its existing term "generator interconnection study agreement," which is the study agreement for the DISIS and the interconnection facilities study.[62]

40. Further, SPP proposes to adopt the Commission's revisions to the definitions of "interconnection study" and "interconnection facilities study" in the Commission's *pro forma* LGIP with modification to retain the term "DISIS" in place of "cluster study."[63] In addition, SPP explains that it does not propose to adopt revisions to the definitions of "optional interconnection study" and "optional interconnection study agreement" in the Commission's *pro forma* LGIP because the optional interconnection study was

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[60] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0); *id.* app. 6 (GIA) (23.0.0), art. 1 (Definitions); *id.* app. 8 (*pro forma* Interim GIA) (20.0.0), art. 1 (Definitions); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0), art. 1 (Definitions); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), art. 1 (Definitions).

[61] Filing at 10-11, 14; SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0).

[62] Filing at 14; SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), DISIS Queue Cluster Window, DISIS, DISIS Restudy, Generator Interconnection Study Agreement.

[63] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Interconnection Study, Interconnection Facilities Study.

previously removed from its Tariff and because the optional interconnection study is informational only, replicates the system impact study, and jeopardizes SPP's ability to meet its study deadlines.[64]

41. However, while SPP proposes revisions to the definition of "interconnection study" to incorporate aspects of the Commission's revisions to the definition, SPP's proposed revisions do not incorporate reference to "surplus interconnection service study" contained in the *pro forma* LGIP, without explanation.[65] Moreover, although SPP asserts that it adopts the Commission's revisions to the *pro forma* definition of "scoping meeting," SPP does not propose revisions to adopt the Commission's removal of the phrase "to determine the potential feasible Points of Interconnection," without explanation.[66] Finally, although SPP states that its proposed revisions adopt the defined term "cluster" in the Commission's *pro forma* LGIA into SPP's *pro forma* GIA, SPP proposed revisions do not incorporate this term.[67]

ii. Application Process and Customer Engagement Window

42. SPP does not propose to adopt the requirement in *pro forma* LGIP section 3.1.2 (Submission) for an interconnection customer to select a definitive point of interconnection when executing the cluster study agreement and instead proposes to retain its existing language in GIP section 3.1.2 providing that an interconnection customer will select the definitive point of interconnection no later than the end of the DISIS Review Period.[68] Further, SPP does not propose to adopt the Commission's *pro*

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[64] Filing at 11 (citing *Sw. Power Pool, Inc.*, Submission of Proposed Tariff Revisions, Docket No. ER07-1311-000 (filed Aug. 30, 2007)).

[65] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Interconnection Study; *see also pro forma* LGIP, § 1 (Definitions), Interconnection Study.

[66] Filing at 10; SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Scoping Meeting; *pro forma* LGIP, § 1 (Definitions).

[67] SPP, Proposed Tariff, attach. V, app. 6 (GIA) (23.0.0), art. 1 (Definitions). However, SPP's proposed revisions do adopt the defined term "cluster" into its *pro forma* Interim GIA, *pro forma* Western-UGP GIA, and *pro forma* Western-UGP Interim GIA. SPP, Proposed Tariff, attach. V, app. 8 (*pro forma* Interim GIA) (20.0.0), art. 1 (Definitions); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0), art. 1 (Definitions); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), art. 1 (Definitions).

[68] SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.1.2 (Submission).

forma LGIP section 3.4.1 (Cluster Request Window).[69] SPP instead proposes to move its existing provisions describing its DISIS queue study procedures, including SPP's DISIS Queue Cluster Window, currently described in GIP section 4.2.1, to GIP section 3.4.1 (DISIS Queue Cluster Window).[70] SPP explains that its existing Tariff language was approved by the Commission as part of its 2019 queue reforms and aligns with SPP's existing DISIS cluster study process. Further, SPP proposes to retain its existing 11-month DISIS Queue Cluster Window, which SPP asserts is functionally equivalent to the cluster request window required in Order No. 2023, as opposed to the *pro forma* LGIP's 45-day cluster request window.[71] SPP argues that, although its proposed period for accepting new interconnection requests is longer than in the Commission's *pro forma* LGIP, SPP's process is consistent with the Commission's process in that there is only one window per year. SPP contends that this proposed deviation is just and reasonable because it provides more time for interconnection customers to submit interconnection requests and is consistent with SPP's existing Commission-approved interconnection study process. In addition, regarding the Commission's requirement in Order No. 2023 that an application fee be submitted with all interconnection requests, SPP explains that, effective May 1, 2024, SPP's Tariff includes this requirement.[72]

43. SPP proposes to adopt the language in *pro forma* LGIP section 3.4.4 (Deficiencies in Interconnection Requests) into GIP section 3.4.4, with modification.[73] SPP proposes to modify the language to state that the Financial Security One deposit, as opposed to the "commercial readiness deposit" in the *pro forma* LGIP, will be returned to the interconnection customer, subject to refund provisions, if the interconnection customer fails to comply with GIP section 3.4.4. As discussed further below,[74] SPP contends that

[69] Filing at 15.

[70] *Id.*; SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.4.1 (DISIS Queue Cluster Window).

[71] The DISIS Queue Cluster Window is the period during which the transmission provider shall accept interconnection requests for Definitive Interconnection System Impact Studies. SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0).

[72] Filing at 15.

[73] *Id.* at 16; SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.4.4 (Deficiencies in Interconnection Requests).

[74] *See infra* PP 117, 118.

the Financial Security One deposit is similar to the *pro forma* LGIP's commercial readiness deposit and meets the Commission's intent in Order No. 2023.[75]

44. SPP does not propose to adopt the Commission's *pro forma* LGIP section 3.4.5 (Customer Engagement Window).[76] Instead, SPP proposes to retain its existing one calendar month DISIS Review Period,[77] as well as language related to its DISIS Review Period.[78] SPP explains that the Commission accepted SPP's DISIS Review Period as part of its 2019 queue reforms and asserts that it remains just and reasonable because, like the customer engagement window, the DISIS Review Period is a defined period following the close of the DISIS Queue Cluster Window wherein deficiencies in the interconnection requests received during the DISIS Queue Cluster Window are resolved.[79]

45. SPP does not propose to adopt the language in *pro forma* LGIP section 3.4.6 requiring the transmission provider to hold a scoping meeting during the customer engagement window because it does not propose to adopt the *pro forma* LGIP customer engagement window.[80] Instead, SPP proposes to retain its existing language in GIP section 3.4.4, moved to GIP section 3.4.5 (Scoping Meeting), that allows a scoping meeting to take place after receipt of a valid interconnection request.[81] SPP also does not propose to adopt language contained in the Commission's *pro forma* LGIP section 3.4.6 requiring interconnection customers to execute non-disclosure agreements prior to a

[75] Filing at 16 (citing *SPP*, 167 FERC ¶ 61,275 at P 691).

[76] *Id.*

[77] The DISIS Review Period is the period following the close of the DISIS Queue Cluster Window to resolve any deficiencies in the interconnection requests received during the DISIS Queue Cluster Window. SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0).

[78] Filing at 16 (citing SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.4.1 (DISIS Queue Cluster Window)). SPP notes that this language is currently included in GIP section 4.2.1 but proposes to move this language to GIP section 3.4.1 to better align with the Commission's *pro forma* LGIP. *Id.*

[79] *Id.* (citing *SPP*, 167 FERC ¶ 61,275).

[80] *Id.* at 17.

[81] *Id.*; SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.4.5 (Scoping Meeting).

group scoping meeting because SPP proposes to retain its existing meeting process with individual scoping meetings.

iii. DISIS Process

46. SPP proposes to adopt, in part, the Commission's revisions to *pro forma* LGIP section 3.5.2 to require the transmission provider to post metrics for cluster study and restudy processing time into its GIP section 3.5.2.[82] SPP proposes to use the terms "DISIS Studies" and "DISIS Restudies," instead of the *pro forma* LGIP terms "cluster study" and "cluster restudy," throughout the section to align with its DISIS process.[83] SPP also proposes to adopt language referencing the DISIS Review Period, as opposed to the *pro forma* LGIP reference to the cluster request window. In addition, SPP proposes variations in GIP sections 3.5.2.1 and 3.5.2.2 that reflect SPP's existing DISIS process, with a combined 180 days of processing time for DISIS Phases One and Two, as opposed to the Commission's required cluster study time of 150 days.[84] SPP also proposes to adopt the *pro forma* LGIP section 3.5.2.2 (Restudies Processing Time) into GIP section 3.5.2.3 (DISIS Restudies Processing Time) with a modification to state that SPP will post the number of interconnection requests with DISIS restudies completed more than 60 calendar days after SPP notifies interconnection customers that a restudy will be required, instead of the *pro forma* LGIP 150 calendar day period after notification.[85] SPP explains that it proposes this modification because SPP is proposing to retain its 60 calendar day restudy period.[86] SPP proposes to adopt the *pro forma* LGIP section 3.5.2.3(e) (Interconnection Facilities Study Processing Time) into GIP section 3.5.2.4.[87] Further, SPP proposes revisions to GIP section 3.5.2.5 to adopt the Commission's requirements for metrics on withdrawn interconnection requests in *pro forma* LGIP section 3.5.2.4.[88]

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[82] Filing at 18.

[83] *Id.*

[84] SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), §§ 3.5.2.1 (Definitive Interconnection System Impact Study Phase One processing time), 3.5.2.2 (Definitive Interconnection System Impact Study Phase Two processing time).

[85] Filing at 18; SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.5.2.3 (DISIS Restudies Processing Time).

[86] Filing at 18 (citing SPP, Proposed Tariff, attach. V, § 8 (Definitive Planning Phase) (17.0.0), § 8.8 (DISIS Re-Study)).

[87] *Id.* at 19.

[88] SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.5.2.5 (Interconnection Service Requests withdrawn from interconnection queue).

In addition, SPP proposes revisions to GIP section 3.5.3 to incorporate the Commission's revisions to *pro forma* LGIP section 3.5.3, with modification to reflect SPP's GIP section numbering.[89] SPP contends that its process is just and reasonable because it allows for efficient processing of interconnection studies and requests, advancing the Commission's goal to "establish a faster and more efficient interconnection queuing process."[90]

47. SPP proposes to adopt the introductory language of *pro forma* LGIP section 4 (Interconnection Request Evaluation Process) into proposed GIP section 4, with the addition of a reference to the applicable GIP section 8.2.[91] In addition, SPP proposes to incorporate the Commission's changes in *pro forma* LGIP section 4.1.1 regarding queue position into proposed GIP section 4.1, but proposes to modify the language to reference the DISIS Queue Cluster Window as opposed to the "cluster request window." Further, SPP proposes to retain existing language in GIP section 4.1.1 providing that all interconnection requests within the same DISIS Queue Cluster Window shall have equal priority and that interconnection requests of a subsequent DISIS Queue Cluster Window that have been previously studied, or are actively being restudied, shall be considered lower-queued in priority. SPP explains that this language clarifies the terms "equally" and "lower-queued" interconnection requests and which DISIS clusters are considered actively studied.[92] SPP also proposes to incorporate the Commission's changes to section 4.1.2 of the *pro forma* LGIP into proposed GIP section 4.1.2 with modification to acknowledge that SPP maintains only one DISIS queue and considers interconnection requests either higher or lower-queued based on the cluster in which the interconnection request is included.[93]

48. Further, SPP proposes revisions to GIP section 4.4 to incorporate the Commission's *pro forma* LGIP section 4.4 (Modifications) provisions providing that moving a point of interconnection shall result in loss of queue position if it is deemed a

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[89] SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.5.3.

[90] Filing at 18 (citing Order No. 2023, 184 FERC ¶ 61,054 at P 18).

[91] *Id.* at 20; SPP, Proposed Tariff, attach. V, § 4 (Interconnection Request Evaluation Process) (9.0.0).

[92] Filing at 20 (citing *Sw. Power Pool, Inc*., Docket No. ER23-841-002 (Sept. 19, 2023) (delegated order)).

[93] *Id.*; SPP, Proposed Tariff, attach. V, § 4 (9.0.0), § 4.1.2 (Higher Queue Position) (9.0.0).

material modification.[94] However, SPP proposes a modification to specify that the transmission provider shall modify the point of interconnection prior to the end of the DISIS Review Period instead of prior to return of the executed cluster study agreement, as specified in the Commission's *pro forma* LGIP.[95]

49. SPP proposes to adopt the Commission's language in section 4.4.5 of the *pro forma* LGIP regarding commercial operation date extensions in GIP section 4.4.5.[96] SPP also retains two existing sentences in GIP section 4.4.5, following the addition of new *pro forma* LGIP language, which state that: "[e]xtensions of more than three (3) cumulative years of the Commercial Operation Date of the Generating Facility are deemed to be a Material Modification. Extensions of Commercial Operation Date due to circumstances in Section 8.7 of the GIP[97] are applicable to this Section 4.4.4."[98] SPP also states that it proposes to revise Articles 2.3.2 (Failure to Achieve Commercial Operation) and 11.2 (Generating Facility) of its *pro forma* GIA to remove the option for an additional three-year extension beyond the commercial operation date included in

[94] SPP, Proposed Tariff, attach. V, § 4 (9.0.0), § 4.4 (Modifications).

[95] *Pro forma* LGIP § 4.4.1. SPP also proposes several revisions to section numbering. SPP, Proposed Tariff, attach. V, § 4 (9.0.0), §§ 4.4.2, 4.4.3, 4.4.4, 4.4.5, 4.4.6.

[96] Filing at 22; SPP, Proposed Tariff, attach. V, § 4 (9.0.0), § 4.4.5.

[97] Section 8.7 of SPP's GIP concerns "Interconnection Requests That Require Previously Approved Network Upgrades" and states, in part, that "[i]f a Previously Approved Network Upgrade will not be in-service prior to the Interconnection Customer's Commercial Operation Date, Interconnection Customer's Commercial Operation Date may be extended for a maximum period of three (3) years pursuant to Section 4.4.5 of the GIP to accommodate the in-service date for a Previously Approved Network Upgrade." SPP, Tariff, attach. V, § 8 (19.0.0), § 8.7 (Interconnection Requests That Require Previously Approved Network Upgrades).

[98] SPP, Proposed Tariff, attach V, § 4 (9.0.0), § 4.4.5.

Appendix B of its GIA.[99] SPP asserts that this change is consistent with the requirement in Order No. 2023 that a project be limited to one, cumulative three-year extension.[100]

50. SPP proposes revisions to GIP section 5.1.1 to provide that the provisions of this revised GIP will apply to interconnection requests submitted during the first DISIS Queue Cluster Window to open after the effective date of this revised GIP.[101]

51. Further, SPP states that its proposal incorporates many of the Commission's cluster study requirements in *pro forma* LGIP section 7 into SPP's existing cluster study requirements in GIP section 8.[102] For example, SPP states that, to comply with the requirement in section 7.3 of the *pro forma* LGIP, which specifies that, for purposes of determining necessary interconnection facilities and network upgrades, transmission provider shall use the level of interconnection service requested by interconnection customers in the cluster, SPP proposes to adopt the Commission's *pro forma* language in proposed GIP section 8.4.1.[103] However, SPP requests an independent entity variation from certain provisions in *pro forma* LGIP section 7 to continue to administer its existing cluster study process, asserting that the Commission has previously found that SPP's existing cluster study process is just and reasonable and not unduly discriminatory or preferential, and contending that its existing cluster study process accomplishes the purposes of Order Nos. 2023 and 2023-A.[104] Specifically, SPP does not propose to adopt language in section 7.1 of the *pro forma* LGIP related to implementation of a cluster study agreement.[105] Instead, SPP proposes to continue with the use of its Generator Interconnection Study Agreement, which must be submitted prior to the close of the

[99] Filing at 22; SPP, Proposed Tariff, attach. V, app. 6 (GIA) (23.0.0), arts. 2.3.2 (Failure to Achieve Commercial Operation), 11.2 (Generating Facility). SPP states that it proposes these revisions to its *pro forma* GIA and *pro forma* Western-UGP GIA. Filing at 22 & n.148.

[100] Filing at 22 (citing Order No. 2023, 184 FERC ¶ 61,054 at P 293).

[101] SPP, Proposed Tariff, attach. V, § 5 (10.0.0), § 5.1.1.

[102] Filing at 23 (citing SPP, Proposed Tariff, attach. V, § 8 (Definitive Planning Phase) (17.0.0)). SPP explains that procedures for its cluster study process are contained in GIP section 8.5. *Id.* (citing SPP, Tariff, attach. V, § 8 (19.0.0), § 8.5 (Definitive Interconnection System Impact Study Procedures)).

[103] Filing at 50.

[104] *Id.* at 23.

[105] *Id.* (citing Order No. 2023, 184 FERC ¶ 61,054 at P 297).

DISIS Queue Cluster Window.[106] SPP further explains that procedures for its cluster study process are contained in GIP section 8.5 and that, because the Commission has found that SPP's existing process is just and reasonable, and because it is generally consistent with and accomplishes the purposes of Order Nos. 2023 and 2023-A, SPP proposes to continue to administer its existing process with limited changes.[107] However, SPP proposes to remove the use of the reasonable efforts standard from its cluster study process provisions in GIP section 8.5, which SPP states is consistent with Order No. 2023, but otherwise proposes to retain its existing study timelines.[108]

52. SPP proposes to retain its existing study timelines that require SPP to complete DISIS Phase One within 60 calendar days after the close of the DISIS Review Period and complete DISIS Phase Two within 120 calendar days after the end of Decision Point One. SPP states that, in total, the SPP cluster study process (excluding decision point windows and the interconnection facilities study) is 180 calendar days in length, as opposed to 150 calendar days as required in Order No. 2023.[109] SPP argues that its two-phase system impact study process provides interconnection customers an opportunity to review initial power flow results and make decisions about their projects earlier in the study process than is possible under the Order No. 2023 study process. SPP further argues that it provides designated points in the study process for customers that are not ready to proceed with their interconnection request to withdraw before moving into the next phase of the study and being subject to increased financial security requirements, which helps reduce late-stage withdrawals and restudies.[110] SPP contends that continued use of its existing cluster study process, without the reasonable efforts standard, is just and reasonable because its existing process was previously approved by the Commission and accomplishes the Commission's goal of timely study completion.

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[106] *Id.* (citing SPP, Proposed Tariff, attach. V, § 8 (17.0.0), § 8.1 (Generator Interconnection Study Agreement)). SPP states that the Generator Interconnection Study Agreement, contained in GIP Appendix 3, is consistent with the terms of the *pro forma* cluster study agreement and the *pro forma* Interconnection Request for a Large Generating Facility form. *Id.* (citing *pro forma* LGIP apps. 1, 3).

[107] *Id.* (citing SPP, Tariff, attach. V, § 8 (19.0.0), § 8.5 (Definitive Interconnection System Impact Study Procs.)).

[108] *Id.* (citing SPP, Tariff, attach. V, § 8 (19.0.0), § 8.5(a)).

[109] *Id.* at 24 (citing Order No. 2023, 184 FERC ¶ 61,054 at P 324).

[110] *Id.*

53. Furthermore, SPP does not propose to adopt the majority of the cluster restudy provisions contained in *pro forma* LGIP section 7.5,[111] and instead proposes to retain its existing restudy provisions in GIP section 8.8 (DISIS Restudy).[112] SPP argues that its existing process is superior to the *pro forma* LGIP because it requires SPP to provide written notice to interconnection customers in the event a restudy is required and specifies that SPP must complete the restudy within 60 calendar days from the date of notice, as opposed to the 150 calendar days timeframe in Order No. 2023.[113] SPP also states that, consistent with Order No. 2023-A,[114] its existing GIP section 8.8 specifies that the cost of restudy shall be borne by the interconnection customer.[115] In addition, as also discussed further below, SPP asserts that the provision for an increased commercial readiness deposit included in the *pro forma* LGIP[116] is not necessary because, under SPP's existing process, cluster restudies are only conducted after DISIS Decision Point Two, at which point the interconnection customer is required to provide Financial Security Three to retain its queue position and continue in the study process.[117] SPP, therefore, contends that it already meets the Commission's goals of encouraging project readiness and discouraging late-stage withdrawals. SPP does, however, propose to adopt, in revised GIP section 8.8, language in *pro forma* LGIP section 7.5(4) related to the transmission provider continuing with restudies until it determines no additional restudies are needed and clarifying when the cluster shall be restudied.[118] SPP also proposes revisions to GIP section 8.13 to adopt changes to *pro forma* LGIP section 8.5 that make clear that restudies can be triggered by the withdrawal or modification of higher or equally-queued interconnection requests.[119]

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[111] *Id.* (citing Order No. 2023, 184 FERC ¶ 61,054 at P 317).

[112] *Id.* (citing SPP, Tariff, attach. V, § 8 (19.0.0), § 8.8 (DISIS Re-Study)).

[113] *Id.* (citing *pro forma* LGIP § 7.5(5)); SPP, Proposed Tariff, attach. V, § 8 (17.0.0), § 8.8 (DISIS Restudy).

[114] Filing at 24 (citing Order No. 2023-A, 186 FERC ¶ 61,199 at P 167).

[115] *Id.* (citing SPP, Tariff, attach. V, § 8 (19.0.0), § 8.8 (DISIS Re-Study)).

[116] *Id.* (citing *pro forma* LGIP § 7.5(1)(b)).

[117] *Id.* (citing SPP, Proposed Tariff, attach. V, § 8 (17.0.0), § 8.5.2).

[118] *Id.* at 25 (citing *pro forma* LGIP § 7.5(4); SPP, Proposed Tariff, attach. V, § 8 (17.0.0), § 8.8 (DISIS Restudy)).

[119] *Id.* (citing Order No. 2023, 184 FERC ¶ 61,054 at P 335; SPP, Proposed Tariff,

54. SPP proposes to adopt, in part, the Commission's changes to section 11 of the *pro forma* LGIP into its proposed GIP section 11.[120] However, SPP proposes to retain many existing provisions in GIP sections 11.1 and 11.2 that were previously accepted by the Commission.[121] Specifically, SPP proposes to continue with its existing process for GIA tender and negotiation in GIP sections 11.1 and 11.2. SPP explains that its existing GIP gives interconnection customers 10 business days to review interconnection facilities study results and decide whether to proceed to GIA negotiation.[122] SPP explains that following that period, and after SPP posts the final interconnection facilities study report, SPP tenders a GIA with draft appendices for negotiation, and the transmission provider, transmission owner, and interconnection customer then have 60 calendar days to negotiate unless another time period is agreed upon.[123] SPP contends that this process is consistent with the process included in sections 11.1 and 11.2 of the *pro forma* LGIP and notes that the Commission previously found this process just and reasonable.[124]

55. SPP states that it proposes to adopt most of the Commission's requirements related to execution and filing of the GIA in section 11.3 of the *pro forma* LGIP into proposed GIP section 11.3.[125] As discussed further below, SPP does not propose to adopt the requirement in *pro forma* LGIP section 11.3 that interconnection customers provide an LGIA deposit equal to 20% of interconnection customer's estimated network upgrade costs minus commercial readiness deposits and argues that SPP's existing processes accomplish the purposes of the Commission requirements in Order No. 2023.[126] In addition, SPP states that it proposes to adopt, in GIP section 11.3, the Commission's list of development milestones, with five additional development milestones that are included

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attach. V, § 8 (17.0.0), § 8.13 (Re-Study)).

[120] *Id.* at 26; SPP, Proposed Tariff, attach. V, § 11 (Generator Interconnection Agreement (GIA) (7.0.0).

[121] Filing at 26 (citing *Sw. Power Pool, Inc.*, 178 FERC ¶ 61,015 (2022)).

[122] *Id.* (citing SPP, Tariff, attach. V, § 8 (19.0.0), § 8.11(c)).

[123] *Id.* (citing SPP, Tariff, attach. V, § 11 (5.0.0), § 11.2 (Negotiation)).

[124] *Id.*

[125] *Id.* (citing SPP, Proposed Tariff, attach. V, § 11 (7.0.0), § 11.3 (Execution & Filing)).

[126] *See infra* P 122.

in SPP's existing GIP.[127] SPP also proposes to revise GIP section 11A.2.1 to remove the option for interconnection customers to provide additional security in lieu of providing reasonable evidence of site control, which SPP argues is consistent with the Commission's removal of the option from section 11.3 of the *pro forma* LGIP.

56. SPP proposes revisions to the definition of "stand alone network upgrades" in its GIP and *pro forma* GIA, and to article 5.1.2 (Option to Build) in its *pro forma* GIA, to incorporate the Commission's requirement, in Order Nos. 2023 and 2023-A, to allow an interconnection customer to exercise the option to build whether the stand alone network upgrade is attributable to a single interconnection customer, or multiple interconnection customers in a single cluster study that agree to exercise this option, with modification to reference transmission owner instead of transmission provider.[128]

b. Responsive Pleadings

i. Application Process and Customer Engagement Window

57. Clean Energy Associations argue that SPP's failure to adopt the Commission's *pro forma* LGIP provision requiring the transmission provider to hold a scoping meeting during the customer engagement window will deprive interconnection customers of information that is necessary to determine whether their interconnection requests are viable before moving on to subsequent phases of the interconnection process.[129] Clean Energy Associations assert that, accordingly, interconnection customers will be forced to move forward with interconnection requests before they have a meaningful chance to evaluate the viability of their proposed facilities.[130] Clean Energy Associations contend that SPP's proposal will thus create uncertainty for interconnection customers and inefficiencies within the interconnection study process generally, which would undermine the purpose of the customer engagement window reforms adopted by the Commission.[131]

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[127] Filing at 27.

[128] *Id.* at 10, 14; SPP, Proposed Tariff, attach V, § 1 (Definitions) (15.0.0); *id.* app. 6 (GIA) (23.0.0), arts. 1 (Definitions), 5.1.2 (Option to Build); *id.* app. 8 (Interim GIA) (20.0), arts. 1 (Definitions), 5.1.2 (Option to Build); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0), arts. 1 (Definitions), 5.1.2 (Option to Build); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), arts. 1 (Definitions), 5.1.2 (Option to Build).

[129] Clean Energy Associations Protest at 7.

[130] *Id.*

[131] *Id.* at 6-7 (citing Order No. 2023, 184 FERC ¶ 61,054 at PP 137, 245).

Clean Energy Associations request that the Commission reject SPP's proposal to not adopt these customer engagement window provisions because it does not comport with the independent entity variation standard and has not been shown to be just and reasonable.[132]

58. Shell Companies argue that SPP's proposal to employ its 30-day DISIS Review Period, during which the interconnection customer is permitted to cure deficiencies in an interconnection request, does not comply with the Order No. 2023 requirement to establish a 60-day customer engagement window.[133] Shell Companies contend that SPP failed to demonstrate that the DISIS Review Period meets the criteria for an independent entity variation.[134] Shell Companies request that the Commission reject the proposed DISIS Review Period and suggest that SPP could comply with the requirements of Order No. 2023 by shortening its proposed application window from 11 to 10 months and create the 60-day customer engagement window required by Order No. 2023.[135]

59. In response to Clean Energy Associations' assertion that SPP's proposal to not adopt the scoping meeting requirement in Order No. 2023 creates uncertainty for interconnection customers, SPP states that, in its compliance filing, it proposes to retain language found in GIP section 3.4.4 allowing a scoping meeting to take place after receipt of an interconnection request.[136] SPP argues that an interconnection customer will receive all of the same information, if not more information, than it would during a Commission-required cluster scoping meeting as the meeting is specific to the individual interconnection request, as opposed to the full cluster.[137] In response to Clean Energy Associations' concerns that interconnection customers will not receive adequate information before deciding whether to withdraw an interconnection request without penalty, SPP asserts that scoping meetings may be scheduled upon request during the

[132] *Id.* at 7.

[133] Shell Companies Protest at 15-16 (citing Order No. 2023, 184 FERC ¶ 61,054 at P 223; *pro forma* LGIP § 3.4.5).

[134] *Id.*

[135] *Id.* at 16.

[136] SPP Answer at 6 (citing Clean Energy Associations Protest at 5-7).

[137] *Id.*

DISIS Review Period and that interconnection customers are not penalized for withdrawing an interconnection request before the end of the DISIS Review Period.[138]

60. In response to Shell Companies' argument that the 30-day DISIS Review Period does not comply with the 60-day customer engagement window required by Order No. 2023, SPP asserts that the Commission did not intend for the customer engagement window to be a period for curing deficiencies and instead should be used to correct minor errors or incompletions in technical data.[139] SPP argues that only minor deficiencies should be cured during the DISIS Review Period and explains that interconnection customers have additional time to ensure completeness of their interconnection requests during the DISIS Queue Cluster Window, which SPP proposes to maintain at its current length of 11 months.[140]

61. SPP argues that the Commission should grant SPP an independent entity variation for its proposal to retain the DISIS Review Period because it is functionally similar to the customer engagement window and does not put interconnection customers at a disadvantage, or otherwise create uncertainty, when compared to the Commission-adopted customer engagement window.[141]

ii. DISIS Process

62. Clean Energy Associations argue that SPP mischaracterizes the Commission's directives concerning commercial operation date extensions and that SPP's proposed revisions to Article 2.3.2 of SPP's *pro forma* GIA are outside the scope of the Commission's directives in Order No. 2023.[142]

63. Clean Energy Associations assert that SPP incorrectly characterizes Order No. 2023 as imposing a "limit" on commercial operation date extensions to a cumulative three years from the date included in the interconnection customer's interconnection request.[143] Clean Energy Associations contend that, in Order No. 2023, the Commission

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[138] *Id.* at 6-7 (citing Clean Energy Associations Protest at 6).

[139] *Id.* at 5 (citing Shell Companies Protest at 15-16; Order No. 2023-A, 186 FERC ¶ 61,199 at P 159).

[140] *Id.*

[141] *Id.* at 7.

[142] Clean Energy Associations Protest at 7-10.

[143] *Id.* at 8.

did not limit the collective length of all commercial operation date extensions but instead provided interconnection customers the right to receive an extension of up to three cumulative years "without requiring [interconnection customers] to request such an extension from the transmission provider."[144] Thus, Clean Energy Associations request that the Commission clarify, to the extent that the Commission accepts SPP's proposed revisions to GIP section 4.4.5, that an interconnection customer may in fact receive commercial operation date extensions exceeding three years if a transmission provider approves such additional extension(s).[145]

64. Clean Energy Associations also take issue with SPP's proposed revisions to Article 2.3.2 of SPP's *pro forma* GIA, arguing that the Commission should reject them as outside the scope of Order No. 2023 compliance.[146] Clean Energy Associations assert that these revisions do not appear to relate to the length of commercial operation date extensions but instead would eliminate a separate timeline relating to when SPP may terminate an interconnection agreement, i.e., three consecutive years following a commercial operation date.[147] Clean Energy Associations contend that Order No. 2023 only related to how the permissible three-year extension was to be calculated and did not address any other extensions that developers would be able to seek under the Tariff.[148] Thus, Clean Energy Associations argue that the existing language in Article 2.3.2 of SPP's *pro forma* GIA does not conflict with Order No. 2023.[149]

65. SPP argues that its proposed revisions to Article 2.3.2 of its *pro forma* GIA are needed to align with the requirements of proposed GIP section 4.4.5.[150] SPP asserts that, in Order No. 2023, the Commission provided for a cumulative three-year commercial operation date extension.[151] SPP also notes that, under its existing Tariff, an extension of more than three, cumulative years beyond the commercial operation date would be a

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[144] *Id.* at 8-9 (quoting Order No. 2023, 184 FERC ¶ 61,054 at P 293).

[145] *Id.* at 9.

[146] *Id.* at 10.

[147] *Id.* at 9.

[148] *Id.* at 9-10.

[149] *Id.* at 10.

[150] SPP Answer at 12-14.

[151] *Id.* at 13 (citing Order No. 2023, 184 FERC ¶ 61,054 at PP 295-296).

material modification.[152] SPP explains that, absent its proposed revisions to Article 2.3.2 of its *pro forma* GIA, if an interconnection customer sought a permissible three-year extension prior to executing a GIA and that date was reflected in the Appendix B milestones in the GIA, then the interconnection customer would have an additional three-years from that date (a cumulative six years) to reach commercial operation before the GIA could be terminated pursuant to existing Article 2.3.2. SPP further explains that, similarly, if, after GIA execution, an interconnection customer seeks a three-year extension from the date in Appendix B and the GIA is amended to reflect the new commercial operation date, then Article 2.3.2 would give the interconnection customer a total of six-years to reach commercial operation before SPP could terminate the GIA for failure to reach commercial operation pursuant to Article 2.3.2.[153] Thus, SPP asserts that the Commission should accept its proposed revisions to Article 2.3.2 of its *pro forma* GIA. However, should the Commission find that the revisions do not comply with Order No. 2023, SPP requests clarification on the number of years an interconnection customer may extend the planned commercial operation date for its proposed generating facility.[154]

66. Longroad acknowledges that SPP's Tariff provides for the use of surety bonds as a form of financial security, but it asserts that the restrictions placed by SPP on their use undermines customers' ability to use surety bonds.[155] Longroad alleges that SPP has not addressed this issue in its compliance filing and that SPP's financial security requirements do not satisfy the requirements of Order No. 2023-A. Specifically, Longroad contends that a provision in SPP's *pro forma* Form of Surety Bond in Appendix F of its Tariff, which states that "[s]urety shall pay amounts owed pursuant to this Surety Bond in full not later than the first business day following receipt of SPP's written demand for payment," effectively prevents the use of surety bonds because surety bonds are generally not payable in such short time frames.[156] Longroad argues that, accordingly, SPP fails to comply with the Order No. 2023-A directive to expand the acceptable forms of financial security so that "interconnection customers do not face unjust and unreasonable or unduly discriminatory hurdles to the interconnection of new generation through limitations on the acceptable forms of financial security."[157]

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[152] *Id.* at 13-14 (citing SPP, Tariff, attach. V, § 4 (10.0.0), § 4.4.4).

[153] *Id.* at 14.

[154] *Id.* at 15.

[155] Longroad Protest at 3-4.

[156] *Id.* at 4 (citing SPP, Tariff, attach. X, app. F (Form of Surety Bond) (0.0.0)).

[157] *Id.* at 6 (citing Order No. 2023-A, 186 FERC ¶ 61,199 at P 185).

67. SPP contends that, contrary to Longroad's assertion, its *pro forma* Form of Surety Bond complies with Commission precedent and Order No. 2023.[158] SPP asserts that its *pro forma* Form of Surety Bond was previously accepted by the Commission as just and reasonable and that the Commission has consistently found the specific provision identified by Longroad to be necessary to offer adequate protection against consumer nonpayment.[159] SPP further argues that surety bonds that are immediately payable are necessary to prevent potential delay in SPP's generator interconnection queue and additional harm to other interconnection customers in the queue.[160] In response to Longroad's assertion that the terms of the *pro forma* Form of Surety Bond are so restrictive as to be unusable, SPP asserts that it has received 31 surety bonds issued by six different financial institutions since Commission approval in 2022 and currently has over $34 million in financial security provided through surety bonds for generator interconnection projects.[161]

68. In response, Longroad notes that SPP's existing Tariff provisions were accepted by delegated letter order and argues that the one business day payment restriction that SPP imposes on its acceptance of surety bonds has not been specifically challenged or addressed on its merits by the Commission.[162] Longroad also challenges SPP's claim that the Commission has consistently found that the one business day payment requirement for surety bonds is necessary to offer adequate protection against consumer nonpayment.[163] Longroad asserts that while the Commission required New York Independent System Operator, Inc. to accept surety bonds that included a "pay now / fight later" provision, no precedent indicates that such a provision means that the issuer would not be permitted to withhold payment on the surety bond pending an investigation of the validity of the claim.[164] Longroad does not contest the inclusion of such a

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[158] SPP Answer at 16. SPP explains that the *pro forma* Form of Surety Bond is contained in Appendix F to Attachment X (SPP Credit Policy) of its Tariff. *Id.* at 16.

[159] *Id.* at 16-17 (citing *Sw. Power Pool, Inc.*, Docket No. ER22-2749-000 (Oct. 27, 2022) (delegated order); *N.Y. Indep. Sys. Operator, Inc.*, 104 FERC ¶ 61,311, at P 58 (2003)).

[160] *Id.* at 17.

[161] *Id.* at 18.

[162] Longroad Answer at 3-4 (citing *Sw. Power Pool, Inc.*, Docket No. ER22-2749-000 (Oct. 27, 2022) (delegated order)).

[163] *Id.* at 6 (citing SPP Answer at 17).

[164] *Id.* at 6-7 (citing *N.Y. Indep. Sys. Operator*, 104 FERC ¶ 61,311).

requirement in SPP's Tariff, so long as the "pay now" portion of the requirement is better aligned with the normal use of surety bonds, such as being payable within 10 days of demand, rather than in one business day.[165]

69. Shell Companies assert that SPP should correct certain ministerial errors in its proposed Tariff language to ensure an accurate and transparent generator interconnection process.[166] Shell Companies argue that SPP includes, in proposed GIP section 4.4.1, a reference to GIP section 4.4.5 when it appears that SPP intended to refer to GIP section 4.4.6.[167] Shell Companies also assert that the table of contents and Articles 2.3.2, 5.20, and 11.2 of the proposed *pro forma* GIA appear to incorrectly reference a commercial operation date "specified in Appendix B," which Shell Companies state only includes language for setting site control milestones, instead of referencing SPP's *pro forma* GIA Appendix E, titled "Commercial Operation Date."[168]

70. SPP explains that, contrary to Shell Companies' assertion, the references to the commercial operation date "specified in Appendix B" in the table of contents and Articles 2.3.2, 5.20, and 11.2 of the proposed *pro forma* GIA are correct.[169] SPP states that, during the GIA negotiation process, the parties complete Appendix B with various milestones, including the commercial operation date, and the references are intended to reference the commercial operation date that is included in Appendix B at the time the GIA is executed by the parties or filed unexecuted with the Commission.[170] SPP also states that, to the extent there are ministerial errors in its initial compliance filing, it will make corrections in a subsequent compliance filing following a Commission order.[171]

c. Commission Determination

71. We find that SPP's proposed Tariff revisions, including independent entity variations, partially comply with the cluster study process requirements of Order Nos.

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[165] *Id.* at 7.

[166] Shell Companies Protest at 16.

[167] *Id.* at 16-17 (citing SPP, Proposed Tariff, attach. V, § 4 (9.0.0), § 4.4.1).

[168] *Id.* at 17 (citing SPP, Proposed Tariff, attach. V, app. 6 (GIA) (23.0.0), arts. 2.3.2, 5.20, 11.2).

[169] SPP Answer at 18.

[170] *Id.* at 18-19.

[171] *Id.* at 19.

2023 and 2023-A. We grant SPP's independent entity variation to maintain its existing three-stage DISIS process – including the various timeframes for customer engagement, conducting studies, and other aspects of the study process – because we find that the proposal is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A. Order No. 2023 eliminated the serial first-come, first-served study process in the *pro forma* LGIP and instead required transmission providers to use a first-ready, first-served cluster study process. We find that SPP's proposal accomplishes the purposes of the cluster study process reforms because, as SPP explains, its current DISIS process already makes use of a first-ready, first-served cluster study process. We grant SPP's requested independent entity variations to permit SPP's proposed modifications or variations to the Commission's *pro forma* LGIP and LGIA to allow SPP to retain its existing cluster study process and other SPP-specific terminology and modifications, with certain exceptions as discussed below.

i. Defined Terms

72. We accept SPP's proposed independent entity variations to continue using its existing definitions, and to modify or omit *pro forma* LGIP and *pro forma* LGIA definitions to reflect SPP's DISIS process and terminology. We find that the proposed variations are just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2023 and 2023-A because they facilitate a first-ready, first-served cluster study process, as discussed above. Further, we accept SPP's proposed revisions to GIP section 1 and article 1 of its *pro forma* GIA to adopt, without modification, certain definitions in the *pro forma* LGIP and LGIA,[172] with a few exceptions. SPP proposes revisions to the definition of "interconnection study" in its GIP to incorporate aspects of the Commission's revisions to the definition, but SPP's proposed revisions do not incorporate a reference to the "surplus interconnection service study" contained in the *pro forma* LGIP, without explanation.[173] Further, SPP proposes

[172] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Cluster, Clustering, Interconnection Facilities, Interconnection Facilities Study Report, Interconnection Request, Material Modification, Queue Position, Stand Alone Network Upgrades; *id.* app. 6 (GIA) (23.0.0), art. 1 (Definitions), Clustering, Interconnection Facilities, Interconnection Request, Material Modification, Queue Position, and Stand Alone Network Upgrades; *id.* app. 8 (*pro forma* Interim GIA) (20.0.0), art. 1 (Definitions); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0), art. 1 (Definitions); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), art. 1 (Definitions) Cluster, Clustering, Interconnection Facilities, Interconnection Request, Material Modification, Queue Position, Stand Alone Network Upgrades.

[173] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Interconnection

revisions to the definition of "scoping meeting" in its GIP to incorporate the Commission's revisions to the definition, but SPP's proposed revisions do not incorporate the Commission's removal of the phrase "to determine the potential feasible Points of Interconnection," without explanation.[174] Finally, SPP's proposed revisions to its *pro forma* GIA do not incorporate the defined term "cluster," contained in the Commission's *pro forma* LGIA, despite SPP's explanation that it incorporated this defined term into its *pro forma* GIA.[175] Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to revise these definitions to adopt the language in the *pro forma* LGIP and *pro forma* LGIA or further justify its proposal under the independent entity variation standard.

ii. Application and Customer Engagement Window

73. We find that SPP's proposed independent entity variation to retain its existing one calendar month DISIS Review Period, instead of the 60-day customer engagement window in section 3.4.5 of the *pro forma* LGIP, is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A. Along with the existing 11-month DISIS Queue Cluster Window, the one calendar month DISIS Review Period provides interconnection customers sufficient time to assess project viability and withdraw their interconnection requests prior to the start of the cluster study, if needed, resulting in more efficient interconnection queue processing.[176] As SPP explains, interconnection customers may request a scoping meeting at any point during the existing 11-month DISIS Queue Cluster Window after submitting valid interconnection requests, as well as during the one-calendar-month DISIS Review Period.[177] Thus, depending on when an interconnection customer requests a scoping meeting, there is the potential for a significantly longer decision period than the Commission required in Order No. 2023. We disagree with the assertions made by Clean Energy Associations and Shell Companies that interconnection customers may be forced to move forward with interconnection requests before they have a meaningful chance to evaluate the viability of their proposed facilities. Interconnection customers may request a scoping meeting at any point after submitting a valid interconnection request, even prior

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Study; *see also pro forma* LGIP § 1 (Definitions), Interconnection Study.

[174] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Scoping Meeting; *see also pro forma* LGIP § 1 (Definitions), Scoping Meeting.

[175] Filing at 9, 12 & n.70; *see also* SPP, Proposed Tariff, attach. V, app. 6 (GIA) (23.0.0), art. 1 (Definitions); *pro forma* LGIA, art. 1 (Definitions), Cluster.

[176] Order No. 2023, 184 FERC ¶ 61,054 at PP 232-233.

[177] *Supra* at PP 59, 60.

to the DISIS Review Period. Thus, interconnection customers will have the ability to receive information and assess the viability of their projects before deciding whether to withdraw an interconnection request without penalty.

74. Although SPP's proposed GIP language does not state when SPP will post required information regarding all interconnection requests received during the cluster window, SPP's proposed revisions to the scoping meeting description in GIP section 3.4.5 provide for discussion of "the DISIS materials posted to OASIS pursuant to Section 3.5 of this GIP, if applicable," which we understand to mean that anonymized information regarding any interconnection requests received by SPP up to that point in the queue cluster window would be posted to OASIS and provided during the scoping meeting.[178] Further, interconnection customers can request an additional scoping meeting during the DISIS Review Period, if they believe that further review is needed due to the submittal of additional interconnection requests.

iii. DISIS Process

75. We find that SPP's proposed revisions to GIP section 3.5.2 to adopt requirements for the transmission provider to post metrics for cluster study and restudy processing time partially comply with the requirements of Order Nos. 2023 and 2023-A. We find that SPP's proposed independent entity variations, with one exception, are just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2023 and 2023-A because they reflect DISIS process attributes needed for cluster study metrics.[179] However, in proposed GIP section 3.5.2.4, regarding the interconnection facilities study processing time, SPP proposes to deviate from the *pro forma* LGIP to provide that SPP will post the mean completion time for the interconnection facilities studies from the close of the "DISIS Review Period" to the date when the transmission provider provided the completed study, as opposed to from the close of the "cluster request window," as provided in section 3.5.2.3 of the *pro forma* LGIP.[180] We find that SPP has not demonstrated that this aspect of its proposal meets the independent entity variation standard because it does not explain how the proposed variation accomplishes the purposes of Order No. 2023. Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to revise GIP section 3.5.2.4 to incorporate the language in the *pro forma* LGIP or further justify its proposal under the independent entity variation standard.

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[178] SPP, Proposed Tariff, attach. V, § 3 (21.0.0), § 3.4.5 (Scoping Meeting).

[179] Order No. 2023, 184 FERC ¶ 61,054 at P 259.

[180] Filing at 19; SPP, Proposed Tariff, attach. V, § 3 (21.0.0), § 3.5.2.4 (Interconnection Facilities Studies processing time).

76. With regard to the commercial operation date extension period, we find that SPP's proposed revisions to GIP section 4.4.5 comply with the requirements of Order Nos. 2023 and 2023-A, except for a typographical error, as discussed below. We find that SPP's proposed revisions to GIP section 4.4.5 adopt the Commission's revisions to *pro forma* LGIP section 4.4.5 regarding the calculation of the permissible cumulative three-year commercial operation date extension period. Clean Energy Associations protest SPP's retention of existing language in GIP section 4.4.5 that was previously accepted by the Commission and is thus not within the scope of this compliance proceeding.[181] However, we note a typographical error in the last sentence of proposed GIP section 4.4.5 where "Section 4.4.4" should now be updated to "Section 4.4.5" to account for SPP's proposal to change section 4.4.4 of SPP's GIP to section 4.4.5 of SPP's GIP. Accordingly, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to correct this typographical error.

77. In addition, we accept SPP's proposed revisions to Articles 2.3.2 (Failure to Achieve Commercial Operation) and 11.2 (Generating Facility) of its *pro forma* GIA to remove the option for an additional three-year extension beyond the commercial operation date that is included in Appendix B of the GIA.[182] Order No. 2023 required, in *pro forma* LGIP section 4.4.5, that extensions to the commercial operation date "may not exceed three years including both extensions requested after execution of the LGIA by Interconnection Customer or the filing of an unexecuted LGIA by Transmission Provider and those requested prior to execution of the LGIA by Interconnection Customer or the filing of an unexecuted LGIA by Transmission Provider."[183] SPP's revisions to SPP *pro forma* GIA Articles 2.3.2 and 11.2 ensure that SPP complies with the Commission's restriction that the cumulative extension for a commercial operation date be limited to three years or fewer. We therefore disagree with Clean Energy Associations' argument that SPP's proposed revisions to Articles 2.3.2 and 11.2 of SPP's *pro forma* GIA are outside the scope of Order No. 2023 compliance.[184] We find that SPP's proposed revisions to Articles 2.3.2 and 11.2 of its *pro forma* GIA ensure that SPP's Tariff reflects its adoption of the Commission's *pro forma* language into section 4.4.5 of its GIP, and with these revisions, SPP's Tariff only permits a cumulative extension of up to three

[181] *See* SPP, Filing, Docket No. ER14-781-000 (filed Dec. 20, 2013) (proposing to modify Generator Interconnection Procedures); *see also Sw. Power Pool, Inc.*, 147 FERC ¶ 61,201 (2014), *order on reh'g*, 151 FERC ¶ 61,235 (2015).

[182] Filing at 22; SPP, Proposed Tariff, attach. V, app. 6 (GIA) (23.0.0); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0).

[183] *Pro forma* LGIP § 4.4.5.

[184] Clean Energy Associations Protest at 9.

years of the commercial operation date of a generating facility, consistent with Order Nos. 2023 and 2023-A. However, while SPP states that its proposal implements these revisions in both its *pro forma* GIA and *pro forma* Western-UGP GIA,[185] we note that SPP's proposed revisions to its *pro forma* Western-UGP GIA omit SPP's proposed revision to Article 11.2.[186] Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to revise its Tariff to correct this omission.

78. We find that SPP's proposed revisions to GIP section 8.8 (DISIS Restudy) to incorporate, with modification, requirements related to cluster study restudies in *pro forma* LGIP section 7.5 partially comply with the requirements of Order Nos. 2023 and 2023-A. The Commission's *pro forma* LGIP section 7.5 requires, among other things, that the transmission provider shall notify interconnection customers that a cluster restudy is required within 30 calendar days after the cluster study report meeting, and the transmission provider must complete the cluster restudy within 150 calendar days of that notice.[187] SPP proposes an independent entity variation to retain existing language in GIP section 8.8 requiring SPP to notify interconnection customers in writing that a DISIS restudy is required and that restudy shall take no longer than 60 calendar days from notice, which SPP contends is superior to the *pro forma* requirement.[188] However, SPP does not explain how the omission of timing requirements for when SPP will notify interconnection customers that a restudy is required accomplishes the purposes of Order No. 2023. Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to revise its GIP section 8.8 to incorporate the language regarding the timing by which SPP will provide notice to interconnection customers that a restudy is required in the *pro forma* LGIP or further justify its proposal under the independent entity variation standard.

79. Further, as required by Order Nos. 2023 and 2023-A, SPP's existing GIP allows for financial security mechanisms of cash, letters of credit, and surety bonds.[189] Specifically, SPP's existing GIP section 11.7 provides that an interconnection customer shall provide the transmission provider, at the interconnection customer's option, a guarantee, a surety bond, letter of credit, or other form of security that is reasonably

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[185] Filing at 22 & n.148.

[186] SPP, Proposed Tariff, attach. V, app. 13 (*pro forma* Western-UGP GIA) (19.0.0), art. 11.2 (Generating Facility).

[187] *Pro forma* LGIP § 7.5(4).

[188] Filing at 24; SPP, Proposed Tariff, attach V, § 8 (17.0.0), § 8.8 (DISIS Restudy).

[189] Order No. 2023-A, 186 FERC ¶ 61,199 at P 185.

acceptable to the transmission provider.[190] Longroad supports the use of surety bonds but requests that the Commission require SPP to expand the delivery window for surety bonds to align with what Longroad contends is a normal use of surety bonds, such as 10 days, arguing that SPP's GIP does not comply with the requirements of Order No. 2023-A because SPP's requirement for payment within one business day undermines interconnection customers' ability to use them as financial security.[191] We disagree. We find that, as evidenced by SPP, the use of surety bonds is reasonable, workable, and consistent with SPP's existing practices regularly used by its market participants.[192] While Order No. 2023-A allowed interconnection customers to provide surety bonds or other forms of financial security that are reasonably acceptable to the transmission provider,[193] the Commission did not prohibit transmission providers from proposing more specific requirements for surety bonds. We find that SPP's existing requirements for surety bonds are just and reasonable and not unduly discriminatory or preferential and therefore accept SPP's proposal to maintain the immediate payment provisions.

80. Further, regarding ministerial revisions, we disagree with Shell Companies that SPP must revise references to the commercial operation date "specified in Appendix B" in the table of contents and Articles 2.3.2, 5.20, and 11.2 of the proposed GIA. As SPP explains, the reference is to the commercial operation date that is included in Appendix B at the time the GIA is executed by the parties or filed unexecuted with the Commission.[194] However, we concur with the numbering issues identified by Shell Companies in SPP's proposed GIP section 4.1,[195] and direct SPP to submit, within 60 days of the date of this order, a further compliance filing to revise its Tariff to correct these numbering issues.

4. Allocation of Cluster Study Costs

81. In Order No. 2023, the Commission revised section 13.3 (Obligation for Study Costs) of the *pro forma* LGIP to allow each transmission provider to propose its own ratio for allocating the shared costs of cluster studies, provided that between 10% and

[190] SPP, Tariff, attach V, app. 6 (26.0.0), art. 11.7A (Provision of Security).

[191] Longroad Protest at 4; Longroad Answer at 7.

[192] SPP Answer at 17-18.

[193] Order No. 2023-A, 186 FERC ¶ 61,199 at P 185.

[194] SPP Answer at 18-19.

[195] SPP, Proposed Tariff, attach. V, § 4 (9.0.0), § 4.4.1.

50% of study costs must be allocated on a per capita basis, with the remainder (between 50% and 90%) allocated *pro rata* by MW.[196]

a. SPP's Compliance Filing

82. SPP proposes to retain GIP section 4.2.2 to comply with the revisions to the *pro forma* LGIP adopted in Order Nos. 2023 and 2023-A.[197] Specifically, SPP proposes to retain, in its GIP section 4.2.2, a description of how the cost of any clustered interconnection study will be allocated. SPP argues that its existing methodology that allocates 50% of cluster study costs on a per capita basis among interconnection customers in the cluster or cluster area, as applicable, and 50% of cluster study costs on a *pro rata* basis by MW among interconnection customers in the cluster or cluster area, as applicable, meets the requirements set forth in Order No. 2023.[198]

b. Commission Determination

83. We find that SPP's proposal to retain its existing cluster study cost allocation methodology in GIP section 4.2.2 complies with the requirements of Order Nos. 2023 and 2023-A because SPP allocates 50% of cluster study costs on a per capita basis among the cluster or cluster area, as applicable, and the remaining 50% of cluster study costs on a *pro rata* basis by MW among the cluster or cluster area, as applicable. SPP's proposal complies with the requirement to allocate between 10% and 50% of study costs on a per capita basis, with the remainder (between 50% and 90%) allocated on a *pro rata* basis by MW.

5. Allocation of Cluster Network Upgrade Costs

84. In Order No. 2023, the Commission required transmission providers to allocate system network upgrade[199] costs based on a proportional impact method.[200] Specifically,

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[196] Order No. 2023, 184 FERC ¶ 61,054 at P 416; *see also pro forma* LGIP § 13.3.

[197] Filing at 28.

[198] SPP, Proposed Tariff, attach. V, § 4 (9.0.0), § 4.2.2 (Cost Allocation for Interconnection Facilities and Network Allocation).

[199] The *pro forma* LGIP defines system network upgrades as "Network Upgrades that are required beyond the substation located at the Point of Interconnection." *Pro forma* LGIP § 1.

[200] The *pro forma* LGIP defines proportional impact method as "a technical analysis conducted by Transmission Provider to determine the degree to which each Generating Facility in the Cluster Study contributes to the need for a specific System

the Commission added *pro forma* LGIP section 4.2.1 (Cost Allocation for Interconnection Facilities and Network Upgrades) to require a transmission provider to: (1) allocate the costs of network upgrades located at substations equally among each generating facility interconnecting to the same substation (i.e., on a per capita basis); and (2) direct the transmission provider on compliance to provide tariff provisions that describe, for each type of system network upgrade that a transmission provider would identify in the cluster study process, how the costs of each system network upgrade type will be allocated among the interconnection customers within the cluster.[201] The Commission added to the *pro forma* LGIP and *pro forma* LGIA definitions for "proportional impact method," "substation network upgrades," and "system network upgrades" and modified the existing definition of "stand alone network upgrades."[202] The Commission required the transmission provider's revisions on compliance to provide that costs for a discrete network upgrade identified in the cluster study process are allocated to only the interconnection customers in the cluster that are shown through technical analyses to contribute to the need for that discrete network upgrade.[203] The Commission also required transmission providers to directly allocate the costs of interconnection facilities (i.e., both the interconnection customer's interconnection facilities and transmission provider's interconnection facilities). The Commission further provided that, if interconnection customers agree to share interconnection facilities, a per capita cost allocation applies, and that interconnection customers may choose a different cost sharing arrangement upon mutual agreement.[204] Finally, the Commission revised Appendix A (Interconnection Facilities, Network Upgrades and Distribution Upgrades) of the *pro forma* LGIA to include substation network upgrades and system network upgrades.[205]

85. In Order No. 2023-A, the Commission clarified that cost allocation for substation network upgrades is based on the number of interconnection facilities connecting to the substation at the point of interconnection. The transmission provider must first allocate the costs of substation network upgrades on a per capita basis for each interconnection

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Network Upgrade." *Id.*

[201] Order No. 2023, 184 FERC ¶ 61,054 at PP 453, 461; *see also pro forma* LGIP § 4.2.1.

[202] Order No. 2023, 184 FERC ¶ 61,054 at PP 458, 460; *see also pro forma* LGIP § 1; *pro forma* LGIA art. 1.

[203] Order No. 2023, 184 FERC ¶ 61,054 at P 461.

[204] *Id.* P 454.

[205] *Pro forma* LGIA, app. A.

facility connecting to the substation, and then allocate those costs on a per capita basis between each generating facility using the interconnection facility. In conjunction, the Commission revised *pro forma* LGIP section 4.2.1.1.a to clarify that substation network upgrade costs shall be allocated first to interconnection facilities interconnecting to the substation at the same voltage level, and then per capita to each generating facility sharing the interconnection facility.[206]

a. SPP's Compliance Filing

86. SPP proposes revisions to GIP sections 1 and 4.2.2 and articles 1 and 5.1.2 and Appendix A of its *pro forma* GIA to incorporate the *pro forma* revisions adopted in Order Nos. 2023 and 2023-A, with modifications to replace certain terms to reflect the existing terminology for its interconnection study process.[207] In addition, SPP proposes revisions to GIP section 4.2.2 to incorporate the *pro forma* LGIP revisions adopted in Order Nos. 2023 and 2023-A for allocating the costs of interconnection facilities and substation network upgrades.

87. However, SPP does not propose to adopt the definition of "proportional impact method" in the Commission's *pro forma* LGIP. SPP contends that the method of proportional cost allocation in existing GIP section 4.2.2 complies with the Commission's requirements in Order No. 2023 because it allocates costs based on the proportional impact of each individual generating facility in the cluster study on the need for a specific system network upgrade.[208] SPP proposes to revise its existing GIP section 4.2.2(1)(b)(ii) to make its proportional cost allocation method specific to system network upgrades, as follows with proposed additions in underline:

> An allocation of the cost of each System Network Upgrade to each Interconnection Customer shall be determined on a pro-rata basis for

[206] Order No. 2023-A, 186 FERC ¶ 61,199 at PP 177-178; *see also pro forma* LGIP § 4.2.1.1.a.

[207] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Substation Network Upgrades, System Network Upgrades; *id.* § 4 (9.0.0), § 4.2.2 (Cost Allocation for Interconnection Facilities and Network Upgrades); *id.* app. 6 (GIA) (23.0.0); *id.* app. 8 (Interim GIA) (20.0.0); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), arts. 1 (Definitions), Substation Network Upgrades, System Network Upgrades, 5.1.2 (Option to Build), app. A (Interconnection Facilities, Network Upgrades and Distribution Upgrades). The modifications to terms include, for example, in GIP section 4.2.2(2), replacement of "Interconnection Study Process" with "Cluster Study Process."

[208] Filing at 29.

> the positive incremental power flow impacts of the requested service on such Network Upgrade in proportion to the total of all positive incremental power flow impacts on such System Network Upgrade. …The cost of a System Network Upgrade allocated to each request shall be proportional to the average positive incremental impact of each request on such System Network Upgrade divided by the total average positive incremental impact of all requests included in the Cluster Study on such Network Upgrade.[209]

b. Commission Determination

88. We find that SPP's existing cost allocation method provisions in GIP sections 1 and 4.2.2, as well as articles 1, and 5.1.2 and Appendix A of its *pro forma* GIA, comply with the requirements of Order Nos. 2023 and 2023-A because SPP's existing method aligns with the Commission's *pro forma* LGIP and *pro forma* LGIA provisions, with minor SPP-specific modifications. We likewise find that SPP's proposed revisions in GIP section 4.2.2 concerning cost allocation for substation network upgrades and interconnection facilities comply with Order Nos. 2023 and 2023-A because they adopt the Commission's *pro forma* LGIP language with minor modifications. We further find that SPP's proposed allocation method for the costs of system network upgrades in GIP section 4.2.2 complies with the Order Nos. 2023 and 2023-A requirements because costs for system network upgrades identified in the cluster study process will be allocated among the interconnection customers within the cluster that are shown through technical analyses to contribute to the need for the discrete network upgrade.[210]

6. Study Deposits

89. In Order Nos. 2023 and 2023-A, the Commission adopted the following study deposit framework in section 3.1.1.1 (Study Deposit) of the *pro forma* LGIP:[211]

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[209] SPP, Proposed Tariff, attach V, § 4 (9.0.0), § 4.2.2 (Cost Allocation for Interconnection Facilities and Network Upgrades).

[210] Order No. 2023, 184 FERC ¶ 61,054 at P 461; *see also pro forma* LGIP § 4.2.1.

[211] Order No. 2023, 184 FERC ¶ 61,054 at PP 502-503; Order No. 2023-A, 186 FERC ¶ 61,199 at P 188; *see also pro forma* LGIP § 3.1.1.1.

Size of Proposed Generating Facility Associated with Interconnection Request under the *pro forma* LGIP	Amount of Deposit
< 80 MW	$35,000 + $1,000/MW
≥ 80 MW < 200 MW	$150,000
≥ 200 MW	$250,000

90. The Commission required the interconnection customer to submit a non-refundable application fee of $5,000 and a refundable study deposit upon the interconnection customer's entry into the cluster.[212]

91. In Order No. 2023, the Commission deleted section 8.1.1 of the *pro forma* LGIP to remove the requirement for the transmission provider to invoice interconnection customers on a monthly basis for the work conducted on the interconnection facilities study. Accordingly, the Commission also deleted from article 5.0 of Appendix 3 (Interconnection Facilities Study Agreement) to the *pro forma* LGIP language including the monthly invoicing requirement.[213]

92. In Order No. 2023-A, the Commission modified section 13.3 of the *pro forma* LGIP to remove language pertaining to using previous study deposits to offset the cost of a subsequent study because Order No. 2023 established only an initial study deposit at the beginning of the study process to be used for all studies under the cluster study process.[214]

a. SPP's Compliance Filing

93. SPP proposes to retain its existing study deposit framework, which it asserts complies with the Commission's requirements in Order Nos. 2023 and 2023-A.[215] SPP's existing framework requires interconnection customers to submit, along with an interconnection request, the same study deposit amounts as the Commission's *pro forma*

[212] Order No. 2023, 184 FERC ¶ 61,054 at P 505; Order No. 2023-A, 186 FERC ¶ 61,199 at P 189; *see also pro forma* LGIP § 3.1.1.1.

[213] Order No. 2023, 184 FERC ¶ 61,054 at P 506; *see also pro forma* LGIP app. 3, art. 5.0.

[214] Order No. 2023-A, 186 FERC ¶ 61,199 at P 189; *see also pro forma* LGIP § 13.3.

[215] Filing at 30.

LGIP.[216] SPP also requests an independent entity variation to maintain its existing GIP sections 8.2(b), 8.5.1, and 8.5.2 providing that study deposits are progressively non-refundable.[217] SPP's existing GIP provides that: (1) 20% of the study deposit shall be non-refundable at the start of DISIS Phase One; (2) after the end of Decision Point One, 50% of the study deposit shall be non-refundable for any interconnection request that proceeds to DISIS Phase Two; and (3) after the end of Decision Point Two, 100% of the study deposit shall be non-refundable for any interconnection request that proceeds to the interconnection facilities study.[218]

94. SPP also proposes to maintain its existing Tariff requirement that interconnection customers submit a non-refundable application fee of $10,000, which is adjusted based on inflation every three years.[219] SPP asserts that the Commission previously found the $10,000 non-refundable application fee and inflation adjustment provisions to be just and reasonable under the independent entity variation standard.[220] However, SPP states that it proposes revisions, consistent with Order No. 2023-A, to list the application fee amount in GIP section 3.1.1 and clarify that the application fee is non-refundable.[221]

b. Responsive Pleadings

95. Shell Companies contend that SPP's proposal to maintain its current non-refundable study deposit provisions in GIP sections 8.2(b), 8.5.1, and 8.5.2 does not comply with Order No. 2023 and that SPP failed to establish that it should be granted an

[216] *Id.* at 29-30; SPP, Tariff, attach. V, § 8 (Definitive Planning Phase) (19.0.0), § 8.2(b); *see also pro forma* LGIP § 3.1.1.1. SPP asserts that the Commission previously found that SPP's study deposit amounts for new interconnection requests are consistent with the requirements of Order No. 2023. Filing at 30 (citing *Sw. Power Pool, Inc.*, 187 FERC ¶ 61,050, at P 19 (2024)).

[217] SPP Answer at 9.

[218] SPP, Tariff, attach. V, § 8 (Definitive Planning Phase) (19.0.0), §§ 8.2(b), 8.5.1 (Decision Point One), 8.5.2 (Decision Point Two).

[219] SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.1.1 (Study Deposits); SPP, Tariff, attach. V, § 8 (Definitive Planning Phase) (19.0.0), § 8.2(g).

[220] Filing at 15-16 (citing *Sw. Power Pool, Inc.*, 187 FERC ¶ 61,050 at PP 22-23).

[221] *Id.* at 16 (citing SPP, Proposed Tariff, attach. V, § 3 (Interconnection Requests) (21.0.0), § 3.1.1 (Study Deposits)).

independent entity variation.[222] Shell Companies argue that the provisions will increase the cost of any interconnection request, especially for those that are withdrawn from the interconnection queue prior to any study being conducted, and effectively create a barrier to entry for interconnection customers.[223] Shell Companies contend that, accordingly, SPP's proposal does not meet the standard for an independent entity variation because SPP has not demonstrated that the proposal is just and reasonable and accomplishes the purposes of Order No. 2023.[224]

96. Further, Shell Companies argue that SPP failed to demonstrate that the cost of the cluster interconnection study will always exceed the total of the non-refundable percentage of the study deposits of all interconnection customers in a cluster and alleges that SPP may profit in cases where the cost of the cluster interconnection study is less than the total of interconnection customers' non-refundable study deposit amounts.[225] Shell Companies request that the Commission reject SPP's proposal in order to prevent SPP from retaining any portion of study deposits that are not required to pay the actual costs of the study.

97. In response to Shell Companies' arguments, SPP argues that the Commission should accept its proposal to retain its non-refundable study deposit provisions because the Commission previously found SPP's non-refundable study deposit structure to be just and reasonable and determined that "retained study deposits will help to alleviate the impact of a withdrawing interconnection customer."[226] SPP states that, in that order, the Commission further explained that the proposed non-refundable study deposit structure, along with other proposed changes, would "help expedite the [interconnection] process and give SPP the opportunity to reduce its interconnection queue backlog."[227] SPP explains that the non-refundable study deposit provisions were intended to reduce late-stage withdrawals in the generator interconnection study process and reduce study delays.[228] SPP asserts that the goal of the study deposit structure is to clear

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[222] Shell Companies Protest at 7.

[223] *Id.* at 7-8.

[224] *Id.* at 6-7.

[225] *Id.* at 8.

[226] SPP Answer at 8 (citing *Sw. Power Pool, Inc.*, 178 FERC ¶ 61,015 at P 47).

[227] *Sw. Power Pool, Inc.*, 178 FERC ¶ 61,015 at P 44.

[228] SPP Answer at 8.

interconnection queue backlogs, which directly aligns with the goals of Order No. 2023.[229]

98. Furthermore, in response to Shell Companies' assertion that SPP could profit if the cost of the cluster interconnection study is less than the total of collected study deposits, SPP argues that, as a not-for-profit corporation, it does not realize a profit from excess revenues and has no motive to charge more for services than they cost.[230] In addition, SPP asserts that its current GIP section 13.3 provides that study deposit funds retained from withdrawals will be used to reduce the study costs for interconnection requests that reach commercial operation and are in the same cluster study as the withdrawn interconnection request(s).[231] SPP further explains that any remaining study deposit funds will be used to reduce fees associated with tariff administration services under Schedule 1-A of its Tariff.[232] Therefore, SPP requests that the Commission accept its proposal for an independent entity variation to retain its existing non-refundable study deposit provisions.

c. Commission Determination

99. We find that SPP's proposed Tariff revisions, including independent entity variations, comply with the requirements of Order Nos. 2023 and 2023-A. Specifically, we accept SPP's proposed Tariff revisions to maintain its existing study deposit framework and find that they meet the independent entity variation standard because the provisions are just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2023 and 2023-A. We find that SPP's existing study deposit amounts for new interconnection requests correspond to the amounts adopted by the Commission in Order Nos. 2023 and 2023-A[233] and note that the Commission previously found that SPP's study deposit amounts are consistent with the requirements of Order No. 2023.[234]

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[229] *Id.* (citing Order No. 2023, 184 FERC ¶ 61,054 at P 1).

[230] *Id.* at 9 (citing Shell Companies Protest at 8).

[231] *Id.* (citing SPP, Tariff, attach. V, § 13 (Miscellaneous) (6.0.0), § 13.3 (Obligation for Study Costs)).

[232] *Id.*

[233] *See pro forma* LGIP § 3.1.1.1.

[234] *Sw. Power Pool, Inc.*, 187 FERC ¶ 61,050 at P 19.

100. We further find that SPP's independent entity variation to retain its Tariff provisions making study deposits progressively non-refundable is just and reasonable and not unduly discriminatory or preferential because, as the Commission stated in the 2022 order accepting the provisions, the retained study deposits will help alleviate the impact of a withdrawal on other interconnection customers with requests in the same study cluster.[235] Further, we find that the non-refundable study deposit provisions discourage speculative interconnection requests that may cause delays and increased costs for other interconnection customers due to their withdrawals, and therefore accomplish the purposes of Order Nos. 2023 and 2023-A by ensuring that interconnection customers are able to interconnect their generating facilities to the transmission system in an efficient and timely manner.[236] We are unpersuaded by Shell Companies' assertion that SPP may profit from retained study deposits because, as stated by SPP, SPP does not realize a profit from excess revenues.[237]

101. Finally, although SPP's non-refundable $10,000 application fee (as adjusted for inflation every three years) is higher than the $5,000 non-refundable application fee required in Order No. 2023, we find that SPP's requested independent entity variation to maintain its current application fee is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A because the proposed amount reasonably reflects the costs SPP incurs to process interconnection requests prior to the close of the DISIS queue cluster window, and adjusting for inflation will reflect additional inflation-related costs.[238] We also find that SPP's proposed revision to GIP section 3.1.1 to specify that the $10,000 application fee is non-refundable provides necessary clarity, in accordance with Order No. 2023-A.[239]

7. Site Control

102. In Order No. 2023, the Commission revised the definition of "site control" in section 1 (Definitions) of the *pro forma* LGIP and article 1 (Definitions) of the *pro forma* LGIA.[240] The definition, as modified, states that site control may be demonstrated by

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[235] *Sw. Power Pool, Inc.*, 178 FERC ¶ 61,015 at P 47.

[236] Order No. 2023, 184 FERC ¶ 61,054 at P 1.

[237] SPP Answer at 9.

[238] *Sw. Power Pool, Inc.*, 187 FERC ¶ 61,050 at P 22.

[239] Order No. 2023-A, 186 FERC ¶ 61,199 at P 189; *see also pro forma* LGIP § 3.1.1.1.

[240] Order No. 2023, 184 FERC ¶ 61,054 at P 584; *see also pro forma* LGIP § 1;

documentation establishing: (1) ownership of, a leasehold interest in, or a right to develop a site of sufficient size to construct and operate the generating facility; (2) an option to purchase or acquire a leasehold site of sufficient size to construct and operate the generating facility; or (3) any other documentation that clearly demonstrates the right of an interconnection customer to exclusively occupy a site of sufficient size to construct and operate the generating facility.

103. The Commission revised section 3.4.2 of the *pro forma* LGIP to require interconnection customers to demonstrate 90% site control at the time of submission of the interconnection request.[241] The Commission further revised sections 8.1 and 11.3 of the *pro forma* LGIP to require interconnection customers to provide evidence of 100% site control for the generating facility at the time of execution of the facilities study agreement and when executing, or requesting the unexecuted filing of, the LGIA.[242] The Commission also revised sections 3.4.2 and 11.3 of the *pro forma* LGIP to state that, if an interconnection customer cannot demonstrate the requisite level of site control at the relevant milestone of the interconnection process, its interconnection request will be deemed withdrawn and it could be subject to withdrawal penalties under certain circumstances.[243]

104. The Commission modified section 3.4.2 of the *pro forma* LGIP to provide that site control for a generating facility that is co-located with one or more generating facilities on the same site and behind the same point of interconnection must be demonstrated by a contract or other agreement that allows for shared land use for all generating facilities that are co-located that meets the provisions of the site control definition.[244]

105. The Commission required a transmission provider to establish per-MW acreage requirements for each generating facility technology type and to publicly post these

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pro forma LGIA art. 1.

[241] Order No. 2023, 184 FERC ¶ 61,054 at P 594; *see also pro forma* LGIP § 3.4.2.

[242] Order No. 2023, 184 FERC ¶ 61,054 at P 594; *see also pro forma* LGIP §§ 8.1, 11.3.

[243] *See infra* P 126.

[244] Order No. 2023, 184 FERC ¶ 61,054 at P 586; *see also pro forma* LGIP § 3.4.2.

acreage requirements.[245] The Commission modified the *pro forma* LGIP and *pro forma* LGIA definitions of "generating facility" and "generating facility capacity" to clarify that these definitions include hybrid generating facilities, and stated that a transmission provider's per-MW acreage requirements for each generating facility technology-type must include specific requirements for hybrid generating facilities.[246] The Commission further clarified that generating facilities that are co-located on the same site and behind the same point of interconnection are subject to the technology-specific acreage requirements based on the generating facilities' technology-type.

106. The Commission eliminated the interconnection customer's options to: (1) provide a deposit in lieu of site control demonstration, except in limited circumstances where an interconnection customer demonstrates a regulatory limitation to obtaining site control; and (2) post $250,000 of non-refundable security in lieu of site control at LGIA execution. The Commission revised section 3.4.2 of the *pro forma* LGIP to provide that interconnection customers with regulatory limitations may submit an initial deposit in lieu of site control of $10,000 per MW, subject to a floor of $500,000 and a ceiling of $2 million, which shall be refundable but may not be applied toward interconnection studies or withdrawal penalties, if applicable. The Commission stated that, when an interconnection customer facing regulatory limitations provides a deposit in lieu of site control, the deposit will be accepted and held by the transmission provider until the interconnection customer can demonstrate 90% site control prior to execution of the facilities study agreement or 100% site control at execution of the facilities study agreement or thereafter. The Commission also modified Appendix B (Milestones) of the *pro forma* LGIA to clarify that an interconnection customer facing qualifying regulatory limitations must demonstrate 100% site control within 180 calendar days of the effective date of the LGIA; if it cannot, the LGIA may be terminated per article 17 (Default) of the *pro forma* LGIA, and the interconnection customer may be subject to withdrawal penalties.[247]

107. The Commission required each transmission provider to define regulatory limitations relevant to its service territory, to publicly post the definition, and to provide a narrative description of how it defines regulatory limitations as part of its compliance

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[245] Order No. 2023, 184 FERC ¶ 61,054 at P 595; *see also pro forma* LGIP §§ 3.4.2, 11.3.

[246] Order No. 2023, 184 FERC ¶ 61,054 at P 603; *see also pro forma* LGIP § 1; *pro forma* LGIA art. 1.

[247] Order No. 2023, 184 FERC ¶ 61,054 at P 605; *see also pro forma* LGIA app. B.

filing.[248] The Commission did not require a uniform definition of regulatory limitations for all transmission providers, but clarified that a regulatory limitation is generally a federal, state, Tribal, or local law that makes it practically infeasible to obtain site control within the time frame detailed in the *pro forma* LGIP.

a. SPP's Compliance Filing

108. SPP proposes revisions to GIP sections 1, 8.2, and 11.3 and article 1 and Appendix B of its *pro forma* GIA to incorporate, with modification, the site control reforms adopted in Order Nos. 2023 and 2023-A.[249]

109. SPP states that it adopts the Commission's revisions to the *pro forma* definitions of "site control," "generating facility," and "generating facility capacity" into its GIP and *pro forma* GIA without modification.[250] However, SPP proposes without explanation revisions to the definition of "site control" that deviate from the Commission's *pro forma* definition.[251] Specifically, SPP proposes to retain language in its definition of "site control" stating that site control may be demonstrated by documentation establishing (1) ownership of, a leasehold interest in, or a right to develop a site of sufficient size "for the purpose of constructing" instead of "to construct and operate" the generating facility, as in the *pro forma* LGIP, and (2) an option to purchase or acquire a leasehold site of sufficient size "for such purpose" instead of "of sufficient size to construct and operate" the generating facility, as in the *pro forma* LGIP.[252]

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[248] Order No. 2023, 184 FERC ¶ 61,054 at P 607.

[249] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0); *id.* § 3 (21.0.0), § 3.4.2 (Initiating an Interconnection Request); *id.* § 8 (17.0.0), § 8.2 (Execution of Generator Interconnection Study Agreement); *id.* § 11 (7.0.0), § 11.3 (Execution & Filing); *id.* app. 6 (GIA) (23.0.0); *id.* app. 8 (Interim GIA) (20.0.0); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), art. 1 (Definitions), app. B (Milestones).

[250] Filing at 10, 31; SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Generating Facility, Generating Facility Capacity, Site Control; *id.* app. 6 (GIA) (23.0.0); *id.* app. 8 (Interim GIA) (20.0.0); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), art.1 (Definitions), Generating Facility, Generating Facility Capacity, Site Control.

[251] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Site Control.

[252] *Id.* As relevant here, in Order No. 2023, the Commission revised the site control definition to provide that: "Site Control may be demonstrated by documentation establishing . . . (1) ownership of, a leasehold interest in, or a right to develop a site [for

110. SPP also proposes to adopt *pro forma* LGIP section 3.4.2 into GIP section 8.2 but with a deviation to retain existing language in GIP section 8.2 that requires interconnection customers to submit a demonstration of 100% site control with an interconnection request, rather than 90% site control as required in the Commission's *pro forma* LGIP.[253] SPP states that this requirement is consistent with its existing requirements in GIP section 8.2 and a document entitled "SPP GIP Process and Business Practices."

111. Further, SPP proposes to add to Appendix B of its *pro forma* GIA the requirement that interconnection customers with qualifying regulatory limitations demonstrate 100% site control within 180 days of the GIA effective date.[254] SPP also proposes to add language in GIP section 8.2(a)(1) providing that regulatory limitations are defined by the transmission provider.[255] SPP does not provide a narrative description of how it defines regulatory limitations. Finally, SPP proposes revisions to GIP section 11.3 to remove the option to provide a deposit in lieu of demonstrating site control at GIA execution.[256]

b. Commission Determination

112. We find that SPP's proposed Tariff revisions, including independent entity variations, regarding site control partially comply with the requirements of Order Nos. 2023 and 2023-A. Specifically, except for the provisions discussed below, we find that SPP's proposed revisions to GIP sections 1, 8.2, and 11.3 and article 1 and Appendix B of SPP's *pro forma* GIAs incorporate the *pro forma* LGIP and *pro forma* LGIA revisions adopted in Order Nos. 2023 and 2023-A without modification.

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the purpose of constructing] *of sufficient size to construct and operate* the Generating Facility" and "(2) an option to purchase or acquire a leasehold site *of sufficient size to construct and operate the Generating Facility* [for such purpose]." Deletions are in brackets and additions are in italics. Order No. 2023, 184 FERC ¶ 61,054 at app. C (*Pro forma* LGIP).

[253] Filing at 31 (citing SPP, Proposed Tariff, attach. V, § 8 (17.0.0), § 8.2 (Execution of Generator Interconnection Study Agreement) and SPP GIP Process & Bus. Pracs. § 1.1).

[254] *Id.* at 32.

[255] SPP, Proposed Tariff, attach. V, § 8 (Definitive Planning Phase) (17.0.0), § 8.2(a)(1).

[256] Filing at 32; SPP, Proposed Tariff, attach. V, § 11 (7.0.0), § 11.3 (Execution & Filing).

113. However, SPP's proposed revisions to adopt the Commission's *pro forma* definition of "site control" in its GIP and *pro forma* GIA do not fully incorporate the Commission's revisions to this definition adopted in Order Nos. 2023 and 2023-A.[257] Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to revise its Tariff to fully adopt the Commission's revisions to the *pro forma* definition of site control or justify its variation under the independent entity variation standard.

114. Further, in Order No. 2023, the Commission found that requiring a 90% site control demonstration at the time of submission of an interconnection request, rather than 100%, recognizes that issues often arise in developing a generating facility and provides valuable flexibility for interconnection customers with viable, prospective generating facilities to resolve those issues and continue through the interconnection process.[258] SPP does not request an independent entity variation for, or otherwise attempt to support, its proposal to retain its existing GIP provisions requiring 100% site control at the time of submission of an interconnection request.[259] Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to either justify, as an independent entity variation, its proposal to retain the requirement for an interconnection customer to demonstrate 100% site control at the time of submission of an

[257] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0); *id.* app. 6 (GIA) (23.0.0); *id.* app. 8 (Interim GIA) (20.0.0); *id.* app. 13 (*pro forma* Western-UGP GIA) (19.0.0); *id.* app. 14 (*pro forma* Western-UGP Interim GIA) (18.0.0), art. 1 (Definitions). Relevant here, in Order No. 2023, the Commission revised the site control definition to provide that: "Site Control may be demonstrated by documentation establishing . . . (1) ownership of, a leasehold interest in, or a right to develop a site [for the purpose of constructing] *of sufficient size to construct and operate* the Generating Facility" and "(2) an option to purchase or acquire a leasehold site *of sufficient size to construct and operate the Generating Facility* [for such purpose]." Deletions are in brackets and additions are in italics. Order No. 2023, 184 FERC ¶ 61,054 at app. C (*Pro forma* LGIP).

[258] Order No. 2023, 184 FERC ¶ 61,054 at P 596.

[259] The Commission has explained that, for purposes of meeting the Independent Entity Variation standard, it is not a sufficient justification to state that a variation conforms to current RTO/ISO practices. *See Cal. Indep. Sys. Operator Corp.*, 170 FERC ¶ 61,112, at P 11 (2020); *Sw. Power Pool, Inc.*, 170 FERC ¶ 61,042, at P 14 (2020); *ISO New England Inc.*, 170 FERC ¶ 61,209, at P 14 (2020); *Midcontinent Indep. Sys. Operator, Inc.*, 169 FERC ¶ 61,221, at P 18 (2019); *PJM Interconnection, L.L.C.*, 169 FERC ¶ 61,226, at P 15 (2019).

interconnection request or adopt the *pro forma* LGIP site control provisions required by Order No. 2023.

115. Finally, SPP's compliance filing does not address the Commission's requirement in Order No. 2023 for transmission providers to provide a narrative description of how they will define regulatory limitation as part of its compliance filing.[260] Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to provide this narrative description.

8. Commercial Readiness

116. In Order No. 2023, the Commission revised section 1 of the *pro forma* LGIP to define "commercial readiness deposit" and sections 3.4.2, 7.5, 8.1, and 11.3 of the *pro forma* LGIP to require interconnection customers to submit commercial readiness deposits to help reduce the submission of speculative, commercially non-viable interconnection requests into interconnection queues.[261] For the initial commercial readiness deposit submitted with its interconnection request, the interconnection customer must pay a deposit of two times its study deposit to enter the cluster study.[262] The commercial readiness deposit to enter the cluster restudy is the amount required to bring the total amount of the interconnection customer's commercial readiness deposit to 5% of the interconnection customer's network upgrade cost assignment identified in the cluster study,[263] and the commercial readiness deposit to enter the facilities study is the amount required to bring the total amount of the interconnection customer's commercial readiness deposit to 10% of the interconnection customer's network upgrade cost assignment identified in the cluster study or restudy, as applicable.[264]

a. SPP's Compliance Filing

117. SPP does not propose to adopt the commercial readiness deposit provisions in the *pro forma* LGIP and instead proposes an independent entity variation to retain its existing

[260] Order No. 2023, 184 FERC ¶ 61,054 at P 607.

[261] *Id.* P 690; *see also pro forma* LGIP §§ 1, 3.4.2, 7.5, 8.1, 11.3.

[262] Order No. 2023, 184 FERC ¶ 61,054 at P 692; *see also pro forma* LGIP § 3.4.2.

[263] Order No. 2023, 184 FERC ¶ 61,054 at P 693; *see also pro forma* LGIP § 7.5.

[264] Order No. 2023, 184 FERC ¶ 61,054 at P 693; *see also pro forma* LGIP § 8.1.

financial security structure and associated definitions.[265] Under SPP's existing financial security requirements, interconnection customers must submit financial security deposits to proceed through Decision Points in the DISIS process. Interconnection customers must submit Financial Security One, equal to $4,000/MW of the requested interconnection service, along with the interconnection request; submit Financial Security Two – the greater of (a) 10% of the FS2 cost factor,[266] less the amount of Financial Security One, or (b) $4,000/MW of the requested capacity advancing to DISIS Phase Two – prior to the end of Decision Point One in order to proceed to DISIS Phase Two; and submit Financial Security Three, equal to 20% of the total upgrade costs allocated to the interconnection request less the amount of financial security already provided, prior to the end of Decision Point Two to enter DISIS Phase Three.[267]

118. SPP explains that its existing financial security requirements are similar to the commercial readiness deposits in the Commission's *pro forma* LGIP, as they are intended to serve as a disincentive against the submission of speculative interconnection requests and increase as the interconnection process proceeds.[268] SPP asserts that this structure meets the Commission's intent in Order No. 2023 because it "encourage[s] interconnection customers not ready to proceed through the interconnection process—or whose projects become commercially non-viable during the interconnection process—to withdraw earlier in the process, thereby lessening the incidence of late-stage withdrawals that result in delays and restudies."[269] SPP also asserts that its financial security requirements are necessary to discourage late-stage interconnection customer withdrawals that often lead to restudies and significant delays in the study process.[270]

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[265] Filing at 10.

[266] The FS2 cost factor "is calculated by first determining the cost allocation factor pursuant to Section 4.2.2 of the GIP applicable to an Interconnection Request for an upgrade assigned to that same Interconnection Request, and multiplying the cost allocation factor by itself and then by the total estimated cost of the upgrade; then summing the resulting products for every upgrade allocated to an Interconnection Request." SPP, Tariff, attach. V, § 8 (Definitive Planning Phase) (19.0.0), § 8.5.2 (Decision Point Two).

[267] *Id.* §§ 8.2 (Execution of Generator Interconnection Study Agreement), 8.5.1 (Decision Point One), 8.5.2 (Decision Point Two).

[268] Filing at 16.

[269] *Id.* (citing Order No. 2023, 184 FERC ¶ 61,054 at P 691).

[270] *Id.*

b. Commission Determination

119. We find that SPP's proposed independent entity variations comply with the requirements of Order Nos. 2023 and 2023-A. Specifically, we accept SPP's proposal to retain its existing financial security structure and associated definitions and find that these provisions meet the independent entity variation standard. We find that SPP's proposal is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of the commercial readiness requirements of Order Nos. 2023 and 2023-A because it requires interconnection customers to provide financial security to enter successive phases of the interconnection study process, which will reduce the submission of commercially non-viable interconnection requests and discourage late-stage withdrawals.[271]

9. LGIA Deposit

120. In Order No. 2023, the Commission added the new term "LGIA deposit" to section 1 of the *pro forma* LGIP and article 1 of the *pro forma* LGIA and revised section 11.3 of the *pro forma* LGIP to require an interconnection customer to submit a deposit when executing the LGIA, or requesting the filing of an unexecuted LGIA, that will increase the total commercial readiness deposit paid to be equal to 20% of the estimated network upgrade costs identified in the LGIA (excluding the study deposit and site control deposit submitted when an interconnection customer faces a regulatory limitation).[272] Additionally, the Commission revised section 11.3 of the *pro forma* LGIP to require that an interconnection customer submit the LGIA deposit when returning the executed LGIA to the transmission provider, or within 10 business days of the interconnection customer requesting that the LGIA be filed unexecuted at the Commission.

121. The Commission also revised the *pro forma* LGIP and *pro forma* LGIA to treat the LGIA deposit as part of the security the interconnection customer must provide for the construction of network upgrades and transmission provider's interconnection facilities.[273] Finally, the Commission revised article 11.5 (Provision of Security) of the *pro forma* LGIA to require the transmission provider to draft Appendix B of the interconnection customer's LGIA to clearly explain and estimate at which point of

[271] Order No. 2023, 184 FERC ¶ 61,054 at P 691.

[272] *Id.* P 714; *see also pro forma* LGIP §§ 1, 11.3; *pro forma* LGIA art. 1.

[273] Order No. 2023, 184 FERC ¶ 61,054 at P 717; *see also pro forma* LGIP § 11.3; *pro forma* LGIA art. 11.5.

construction the interconnection customer's LGIA deposit will be depleted, and the interconnection customer must provide additional financial security.[274]

a. SPP's Compliance Filing

122. SPP does not propose to adopt the Commission's *pro forma* LGIA deposit provisions and instead proposes an independent entity variation to retain its existing financial security and deposit framework, which SPP asserts accomplishes the purposes of the Commission's requirements in Order No. 2023.[275]

123. SPP explains that article 11.6 of its *pro forma* GIA requires an interconnection customer, following GIA execution or the filing of an unexecuted GIA, to make an initial payment equal to the greater of: (1) 20% of the total cost of network upgrades, shared network upgrades, transmission owner's interconnection facilities and/or distribution upgrades, or (2) $4,000/MW based on the size of the generating facility.[276] SPP states that all financial security previously provided by an interconnection customer is applied to the initial payment requirement. SPP explains that the initial payment is due within 30 days of GIA execution, unless protested or the GIA is filed unexecuted.[277] SPP contends that, given these existing provisions in its Tariff, the LGIA deposit in the Commission's *pro forma* LGIP is not needed because SPP's existing processes accomplish the purposes of the Commission's requirements in Order No. 2023.[278] Finally, SPP does not propose to adopt the Commission's revisions to article 11.5 of the *pro forma* LGIA regarding depletion of the LGIA deposit.

b. Commission Determination

124. We find that SPP's proposed independent entity variation partially complies with the requirements of Order Nos. 2023 and 2023-A. Specifically, with the exception discussed below, we accept SPP's proposal to retain its existing financial security and deposit framework and find that SPP's existing framework meets the independent entity variation standard because it is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A. In Order

[274] Order No. 2023, 184 FERC ¶ 61,054 at P 718; *see also pro forma* LGIA art. 11.5.

[275] Filing at 26-27.

[276] SPP, Tariff, attach. V, app. 6 (GIA) (26.0.0), art. 11.6 (Initial Payment).

[277] *Id.*

[278] Filing at 27.

No. 2023, the Commission found that tying the LGIA deposit to the network upgrade cost estimate sends an accurate cost signal to the interconnection customer and helps ensure that network upgrades are paid for and constructed.[279] We find that SPP's initial payment requirement is similar to the Commission's LGIA deposit in that the amount is both tied to the network upgrade cost estimate and equal to at least 20% of the total upgrade cost estimate,[280] and will help ensure that network upgrades are paid for and constructed.

125. SPP proposes not to adopt the required revisions to section 11.3 of the *pro forma* LGIP and article 11.5 of the *pro forma* LGIA, which require the transmission provider to treat the LGIA deposit as part of the security that the interconnection customer must provide to the transmission provider for the construction of network upgrades and interconnection facilities.[281] However, SPP does not explain how its proposal accomplishes the purposes of Order Nos. 2023 and 2023-A. Additionally, SPP proposes to not adopt the Commission's revisions to article 11.5 of the *pro forma* LGIA that require the transmission provider to provide an explanation and estimate of the dates at which an interconnection customer will need to provide additional security for construction of interconnection facilities and network upgrades due to depletion of the LGIA deposit.[282] Similarly, SPP does not explain how its proposal accomplishes the purposes of Order Nos. 2023 and 2023-A. Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing that either justifies its proposal under the independent entity variation standard or adopts the language of *pro forma* LGIP section 11.3 and *pro forma* LGIA article 11.5.

10. Withdrawal Penalties

126. In Order No. 2023, the Commission added the term "withdrawal penalty" to section 1 of the *pro forma* LGIP and article 1 of the *pro forma* LGIA.[283] The Commission revised section 3.7 (Withdrawal) of the *pro forma* LGIP and added sections 3.7.1 (Withdrawal Penalty), 3.7.1.1 (Calculation of the Withdrawal Penalty), and 3.7.1.2 (Distribution of the Withdrawal Penalty) related to withdrawal penalties to the *pro forma*

[279] Order No. 2023, 184 FERC ¶ 61,054 at P 715.

[280] SPP, Tariff, attach. V, app. 6 (GIA) (26.0.0), art. 11.6 (Initial Payment).

[281] Order No. 2023, 184 FERC ¶ 61,054 at P 717; *see also pro forma* LGIP § 11.3; *pro forma* LGIA art. 11.5.

[282] Order No. 2023, 184 FERC ¶ 61,054 at PP 693, 718; *see also pro forma* LGIA art. 11.5.

[283] Order No. 2023, 184 FERC ¶ 61,054 at P 780; *see also pro forma* LGIP § 1; *pro forma* LGIA art. 1.

LGIP.[284] The Commission required transmission providers to apply withdrawal penalties to an interconnection customer if: (1) the interconnection customer withdraws its interconnection request at any point in the interconnection process; (2) the interconnection customer's interconnection request has been deemed withdrawn by the transmission provider at any point in the interconnection process; or (3) the interconnection customer's generating facility does not reach commercial operation (such as when an interconnection customer's LGIA is terminated prior to reaching commercial operation).[285]

127. However, a withdrawal penalty must only be assessed if the withdrawal has a material impact on the cost or timing of any interconnection request with an equal or lower queue position. The Commission stated that the interconnection customer will also be exempt from paying a withdrawal penalty if: (1) the interconnection customer withdraws its interconnection request after receiving the most recent cluster study report and the network upgrade costs assigned to the interconnection customer's request have increased 25% compared to the previous cluster study report; or (2) the interconnection customer withdraws its interconnection request after receiving the individual facilities study report and the network upgrade costs assigned to the interconnection customer's request have increased by more than 100% compared to costs identified in the cluster study report.[286]

128. The Commission added *pro forma* LGIP section 3.7.1.1 to require a transmission provider to assess a withdrawal penalty on an interconnection customer with a proposed generating facility that does not reach commercial operation based either on the actual study costs or on a percentage of the interconnection customer's assigned network upgrade costs, depending on in which phase the interconnection customer withdraws its interconnection request.[287] Thus, the withdrawal penalty for an interconnection customer will be calculated as the greater of the study deposit or: (1) two times the study cost if the interconnection customer withdraws during the cluster study or after receipt of a cluster study report; (2) 5% of the interconnection customer's identified network upgrade costs if the interconnection customer withdraws during the cluster restudy or after receipt of any applicable restudy reports; (3) 10% of the interconnection customer's identified network upgrade costs if the interconnection customer withdraws during the facilities study, after receipt of the individual facilities study report, or after receipt of the draft

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[284] Order No. 2023, 184 FERC ¶ 61,054 at P 780; *see also pro forma* LGIP §§ 3.7, 3.7.1, 3.7.1.1, 3.7.1.2.

[285] Order No. 2023, 184 FERC ¶ 61,054 at P 783.

[286] *Id.* P 784.

[287] *Id.* P 791; *see also pro forma* LGIP § 3.7.1.

LGIA; or (4) 20% of the interconnection customer's identified network upgrade costs if, after executing, or requesting to file unexecuted, the LGIA, the interconnection customer's LGIA is terminated before its generating facility achieves commercial operation.

129. The Commission also added *pro forma* LGIP section 3.7.1.2 to require a transmission provider to use the withdrawal penalty funds as follows: (1) to fund studies and restudies in the same cluster; (2) if withdrawal penalty funds remain, to offset net increases in costs borne by other remaining interconnection customers from the same cluster for network upgrades shared by both the withdrawing and non-withdrawing interconnection customers prior to the withdrawal; and (3) if any withdrawal penalty funds remain, they will be returned to the withdrawing interconnection customer.[288]

130. In Order No. 2023-A, the Commission modified *pro forma* LGIP section 3.7.1.2.1 (Initial Distribution of Withdrawal Penalties Prior to Assessment of Network Upgrade Costs Previously Shared with Withdrawn Interconnection Customers in the Same Cluster) to clarify that withdrawal penalties dispersed to remaining interconnection customers cannot exceed the total amount of withdrawal penalties collected from the cluster.[289] The Commission also revised *pro forma* LGIP section 3.7.1 to state that there will be no withdrawal penalty assessed if the withdrawal does not have a material impact on any interconnection request in the same cluster, as well as to add clarifying edits to reference cluster restudies.[290] The Commission modified *pro forma* LGIP section 3.7.1.2.1 to clarify that the interconnection studies referenced in that section include cluster restudies and interconnection facilities studies.[291]

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[288] Order No. 2023, 184 FERC ¶ 61,054 at P 798; *see also pro forma* LGIP § 3.7.1.2.

[289] Order No. 2023-A, 186 FERC ¶ 61,199 at P 231; *see also pro forma* LGIP § 3.7.1.2.1.

[290] Order No. 2023-A, 186 FERC ¶ 61,199 at PP 233, 243; *see also pro forma* LGIP §§ 3.7.1, 3.7.1.1(a).

[291] Order No. 2023-A, 186 FERC ¶ 61,199 at P 237; *see also pro forma* LGIP § 3.7.1.2.1.

131. Finally, the Commission defined "transitional withdrawal penalty" in *pro forma* LGIP section 1 and modified *pro forma* LGIP sections 5.1.1, 5.1.1.1, and 5.1.1.2 to reference the transitional withdrawal penalty.[292]

a. SPP's Compliance Filing

132. SPP proposes to not adopt the *pro forma* definition of "withdrawal penalty" or the withdrawal penalty provisions in *pro forma* LGIP section 3.7.1 because SPP proposes an independent entity variation to retain its existing financial security refund eligibility provisions,[293] which it argues meet the Commission's goals related to withdrawal penalties.[294]

133. SPP's existing GIP provides that if an interconnection request is withdrawn after the beginning of DISIS Phase One, but prior to the end of Decision Point One, including any extension of Decision Point One per GIP section 8.5.1, 25% of Financial Security One and 25% of financial security provided in lieu of demonstrating site control for the generating facility's tie line will be forfeited to the extent that equally-queued interconnection requests are subjected to an increased total of network upgrades and transmission owner's interconnection facilities upgrade costs as a result of the withdrawal.[295]

134. SPP's existing GIP also provides that if an interconnection request is withdrawn after the end of Decision Point One, but prior to the end of Decision Point Two, including any extension of Decision Point Two per GIP section 8.5.2, 100% of Financial Security One, 100% of financial security provided in lieu of demonstrating site control for the generating facility's tie line, and 25% of Financial Security Two will be forfeited to the extent that equally- or lower-queued interconnection requests within the actively studied clusters are subjected to an increased total of network upgrades and transmission owner's interconnection facilities upgrade costs as a result of the withdrawal, unless both of the following conditions exist: (1) the total allocated costs for the withdrawn interconnection request, including those costs for upgrades to mitigate impacts to affected systems, if known, increased by 25% or more from the end of Decision Point One to DISIS Phase Two; and (2) the allocated cost per MW of requested capacity, including costs for

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[292] Order No. 2023-A, 186 FERC ¶ 61,199 at P 240; *see also pro forma* LGIP §§ 1, 5.1.1, 5.1.1.1, 5.1.1.2.

[293] SPP, Tariff, attach. V, § 8 (19.0.0), § 8.14 (Financial Security Refund Eligibility).

[294] Filing at 33.

[295] SPP, Tariff, attach. V, § 8 (19.0.0), § 8.14(b).

affected systems, if known, increased by $10,000/MW or more from the end of Decision Point One to DISIS Phase Two.[296]

135. Further, under SPP's existing GIP, if an interconnection request is withdrawn after the end of Decision Point Two, Financial Security One, Financial Security Two, Financial Security Three, and financial security provided in lieu of demonstrating site control for the generating facility's tie line will be forfeited to the extent that equally- or lower-queued interconnection requests within the actively studied clusters are subjected to an increased total of network upgrades and transmission owner's interconnection facilities upgrade costs as a result of the withdrawal, unless both of the following conditions exist: (1) the total allocated costs for the withdrawn interconnection request, including those costs for upgrades to mitigate impacts to affected systems, if known, increased by 35% or more from final study results posted at the end of Decision Point Two to the interconnection facilities study; and (2) the allocated cost per MW of requested capacity, including costs for affected systems, if known, increased by $15,000/MW or more from the end of Decision Point Two to the interconnection facilities study.[297]

136. In all SPP interconnection withdrawal cases, if SPP determines that no equally- or lower-queued interconnection requests within the actively studied clusters are subjected to increased upgrade costs as a result of the withdrawal, the appropriate financial security deposits (Financial Security One, Financial Security Two, Financial Security Three, and financial security provided in lieu of demonstrating site control for the generating facility's tie line) will be refunded with accrued interest.[298]

137. SPP proposes to retain its financial security deposit framework in GIP section 8.2 and its DISIS "at-risk" procedures in GIP section 8.5 previously accepted by the Commission.[299] SPP argues that, consistent with Order No. 2023, its existing financial security refund eligibility provisions require SPP to determine whether equally- or lower-queued interconnection requests within the actively studied clusters are subjected to increased network upgrade and transmission owner's interconnection facility costs as a result of the withdrawal.[300] SPP states that, if it determines that other interconnection customers are harmed by the withdrawal, then the withdrawing interconnection

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[296] *Id.* § 8.14(c).

[297] *Id.* § 8.14(d).

[298] *Id.* § 8.14(b)-(d).

[299] *Sw. Power Pool, Inc.*, 178 FERC ¶ 61,015.

[300] Filing at 33.

customer's financial securities are retained by SPP and used to offset the increased costs to other interconnection customers.

138. SPP asserts that its existing financial security refund eligibility framework meets the Commission's goals of Order Nos. 2023 and 2023-A by remedying issues caused by speculative interconnection requests, including study delays from overcrowded interconnection queues and the harm caused by withdrawals from the interconnection queue at various stages of the study process.[301]

139. SPP states that its financial security refund eligibility provisions provide for partial forfeiture of financial security payments.[302] In addition, SPP states that, similar to the Commission's withdrawal penalty framework, its existing Tariff provisions increase the forfeiture amount as interconnection customers proceed through the study process. SPP states that increasing the forfeiture amounts as projects proceed through the study process is intended to discourage interconnection customers from withdrawing in later stages of the interconnection process.[303]

b. Commission Determination

140. We find that SPP's proposed independent entity variation complies with the requirements of Order Nos. 2023 and 2023-A. Specifically, we accept SPP's proposal to retain its existing financial security refund eligibility provisions in lieu of the withdrawal penalty provisions in *pro forma* LGIP section 3.7.1 and find that the proposal meets the independent entity variation standard.

141. Specifically, we find that SPP's existing financial security refund eligibility provisions are just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of the withdrawal penalty requirements in Order Nos. 2023 and 2023-A by helping to mitigate issues caused by speculative interconnection requests, including study delays from overcrowded interconnection queues and the harm caused by withdrawals from the interconnection queue at various stages of the study process.[304] We find that SPP's existing financial security refund eligibility provisions are similar to the

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[301] *Id.* (citing Order No. 2023, 184 FERC ¶ 61,054 at P 781); *see also pro forma* LGIP § 3.7.1.

[302] Filing at 33 (citing SPP, Tariff, attach. V, § 8 (19.0.0), § 8.14 (Financial Security Refund Eligibility)).

[303] *Id.* at 33 (citing *Sw. Power Pool, Inc.*, 178 FERC ¶ 61,015 at P 18).

[304] Order No. 2023, 184 FERC ¶ 61,054 at P 781; *see also pro forma* LGIP § 3.7.1.

Commission's withdrawal penalty framework in that they increase the forfeiture amount as interconnection customers proceed through the interconnection study process, apply forfeited amounts to offset increased costs for other interconnection customers, and allow for penalty-free withdrawal in cases where an interconnection customer's estimated network upgrade costs increase by a certain percentage.

11. Transition Process

142. In Order No. 2023, the Commission established a transition process from a first-come, first-served serial study process to the first-ready, first-served cluster study process in *pro forma* LGIP section 5 (Procedures for Interconnection Requests Submitted Prior to Effective Date of the Cluster Study Revisions).[305] The Commission required transmission providers to offer existing interconnection customers up to three transition options, depending on which phase of the serial study process their interconnection requests are in: (1) a transitional serial study, (2) a transitional cluster study, and (3) withdrawal from the interconnection queue without penalty.[306] The Commission added several new terms related to the transition process to the *pro forma* LGIP, as well as a *pro forma* transitional cluster study agreement in new Appendix 7 (Transitional Cluster Study Agreement) of the *pro forma* LGIP and a *pro forma* Transitional Serial Interconnection Facilities Study Agreement in new Appendix 8 (Transitional Serial Interconnection Facilities Study Agreement) of the *pro forma* LGIP.[307]

143. The Commission required transmission providers to offer the transitional serial study option to interconnection customers that have been tendered a facilities study agreement, even if they have not yet executed the agreement, as of 30 calendar days after the filing date of the transmission provider's initial filing to comply with Order No. 2023.[308] Similarly, the Commission required transmission providers to offer the transitional cluster study option to interconnection customers with an assigned queue position as of 30 calendar days after the filing date of the transmission provider's initial filing to comply with Order No. 2023. The Commission required the transmission

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[305] Order No. 2023, 184 FERC ¶ 61,054 at P 855; *see also pro forma* LGIP §§ 1, 5.

[306] Order No. 2023, 184 FERC ¶ 61,054 at P 855; *see also pro forma* LGIP § 5.1.1.

[307] *See pro forma* LGIP § 1 apps. 7, 8.

[308] Order No. 2023, 184 FERC ¶ 61,054 at P 855; *see also pro forma* LGIP §§ 5.1.1.1, 5.1.1.2.

provider to include the filing date for its compliance in *pro forma* LGIP sections 5.1.1, 5.1.1.1, and 5.1.1.2.[309]

144. The Commission also required the transmission provider to tender the appropriate transitional study agreements to eligible interconnection customers no later than the Commission-approved effective date of the transmission provider's compliance filing with Order No. 2023.[310] The Commission adopted a deadline—60 calendar days after the Commission-approved effective date—for an interconnection customer to either exit the queue without penalty or choose a transition option and meet the relevant site control and deposit requirements.[311] Furthermore, the Commission clarified that transmission providers that have already adopted a cluster study process or are currently undergoing a transition to a cluster study process will not be required to implement a new transition process.[312]

145. The Commission also adopted transition process deposits, withdrawal penalties, and deadlines.[313] The Commission required that: (1) interconnection customers electing the transitional serial study must provide a deposit equal to 100% of the interconnection facility and network upgrade costs allocated to the interconnection customer in the system impact study; and (2) interconnection customers electing the transitional cluster study must provide a deposit equal to $5 million.[314]

146. In Order No. 2023-A, the Commission added definitions to the *pro forma* LGIP for the terms "transitional cluster study agreement" and "transitional serial interconnection facilities study agreement."[315] The Commission clarified that withdrawals occurring after the 60-day deadline will be subject to the new withdrawal penalties, with certain exceptions. To reflect these clarifications, the Commission also added new *pro forma* LGIP section 5.1.2 (Transmission Providers with Existing Cluster Study Processes or Currently in Transition) establishing that interconnection customers in the queue of a transmission provider not conducting a transition process under *pro forma*

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[309] *See pro forma* LGIP §§ 5.1.1, 5.1.1.1, 5.1.1.2.

[310] Order No. 2023, 184 FERC ¶ 61,054 at P 867.

[311] *Id.* P 864; *see also pro forma* LGIP §§ 5.1.1, 5.1.1.1, 5.1.1.2.

[312] Order No. 2023, 184 FERC ¶ 61,054 at P 861.

[313] *Id.* P 855.

[314] *Id.* P 859.

[315] Order No. 2023-A, 186 FERC ¶ 61,199 at P 263; *see also pro forma* LGIP § 1.

LGIP section 5.1.1 must comply with the new readiness requirements proposed by the transmission provider within 60 days of the Commission-approved effective date of the transmission provider's compliance filing.[316]

a. SPP's Compliance Filing

147. SPP proposes to not adopt the Commission's transition process provisions in *pro forma* LGIP section 5.1.2 or the *pro forma* transition-related defined terms.[317] SPP explains that it already administers a cluster interconnection study process and, therefore, a transition from a serial interconnection study process is not required.[318]

148. However, SPP proposes revisions to GIP section 5 to provide that its proposed GIP revisions be applicable beginning with interconnection requests submitted during the first DISIS Queue Cluster Window to open after the effective date of the revised Tariff.[319] SPP contends that this proposal is just and reasonable because it gives interconnection customers advance notice of the new requirements and ensures that the new Tariff requirements will apply equally to all interconnection requests in the same cluster.

b. Commission Determination

149. We find that SPP's proposed independent entity variation complies with the requirements of Order Nos. 2023 and 2023-A because, as SPP explains, it already administers a cluster study process. In Order No. 2023, the Commission recognized that some transmission providers have existing cluster studies in progress and clarified that transmission providers that have already adopted a cluster study process will not be required to implement a new transition process.[320] We further find that SPP's proposal not to adopt the Commission's *pro forma* LGIP transition process provisions in *pro forma* LGIP section 5.1.2 and revise its GIP section 5 to make its proposed GIP revisions applicable beginning with interconnection requests submitted during the first DISIS

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[316] Order No. 2023-A, 186 FERC ¶ 61,199 at P 75; *see also pro forma* LGIP § 5.1.2.

[317] Filing at 11.

[318] *Id.* at 13, 35.

[319] *Id.* at 35 (citing SPP, Proposed Tariff, attach. V, § 5 (Procs. for Interconnection Requests Submitted Prior to Revision Date of Generator Interconnection Procs.) (10.0.0)).

[320] Order No. 2023, 184 FERC ¶ 61,054 at P 861.

queue cluster window to open after the effective date of the revised Tariff is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A. We find that this proposal will permit SPP flexibility regarding the implementation timeline to ensure that the new interconnection procedures do not interfere with SPP's timely completion of in-progress cluster studies and, as stated by SPP, will give advance notice to interconnection customers of the new Tariff requirements they will be subject to and ensure that the new requirements will apply equally to all interconnection customers in the same cluster.

12. Elimination of Reasonable Efforts

150. In Order No. 2023, the Commission revised sections 2.2 (Comparability), 3.5.4, 7.4, 8.3 (Interconnection Facilities Study Procedures), and Attachment A to Appendix 3 (formerly Appendix 4) of the *pro forma* LGIP to eliminate the reasonable efforts standard for conducting cluster studies, cluster restudies, facilities studies, and affected system studies by the tariff-specified deadlines.[321] The Commission added new section 3.9 (Penalties for Failure to Meet Study Deadlines) to the *pro forma* LGIP to implement a structure of study delay penalties.[322] Specifically, delays of cluster studies beyond the tariff-specified deadline will incur a penalty of $1,000 per business day; delays of cluster restudies beyond the tariff-specified deadline will incur a penalty of $2,000 per business day; delays of affected system studies beyond the tariff-specified deadline will incur a penalty of $2,000 per business day; and delays of facilities studies beyond the tariff-specified deadline will incur a penalty of $2,500 per business day. The Commission explained that, among other things, these penalty amounts are intended to incentivize transmission providers to meet study deadlines and that the structure of increasing penalties reflects the progressively greater harm caused by delayed studies at later interconnection stages.[323]

151. The Commission also specified that the study delay penalty regime contains the following safeguards for transmission providers: (1) no study delay penalties will be assessed until the third cluster study cycle (including any transitional cluster study cycle, but not transitional serial studies) after the Commission-approved effective date of the transmission provider's filing in compliance with Order No. 2023; (2) there will be a 10-business day grace period, such that no study delay penalties will be assessed for a study that is delayed by 10 business days or fewer; (3) deadlines may be extended for a particular study by 30 business days by mutual agreement of the transmission provider

[321] *Id.* P 962; *see also pro forma* LGIP §§ 2.2, 3.5.4, 7.4, 8.3; *pro forma* LGIP, app. 3, attach. A.

[322] Order No. 2023, 184 FERC ¶ 61,054 at P 962; *see also pro forma* LGIP § 3.9.

[323] Order No. 2023, 184 FERC ¶ 61,054 at PP 974-978.

and all interconnection customers with interconnection requests in the relevant study; (4) study delay penalties will be capped at 100% of the initial study deposits received for all of the interconnection requests in the relevant study; and (5) transmission providers will have the ability to appeal any study delay penalties to the Commission, with the Commission determining whether good cause exists to grant the relief requested on appeal.[324]

152. The Commission further provided the following features to the study delay penalty structure: (1) transmission providers must distribute study delay penalties to interconnection customers in the relevant study that did not withdraw, or were not deemed withdrawn, from the interconnection queue before the missed study deadline on a *pro rata* per interconnection request basis to offset their study costs; (2) non-RTO/ISO transmission providers and transmission-owning members of RTOs/ISOs may not recover study delay penalties through transmission rates; (3) RTOs/ISOs may submit a Federal Power Act (FPA) section 205 filing to propose a default structure for recovering study delay penalties and/or to recover the costs of any specific study delay penalties;[325] and (4) transmission providers must post quarterly on their OASIS or other publicly accessible website (a) the total amount of study delay penalties from the previous reporting quarter and (b) the highest study delay penalty paid to a single interconnection customer in the previous reporting quarter.[326] In Order No. 2023-A, the Commission clarified that study delay penalties would be allocated to interconnection customers on a *pro rata* basis proportionate to each interconnection customer's final study cost in the relevant study.[327]

a. SPP's Compliance Filing

153. SPP proposes revisions to GIP sections 2.3, 3.5.4, 8.5, and 8.11 to remove the reasonable efforts standard, as well as revisions to add new GIP section 3.10 to adopt the Commission's revisions related to the reasonable efforts standard in Order Nos. 2023 and 2023-A, with variations to align the study delay penalty language with SPP's DISIS process terminology.[328]

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[324] *Id.* P 972.

[325] The typical standard of review under FPA section 205 would apply to these filings, i.e., the filer must show that any proposal to recover study delay penalties is just and reasonable and not unduly discriminatory or preferential. *See* 16 U.S.C. § 824d.

[326] Order No. 2023, 184 FERC ¶ 61,054 at P 963.

[327] Order No. 2023-A, 186 FERC ¶ 61,199 at P 439.

[328] SPP, Proposed Tariff, attach. V, § 2 (9.0.0), § 2.3 (Comparability); *id.* § 3

b. Commission Determination

154. We find that SPP's proposed Tariff revisions comply with the requirements of Order Nos. 2023 and 2023-A. Specifically, we find that SPP's proposed revisions related to the reasonable efforts standard meet the independent entity variation standard because the proposed revisions adopt the requirements of Order Nos. 2023 and 2023-A with only modifications to reflect SPP's existing DISIS process.

13. Affected System Study Process and Modeling Requirements

155. In Order No. 2023, the Commission adopted an affected system study process and added several related definitions to the *pro forma* LGIP.[329]

156. The Commission revised section 3.6 (Coordination with Affected Systems) and adopted section 3.6.1 (Initial Notification) of the *pro forma* LGIP, which requires the transmission provider to notify the affected system operator within 10 business days of the first instance of an identified potential affected system impact, which may occur at the completion of either the cluster study or the cluster restudy.[330]

157. The Commission also adopted several requirements to establish an affected system process under *pro forma* LGIP section 9 (Affected System Study), which pursuant to *pro forma* LGIP section 9.1 (Applicability) applies to the transmission provider when it is acting as the affected system transmission provider (i.e., when the transmission provider is studying the impacts on its own transmission system of proposed interconnections to other transmission providers' transmission systems).[331] First, the Commission adopted section 9.2 (Response to Initial Notification) of the *pro forma* LGIP, which requires the affected system transmission provider to respond to notification of a potential affected system impact in writing within 20 business days, indicating whether it intends to conduct an affected system study.[332] Section 9.2 also requires that, within 15 business days of the affected system transmission provider's affirmative response of its intent to

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(21.0.0), §§ 3.5.4, 3.10 (Penalties for Failure to Meet Study Deadlines); *id.* § 8 (17.0.0), §§ 8.5 (DISIS Procedures), 8.11 (Interconnection Facilities Study Procedures).

[329] Order No. 2023, 184 FERC ¶ 61,054 at PP 1110, 1112; *see also pro forma* LGIP § 1.

[330] Order No. 2023, 184 FERC ¶ 61,054 at P 1119; *see also pro forma* LGIP §§ 3.6, 3.6.1.

[331] Order No. 2023, 184 FERC ¶ 61,054 at P 1113; *see also pro forma* LGIP § 9.1.

[332] Order No. 2023, 184 FERC ¶ 61,054 at P 1120; *see also pro forma* LGIP § 9.2.

conduct an affected system study, the affected system transmission provider must share a non-binding good faith estimate of the cost and schedule to complete the affected system study.

158. The Commission next adopted section 9.3 (Affected System Queue Position) of the *pro forma* LGIP.[333] Under section 9.3, the interconnection requests of affected system interconnection customers that have executed an affected system study agreement will be higher-queued than the interconnection requests of those host system interconnection customers that have not yet received their cluster study results, and lower-queued than those interconnection customers that have already received their cluster study results. All affected system interconnection requests studied within the same affected system cluster will be equally queued.

159. The Commission next adopted section 9.4 (Affected System Study Agreement/Multiparty Affected System Study Agreement) of the *pro forma* LGIP to require that the transmission provider tender the affected system study agreement within 10 business days of sharing the schedule for the study with the affected system interconnection customers.[334] Section 9.4 also requires the affected system interconnection customer to compensate the affected system transmission provider for the actual costs of the affected system study, and the difference between the affected system study deposit and actual cost of the affected system study will be detailed in an invoice and paid by or refunded to the affected system interconnection customer within 30 calendar days of the receipt of such invoice.[335] An affected system interconnection customer's failure to pay the difference between these amounts will result in loss of that affected system interconnection customer's affected system queue position. Section 9.4 also requires that the affected system transmission provider notify the host transmission provider of the affected system interconnection customer's breach of its obligations under this section, should such breach occur.[336]

160. The Commission next adopted section 9.5 (Execution of Affected System Study Agreement/Multiparty Affected System Study Agreement) of the *pro forma* LGIP, which provides the affected system interconnection customer with 10 business days from the date of receipt of the affected system study agreement to execute and deliver it to the

[333] Order No. 2023, 184 FERC ¶ 61,054 at P 1138; *see also pro forma* LGIP § 9.3.

[334] Order No. 2023, 184 FERC ¶ 61,054 at P 1154; *see also pro forma* LGIP § 9.4.

[335] Order No. 2023, 184 FERC ¶ 61,054 at P 1157.

[336] *Id.* P 1159.

affected system transmission provider.[337] Section 9.5 also provides that, if the affected system interconnection customer does not provide all required technical data when it delivers the affected system study agreement, the affected system transmission provider shall notify the affected system interconnection customer of the deficiency within five business days of the receipt of the affected system study agreement, and the affected system interconnection customer has 10 business days to cure the deficiency after receipt of such notice (provided that the deficiency does not include failure to deliver the executed affected system study agreement or deposit).

161. The Commission next adopted section 9.6 (Scope of Affected System Study) of the *pro forma* LGIP, which requires the affected system study to consider the base case, as well as all higher-queued generating facilities on the affected system transmission provider's transmission system, and to consist of a power flow, stability, and short circuit analysis.[338] Section 9.6 also requires the affected system study to provide a list of affected system network upgrades that are required because of the affected system interconnection customer's proposed interconnection, a non-binding good faith estimate of cost responsibility, and a non-binding good faith estimated time to construct. The affected system study may consist of a system impact study, a facilities study, or some combination thereof.

162. The Commission next adopted section 9.7 (Affected System Study Procedures) of the *pro forma* LGIP, which requires clustering of affected system interconnection requests for study purposes where multiple interconnection requests that are part of a single cluster in the host system's cluster study process cause the need for an affected system study.[339] Section 9.7 also requires the affected system transmission provider to complete the affected system study and provide the affected system interconnection customer with affected system study results within 150 calendar days after receipt of the affected system study agreement. Section 9.7 also requires the affected system transmission provider to provide the affected system study report to the host transmission provider at the same time it provides the report to the affected system interconnection customer. The affected system transmission provider must notify the affected system interconnection customer that an affected system study will be late.[340] Lastly, *pro forma* LGIP section 9.7 requires affected system transmission providers to study all affected

[337] *Id.* P 1158; *see also pro forma* LGIP § 9.5.

[338] Order No. 2023, 184 FERC ¶ 61,054 at P 1160; *see also pro forma* LGIP § 9.6.

[339] Order No. 2023, 184 FERC ¶ 61,054 at P 1133; *see also pro forma* LGIP § 9.7.

[340] Order No. 2023, 184 FERC ¶ 61,054 at P 1135.

system interconnection requests using Energy Resource Interconnection Service (ERIS)[341] modeling standards.[342]

163. The Commission added a new section 11.2.1 (Delay in LGIA Execution, or Filing Unexecuted, to Await Affected System Study Report) to the *pro forma* LGIP.[343] Under this section, if the interconnection customer does not receive its affected system study results before the deadline in its host system for LGIA execution, or the deadline to request that the LGIA be filed unexecuted, the host transmission provider must, at the interconnection customer's request, delay the deadline for the interconnection customer to finalize its LGIA. The interconnection customer will have 30 calendar days after receipt of the affected system study report to execute the LGIA, or request that the LGIA be filed unexecuted. Additionally, if the interconnection customer prefers to proceed to the execution of its LGIA, or request that the LGIA be filed unexecuted, before it has received its affected system study results, it may notify the host transmission provider of its intent to proceed with the execution of the LGIA, or request that the LGIA be filed unexecuted.[344] If the host transmission provider determines that further delay to the LGIA execution date would cause a material impact on the cost or timing of an equal- or lower-queued interconnection customer, the transmission provider must notify the relevant interconnection customer of such impact and establish that the new deadline is 30 calendar days after such notice is provided.

164. The Commission adopted section 9.8 (Meeting with Transmission Provider) of the *pro forma* LGIP, which requires the affected system transmission provider and the affected system interconnection customer to meet within 10 business days of the affected system transmission provider tendering the affected system study report to the affected system interconnection customer.[345]

165. The Commission adopted section 9.9 (Affected System Cost Allocation) of the *pro forma* LGIP, which requires the allocation of affected system network upgrade costs

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[341] ERIS is an interconnection service that allows the interconnection customer to connect its generating facility to the transmission provider's transmission system to be eligible to deliver the generating facility's electric output using the existing firm or non-firm capacity of the transmission provider's transmission system on an as available basis. ERIS in and of itself does not convey transmission service. *Pro forma* LGIP § 1.

[342] Order No. 2023, 184 FERC ¶ 61,054 at P 1276.

[343] *Id.* P 1123; *see also pro forma* LGIP § 11.2.1.

[344] Order No. 2023, 184 FERC ¶ 61,054 at P 1124.

[345] *Id.* P 1169; *see also pro forma* LGIP § 9.8.

using a proportional impact method in accordance with *pro forma* LGIP section 4.2.1(1)(b).[346]

166. The Commission adopted section 9.10 (Tender of Affected System Facilities Construction Agreement/Multiparty Affected System Facilities Construction Agreement) of the *pro forma* LGIP.[347] Under section 9.10, an affected system transmission provider must tender an affected system facilities construction agreement to the affected system interconnection customer within 30 calendar days of providing the affected system study report. The affected system transmission provider must provide 10 business days after receipt of the affected system facilities construction agreement for the affected system interconnection customer to execute the agreement or have the affected system transmission provider file it unexecuted with the Commission.

167. The Commission adopted section 9.11 (Restudy) of the *pro forma* LGIP to include a maximum 60-calendar day restudy period for any affected system restudies.[348] Section 9.11 also adopts a 30-calendar day notification requirement for the affected system transmission provider to notify the affected system interconnection customer of the need for affected system restudy upon discovery of such need.[349]

168. In Order No. 2023-A, the Commission clarified that an affected system transmission provider may pause an affected system study that is planned or in progress if the relevant host transmission provider decides to conduct a cluster restudy. The Commission added *pro forma* LGIP: (1) section 3.6.2 (Notification of Cluster Restudy) to require the host transmission provider to notify any relevant affected system operators of a cluster restudy at the same time it notifies the interconnection customers in the cluster restudy; and (2) section 3.6.3 (Notification of Cluster Restudy Completion) to require the host transmission provider to notify the affected system operator of the completion of the cluster restudy and of a potential affected system impact caused by an interconnection request within 10 business days of the completion of the cluster restudy.[350]

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[346] Order No. 2023, 184 FERC ¶ 61,054 at P 1149; *see also pro forma* LGIP § 9.9.

[347] Order No. 2023, 184 FERC ¶ 61,054 at P 1165; *see also pro forma* LGIP § 9.10.

[348] Order No. 2023, 184 FERC ¶ 61,054 at P 1170; *see also pro forma* LGIP § 9.11.

[349] Order No. 2023, 184 FERC ¶ 61,054 at P 1171.

[350] Order No. 2023-A, 186 FERC ¶ 61,199 at PP 498, 500; *see also pro forma*

169. The Commission also added *pro forma* LGIP section 9.2.2 (Response to Notification of Cluster Restudy) to allow the affected system transmission provider five business days from receiving notification of the cluster restudy to send a written notification to the relevant affected system interconnection customers and the host transmission provider if it intends to delay commencement or completion of a planned or in-progress affected system study until after the completion of the cluster restudy.[351] The Commission revised *pro forma* LGIP section 9.5 to remove the requirement for an affected system interconnection customer to execute and return its previously received affected system study agreement and submit its affected system study deposit if the affected system transmission provider decides to delay the affected system study, pursuant to *pro forma* LGIP section 9.2.2.[352]

a. SPP's Compliance Filing

170. SPP proposes revisions to GIP sections 1, 3.6, 3.6.1, 3.6.2, 3.6.3, 9, 9.1, 9.2, 9.2.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, and 11.2.1 to incorporate, with modification, the *pro forma* LGIP provisions related to the affected system study process that the Commission adopted in Order Nos. 2023 and 2023-A.[353]

LGIP §§ 3.6.2, 3.6.3.

[351] Order No. 2023-A, 186 FERC ¶ 61,199 at P 498; *see also pro forma* LGIP § 9.2.2.

[352] Order No. 2023-A, 186 FERC ¶ 61,199 at P 499; *see also pro forma* LGIP § 9.5.

[353] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Affected System Facilities Construction Agreement, Affected System Interconnection Customer, Affected System Network Upgrades, Affected System Queue Position, Affected System Study, Affected System Study Agreement, Affected System Study Report, Multiparty Affected System Facilities Construction Agreement, Multiparty Affected System Study Agreement; *id.* § 3 (21.0.0), §§ 3.6 (Coordination with Affected Systems), 3.6.1 (Initial Notification), 3.6.2 (Notification of DISIS Restudy), 3.6.3 (Notification of DISIS Restudy Completion); *id.* § 9 (Affected System Study) (4.0.0), §§ 9.1 (Applicability), 9.2.1 (Response to Initial Notification), 9.2.2 (Response to Notification of DISIS Restudy), 9.3 (Affected System Queue Position), 9.4 (Affected System Study Agreement/Multiparty Affected System Study Agreement), 9.5 (Execution of Affected System Study Agreement/Multiparty Affected System Study Agreement), 9.6 (Scope of Affected System Study), 9.7 (Affected System Study Procedures), 9.8 (Meeting with Transmission Provider), 9.9 (Affected System Cost Allocation), 9.10 (Tender of Affected System Facilities Construction Agreement/Multiparty Affected System Facilities Construction Agreement), 9.11 (Restudy); *id.* § 11 (7.0.0), § 11.2.1 (Delay in GIA

171. SPP proposes to adopt definitions related to the affected system study process contained in section 1 of the Commission's *pro forma* LGIP in GIP section 1, without modification.[354]

172. SPP proposes to adopt the Commission's *pro forma* LGIP sections 3.6.1 through 3.6.3 but requests an independent entity variation to reference SPP's DISIS and DISIS Restudy, as opposed to cluster study and cluster restudy.[355]

173. SPP proposes to adopt the *pro forma* language in LGIP section 9.1, with modifications, into GIP section 9.1.[356] SPP states that it adds language to clarify that the requirements set forth in its Joint Operating Agreements (JOA) with MISO (SPP-MISO JOA) or with Associated Electric Cooperative, Inc. (AECI) will apply if the affected system operator is either MISO or AECI.[357] Specifically, SPP proposes that the JOA will apply when an interconnection customer's proposed interconnection to either MISO or AECI may impact SPP's transmission system. SPP explains that the JOAs include processes for studying generator interconnection requests when each transmission provider is determined to be an affected system, and the JOAs provide specific procedures and timelines that provide the additional transparency that is included in the *pro forma* LGIP. SPP states that, because it has worked with both transmission providers to develop these processes and because they have previously been approved by the Commission, SPP proposes an independent entity variation to continue with the application of its existing processes. SPP asserts that these existing processes accomplish the purposes of Order Nos. 2023 and 2023-A by ensuring that interconnection customers are able to interconnect to the transmission system in a "reliable, efficient, transparent, and timely manner."[358]

Execution, or Filing Unexecuted, to Await Affected System Study Report).

[354] Filing at 36-37.

[355] *Id.* at 39.

[356] *Id.* at 37.

[357] *Id.* at 36-37; *see also Sw. Power Pool, Inc*., Rate Schedules & Seams Agreement Tariff, Rate Schedule FERC No. 9 (Joint Operating Agreement Between the Midcontinent Indep. Sys. Operator, Inc. & Sw. Power Pool, Inc.) (2.0.0) (SPP-MISO JOA).

[358] Filing at 37 (citing Order No. 2023-A, 186 FERC ¶ 61,199 at P 1110; *see also pro forma* LGIP § 9.1).

174. SPP proposes to adopt *pro forma* LGIP section 9.6 into GIP section 9.6, but proposes a modification to state that the affected system study will consist of a power flow, stability, and short circuit analysis only "as necessary."[359] SPP explains that it does not routinely conduct stability or short circuit analysis for affected system requests except where it is deemed necessary to ensure adherence to applicable reliability standards and there is a reasonable expectation, based on engineering judgment, that a particular request may negatively impact that ability. SPP further states that when stability or short circuit analysis is not needed, it is more efficient and cost effective for SPP to forgo this analysis.[360]

175. SPP proposes to adopt *pro forma* LGIP section 9.7, regarding affected system study procedures, into GIP section 9.7 with a modification to state that the transmission provider will study an affected system interconnection customer using ERIS "impact criteria," rather than the ERIS "modeling standard" as provided in *pro forma* LGIP section 9.7.[361] SPP contends that the term "modeling standard" is broad and could be interpreted to require a host transmission provider to dispatch generators in a way that is not consistent with how the host transmission provider would ordinarily dispatch. SPP explains that its existing "modeling standard" for SPP ERIS requests requires that the added generation of new ERIS requests be offset by reducing the output of existing generation inside of SPP, effectively "sinking" the new generation in SPP. SPP claims that were it to apply the same "modeling standard" to affected system generators, it then would be required to offset SPP generation to make room for requests from a different system. Therefore, SPP asserts that "impact criteria" is more in line with the Commission's intent.[362]

176. SPP proposes to adopt language in *pro forma* LGIP section 9.10 into its GIP section 9.10, with modification to require the transmission owner to execute the applicable affected system facilities construction agreement within 10 business days of receipt of the agreement.[363] SPP asserts that this requirement is consistent with the requirement in proposed GIP section 11.3 related to execution of GIAs. SPP also proposes to add language to clarify that it will execute the agreement or file the

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[359] *Id.* at 42; SPP, Proposed Tariff, attach. V, § 9 (4.0.0), § 9.6 (Scope of Affected System Study).

[360] Filing at 42.

[361] *Id.* at 40; SPP, Proposed Tariff, attach. V, § 9 (4.0.0), § 9.7 (Affected System Study).

[362] Filing at 40.

[363] *Id.* at 43.

agreement unexecuted within five business days after receiving direction from affected system interconnection customer(s) to file the agreement unexecuted or within five business days after receiving the executed version of the agreement.[364] SPP argues that this addition is needed to ensure that SPP is required to take appropriate action after the affected system interconnection customer(s) complies with applicable Tariff requirements.

177. SPP proposes to adopt *pro forma* LGIP section 9.11 into its GIP section 9.11 but modifies the 60 calendar days from the "date of notice" to "date transmission provider commences the restudy."[365] *Pro forma* LGIP section 9.11 requires the transmission provider to complete the affected system restudy within 60 calendar days from notice that a restudy is needed.[366] SPP argues this proposed revision is just and reasonable because it is consistent with SPP's current restudy processes and timelines found in GIP section 8.8.

b. Responsive Pleadings

178. Shell Companies argue that a provision in SPP's proposed GIP section 9.11, stating that a "restudy shall take no longer than sixty (60) Calendar Days from the date [SPP] commences the restudy," could allow SPP to delay completion of an affected system restudy indefinitely.[367] Shell Companies assert that SPP has not requested or established that this proposed provision qualifies as an independent entity variation. Shell Companies assert that SPP also has not demonstrated that the proposed provision is consistent with, or superior to, the requirements of Order No. 2023, is just and reasonable and not unduly discriminatory or preferential, or will accomplish the purposes of Order No. 2023.[368] Shell Companies contend that, therefore, the Commission should reject the proposed language in GIP section 9.11 that would allow SPP to begin counting the 60-day affected system restudy period from the date SPP begins that study.

179. SPP asserts that its proposal to deviate from the affected system restudy period requirement found in section 9.11 of the Commission's *pro forma* LGIP is not intended

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[364] *Id.*

[365] *Id.* at 44.

[366] *Id.* Order No. 2023-A, 186 FERC ¶ 61,199 at PP 1170-1171; *see also pro forma* LGIP § 9.11.

[367] Shell Companies Protest at 15 (citing SPP, Proposed Tariff, attach. V, § 9 (4.0.0), § 9.11 (Restudy)).

[368] Shell Companies Protest at 15.

to lead to indefinite delays of affected system restudies.[369] SPP instead contends that this deviation would allow time for SPP to provide timely notice to interconnection customers that a restudy is needed, while also allowing time to prepare for the restudy. SPP further asserts that requiring the 60-day clock to commence on the date notice is given may lead to SPP being unnecessarily penalized for studies that take longer than 60 days.

180. Shell Companies argue that SPP failed to justify its proposal to commence the 60-day period for affected system restudies from the date it begins the study.[370] Shell Companies contend that SPP's proposal would delay the completion of affected system restudies beyond the time period required by Order No. 2023 in every instance except those where SPP commences the restudy on the same day it provides notice. Responding to SPP's argument that its proposal allows time to prepare for a restudy, Shell Companies assert that SPP's time to prepare should be minimal because SPP already has most, if not all, of the data and models needed to perform the restudy. Shell Companies request that the Commission reject SPP's proposed language in GIP section 9.11 and require SPP to submit a revised compliance filing incorporating the requirements of Order No. 2023.[371]

c. Commission Determination

181. We find that SPP's proposed Tariff revisions regarding its affected system study process and modeling standards partially comply with the requirements of Order Nos. 2023 and 2023-A. We find that SPP's proposed Tariff revisions meet the independent entity variation standard because they are just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2023 and 2023-A, with one exception, as discussed below.

182. We find that SPP's proposed revisions in GIP sections 3.6.1 through 3.6.3 to reference the DISIS and DISIS restudy, as opposed to the cluster study and cluster restudy, and to clarify that if the affected system operator is either MISO or AECI, then the initial notification requirements set forth in the applicable JOA will apply, comply with the requirements of Order Nos. 2023 and 2023-A because the proposed revisions are just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2023 and 2023-A by providing clarity to interconnection customers and affected system operators regarding SPP's notification requirements for DISIS studies, thereby helping to ensure that interconnection customers can interconnect in a reliable, efficient, transparent, and timely manner.

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[369] SPP Answer at 15.

[370] Shell Companies Answer at 6.

[371] *Id.* at 7.

183. We also find that SPP's proposed deviation in GIP section 9.6 providing that the affected system study shall consist of power flow, stability, and short circuit analyses "as necessary" is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A by ensuring that SPP can conduct efficient and cost effective affected system studies consistent with its existing processes, which will help interconnection customers interconnect in a reliable, efficient, transparent, and timely manner. As stated by SPP, SPP conducts stability or short circuit analysis for affected system requests only when, based on engineering judgment, such analysis is deemed necessary; thus, it is more efficient and cost effective to forgo such analysis when it is not necessary.

184. We also find that SPP's proposed revisions to add language in GIP section 9.1 to specify that its JOAs with MISO and AECI will apply when SPP is the affected system transmission provider meet the independent entity variation standard. As SPP states,[372] these existing processes accomplish the purposes of Order Nos. 2023 and 2023-A by ensuring that interconnection customers are able to interconnect to the transmission system in a reliable, efficient, transparent, and timely manner.[373]

185. Further, we find that SPP's proposal, in GIP section 9.7, to use the term "impact criteria," in place of the term "modeling standard" contained in *pro forma* LGIP section 9.7, meets the independent entity variation standard because it is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A to ensure that affected system studies are being performed using the ERIS distribution factor thresholds.[374] In Order No. 2023, the Commission noted that, in affected system studies, the output of proposed generating facilities is always sunk into the host transmission provider's transmission system,[375] which is consistent with SPP's explanation of its affected system study process. The Commission also stated that the ERIS "modeling standard" refers to the distribution factor threshold used to study ERIS requests.[376] SPP's explanation for proposing the term "impact criteria" is consistent with our understanding of the affected system study process, and SPP's proposed revision requires the use of SPP's ERIS distribution factor thresholds in affected system studies,

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[372] Filing at 37.

[373] Order No. 2023-A, 186 FERC ¶ 61,199 at P 1110; *see also pro forma* LGIP § 9.1.

[374] Order No. 2023, 184 FERC ¶ 61,054 at PP 1149-1151.

[375] *Id.* P 1256 n.2364.

[376] *Id.*

as required by Order No. 2023; therefore, we find that SPP's proposal meets the independent entity variation standard.

186. We note that SPP proposes, in GIP section 9.7, to adopt the *pro forma* LGIP requirement to use ERIS "impact criteria" to study affected system interconnection requests and references the SPP-MISO JOA. However, the SPP-MISO JOA provides that "SPP's modeling criteria applicable to NRIS requests in SPP will also apply to MISO requests seeking NRIS in MISO."[377] We understand that, pursuant to SPP's proposed revisions to GIP section 9.7, SPP will use ERIS impact criteria to study all affected system interconnection requests, including requests for NRIS in MISO. As stated in Order No. 2023-A, we expect entities to propose revisions to joint operating agreements to ensure that there are no conflicts among joint operating agreements, LGIPs, and Order No. 2023's requirements.[378]

187. We find that SPP's proposed deviations in GIP section 9.10 to establish deadlines for SPP to execute and file affected system facilities construction agreements are consistent with the requirement in GIP section 11.3 related to GIA execution and are needed to ensure that SPP is required to take the appropriate action after the affected system interconnection customer(s) complies with applicable Tariff requirements.

188. We find that SPP's proposed deviation from the affected system restudy period requirement contained in GIP section 9.11 does not meet the independent entity variation standard because it does not accomplish the purpose of the requirement in Order No. 2023 to complete the affected system restudy within 60 calendar days of notice that a restudy is needed.[379] We agree with Shell Companies that SPP's proposal, as proposed, could allow SPP to delay the completion of the affected system restudy. Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to revise GIP section 9.11 to incorporate the requirement that the transmission provider will perform affected system restudies within 60 calendar days from the date of notice or further justify its proposal under the independent entity variation standard.

14. Affected System *Pro Forma* Agreements

189. In Order No. 2023, the Commission adopted several *pro forma* agreements to improve the efficiency and transparency of the interactions among the parties during the affected system study process. The Commission first adopted a *pro forma* affected

[377] *See* SPP-MISO JOA, § 9.4.3 (0.0.0), § 9.4.3(b)(ii).

[378] Order No. 2023-A, 186 FERC ¶ 61,199 at P 537.

[379] Filing at 44; Order No. 2023, 184 FERC ¶ 61,054 at PP 1170-1171; *see also pro forma* LGIP § 9.11.

system study agreement in new Appendix 9 (Two-Party Affected System Study Agreement) of the *pro forma* LGIP and a *pro forma* multiparty affected system study agreement in new Appendix 10 (Multiparty Affected System Study Agreement) of the *pro forma* LGIP.[380] These *pro forma* affected system study agreements stipulate how to study the impact of interconnecting generating facilities on an affected system to identify network upgrades needed to accommodate the interconnection request. The Commission next adopted a *pro forma* affected system facilities construction agreement in new Appendix 11 (Two-Party Affected System Facilities Construction Agreement) of the *pro forma* LGIP and a *pro forma* multiparty affected system facilities construction agreement in new Appendix 12 (Multiparty Affected System Facilities Construction Agreement) of the *pro forma* LGIP.[381] These *pro forma* affected system facilities construction agreements standardize the terms and conditions regarding construction of affected system network upgrades.

190. In Order No. 2023-A, the Commission removed articles 3.1.2.2 (Recommencing of Work) and 3.1.2.3 (Right to Suspend Due to Default) from the Two-Party and Multiparty Affected System Facilities Construction Agreement (*pro forma* LGIP appendices 11 and 12, respectively) to ensure consistency between the *pro forma* affected system facilities construction agreements and the *pro forma* LGIA.[382]

a. SPP's Compliance Filing

191. SPP proposes to add Appendices 1 and 2 to its GIP to incorporate, with modification, the *pro forma* two-party affected system study agreement and *pro forma* multiparty affected system study agreement, respectively, adopted in Order Nos. 2023 and 2023-A.[383] SPP proposes to revise article 6 in both *pro forma* affected system study agreements to require that any difference between the affected system study deposit and actual study costs shall be paid to the affected system interconnection customer including "accrued interest," rather than "interest calculated in accordance with section

[380] Order No. 2023, 184 FERC ¶ 61,054 at PP 1171, 1232; *see also pro forma* LGIP apps. 9, 10.

[381] Order No. 2023, 184 FERC ¶ 61,054 at P 1233; *see also pro forma* LGIP apps. 10, 11.

[382] Order No. 2023-A, 186 FERC ¶ 61,199 at P 533; *see also pro forma* LGIP apps. 10, 11.

[383] SPP, Proposed Tariff, attach. V, app. 1 (Two-Party Affected System Study Agreement) (5.0.0); *id.* app. 2 (Multiparty Affected System Study Agreement) (7.0.0).

35.19a(a)(2) of FERC's regulations," as required in the Commission's *pro forma* affected system study agreements.[384] SPP does not provide a justification for this deviation.

192. SPP also proposes to replace article 7 in both of its *pro forma* affected system study agreements with a new article 7 (Governing Law) and add provisions related to notice, force majeure, indemnity, assignment, severability, comparability, representations, warranties, covenants, breach, cure and default, and additional miscellaneous provisions.[385] SPP asserts that, consistent with the requirements of Order No. 2023, these provisions reflect the best practices of the electric industry and are consistent with regional practices and the terms of SPP's existing *pro forma* generator interconnection study agreement in Appendix 3 of its GIP.[386] SPP also proposes adding attachments A (Assumptions Used in Conducting the Affected System Study) and B (Generating Facility Data for the Affected System Study) to both *pro forma* affected system study agreements requiring affected system interconnection customers to provide data needed for SPP to complete the affected system study. SPP asserts that these attachments are consistent with the attachments to SPP's existing *pro forma* generator interconnection study agreement.[387] Further, SPP states that, consistent with proposed GIP section 9.1, these *pro forma* affected system study agreements will not be used when the affected system is either MISO or AECI and that the applicable JOA processes will continue to be used in those scenarios.[388]

193. SPP proposes to add Appendices 17 and 18 to its GIP to incorporate, with modification, the *pro forma* two-party affected system facilities construction agreement and *pro forma* multiparty affected system facilities construction agreement, respectively, adopted in Order Nos. 2023 and 2023-A.[389] In both *pro forma* affected system facilities

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[384] *Id.* app. 1 (Two-Party Affected System Study Agreement) (5.0.0), art. 6; *id.* app. 2 (Multiparty Affected System Study Agreement) (7.0.0), art. 6.

[385] *Id.* app. 1 (Two-Party Affected System Study Agreement) (5.0.0), arts. 8 (Notices), 9 (Force Majeure), 10 (Indemnity), 11 (Assignment), 12 (Severability), 13 (Comparability), 14 (Representations, Warranties, and Covenants), 15 (Breach, Cure and Default), 16 (Miscellaneous); *id.* app. 2 (Multiparty Affected System Study Agreement) (7.0.0), arts. 8 (Notices), 9 (Force Majeure), 10 (Indemnity), 11 (Assignment), 12 (Severability), 13 (Comparability), 14 (Representations, Warranties, & Covenants), 15 (Breach, Cure & Default), 16 (Miscellaneous).

[386] Filing at 44-45.

[387] *Id.* at 45.

[388] *Id.*

[389] SPP, Proposed Tariff, attach. V, app. 17 (Affected System Facilities

construction agreements, SPP proposes to add the applicable transmission owner as a party and replace the term "transmission provider" with "transmission owner" throughout the agreements, where applicable. SPP asserts that these revisions are needed because, while SPP is the transmission provider, the applicable transmission owner is the party responsible for the design, procurement, construction, and installation of all network upgrades.[390] SPP also contends that these revisions are consistent with the *pro forma* affected system facilities construction agreements that SPP has previously filed with the Commission. SPP further proposes to revise the name of Appendix 17 to remove the term "two party," in accordance with its revisions to add the transmission owner as a party. SPP states that it will use Appendix 17 when one interconnection customer is a party to the affected system facilities construction agreement and Appendix 18 when more than one interconnection customer is a party to the affected system facilities construction agreement.[391]

194. SPP also proposes revisions to the *pro forma* affected system facilities construction agreements in Appendices 17 and 18 of its GIP to replace the repayment provisions found in article 3.2.2 of the Commission's *pro forma* two-party affected system facilities construction agreement and *pro forma* multiparty affected system facilities construction agreement with provisions allowing for reimbursement of amounts advanced for affected system network upgrades through Incremental Long Term Congestion Rights (ILTCR), which SPP states is consistent with Attachment Z2 of the Tariff.[392] SPP asserts that the Commission has previously accepted this crediting mechanism in a number of affected system facility construction agreements filed by SPP.[393]

195. Finally, in both *pro forma* affected system facilities construction agreements in Appendices 17 and 18 of its GIP, SPP proposes to remove article 11 (Miscellaneous)

Construction Agreement) (2.0.0); *id.* app. 18 (Multiparty Affected System Facilities Construction Agreement) (1.0.0).

[390] Filing at 46.

[391] *Id.* at 45-46.

[392] SPP, Proposed Tariff, attach. V, app. 17 (Affected System Facilities Construction Agreement) (2.0.0), art. 3.2.2.1 (Credits for Amounts Advanced for Affected System Network Upgrades); *id.* app. 18 (Multiparty Affected System Facilities Construction Agreement) (1.0.0), art. 3.2.2.1 (Credits for Amounts Advanced for Affected System Network Upgrades).

[393] Filing at 46 (citing *Sw. Power Pool, Inc.*, Docket Nos. ER24-723-000, ER23-2944-000, ER21-2974-000).

included in the Commission's *pro forma* affected system facilities construction agreements and add provisions related to representation and warranties, indemnity, consequential damages and insurance, force majeure, and additional miscellaneous terms.[394] SPP asserts that, consistent with the requirements of Order No. 2023, these provisions reflect the best practices of the electric industry and are consistent with regional practices and the terms included in affected system facilities construction agreements previously filed by SPP and accepted by the Commission.[395]

b. Responsive Pleadings

196. Shell Companies argue that, while the Commission has previously accepted ILTCRs as a form of compensation for directly assigned network upgrades, SPP's proposal to provide reimbursement for affected system network upgrades solely through ILTCRs does not comply with the Commission's *pro forma* affected system facilities construction agreement and *pro forma* multiparty affected system facilities construction agreement.[396] Shell Companies contend that SPP's proposal also conflicts with the Commission's cost causation principles and that SPP has failed to demonstrate that ILTCRs provide interconnection customers with well-defined or valuable network upgrade cost reimbursement.[397] Shell Companies further argue that SPP's proposed use of ILTCRs for affected system network upgrades does not satisfy the independent entity variation standard because it will not provide fair compensation to an interconnection customer for financing a network upgrade, which creates a barrier to entry for interconnection customers.[398] Shell Companies assert that although the Commission has

[394] SPP, Proposed Tariff, attach. V, app. 17 (Affected System Facilities Construction Agreement) (2.0.0), arts. 11 (Representations & Warranties), 12 (Indemnity, Consequential Damages & Ins.), 13 (Force Majeure), 14 (Miscellaneous); *id.* app. 18 (Multiparty Affected System Facilities Construction Agreement) (1.0.0), arts. 11 (Representations and Warranties), 12 (Indemnity, Consequential Damages & Ins.), 13 (Force Majeure), 14 (Miscellaneous).

[395] Filing at 46.

[396] Shell Companies Protest at 9-11 (citing *Sw. Power Pool, Inc.*, 171 FERC ¶ 61,272, at P 40 (2020); *pro forma* LGIP, apps. 9, 10).

[397] *Id.* at 11-13 (citing Order No. 2003, 104 FERC ¶ 61,103 at P 700; *see also N.Y. Indep. Sys. Operator, Inc.*, 108 FERC ¶ 61,159, at P 57 (2004) (asserting that the Commission has allowed RTOs/ISOs to directly assign "but for" upgrade costs to an interconnection customer, but only if the interconnection customer receives "valuable" transmission rights that are "well-defined, long-term and tradeable")).

[398] *Id.* at 12.

rejected challenges to the use of ILTCRs in the past, SPP's proposal is not appropriate or consistent with the goals of Order No. 2023 because it imposes additional costs and risks on interconnection customers.[399] Shell Companies also argue that SPP's proposal leads to disparate treatment of reimbursement for the costs of network upgrades depending on whether an interconnection customer reaches or does not reach commercial operation and that this disparate treatment appears to be unduly discriminatory.[400]

197. SPP asserts that the Commission has previously found that SPP's ILTCR mechanism provides an adequate form of compensation to generator interconnection customers for being directly assigned network upgrade costs.[401] SPP also argues that the ILTCR mechanism is a permissible deviation from the Order No. 2023 requirement to provide cash repayment for affected system network upgrades. SPP further argues that the Commission previously accepted language in article 11.5.1 of SPP's *pro forma* GIA to provide interconnection customers with compensation in accordance with Attachment Z2 of its Tariff.[402] SPP contends that the Commission should continue to allow SPP to deviate under the independent entity variation standard from the language adopted by the Commission in its *pro forma* affected system facilities construction agreements because it previously allowed SPP to deviate from the Commission's *pro forma* GIA in similar fashion.[403]

198. In response to SPP, Shell Companies assert that conformity to current RTO/ISO practices or tariff provisions is not sufficient justification for granting an independent entity variation for SPP's proposed ILTCR mechanism and that SPP must justify the ILTCR mechanism as a variation in light of the Commission's *pro forma* LGIP and *pro forma* LGIA.[404] Shell Companies further contend that SPP's proposed ILTCR mechanism is unjust and unreasonable and may be unduly discriminatory or preferential because generator interconnection customers cannot know the value of ILTCRs when

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[399] *Id.* at 12-13 (citing *Sw. Power Pool, Inc.,* 171 FERC ¶ 61,272).

[400] *Id.* at 14.

[401] SPP Answer at 10-12 (citing *Sw. Power Pool, Inc.*, 171 FERC ¶ 61,272).

[402] *Id.* at 11-12 (citing *Sw. Power Pool, Inc.*, 128 FERC ¶ 61,114 (2009)).

[403] *Id.* at 12.

[404] Shell Companies Answer at 3 (citing *ISO New England Inc.*, 170 FERC ¶ 61,209 at P 14; *Midcontinent Indep. Sys. Operator, Inc.*, 169 FERC ¶ 61,221 at P 18; *ISO New England Inc.*, 164 FERC ¶ 61,222 at P 9 (citing Order No. 2003, 104 FERC ¶ 61,103 at PP 26, 827); *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,247 at P 20; *Cal. Indep. Sys. Operator Corp.*, 140 FERC ¶ 61,070 at P 44).

they are awarded during the interconnection process, which violates the Commission standard that transmission rights must be "well-defined, long-term and tradeable."[405] Shell Companies assert that interconnection customers may only assess the value after a lengthy process that may take years and that the value of the ILTCRs may also be negative.[406] Shell Companies argue that, accordingly, an interconnection customer is not able to sell or hedge ILTCRs in a timely manner and typically values the financial benefit of ILTCRs at zero dollars. Shell Companies request that the Commission reject SPP's proposed ILTCR mechanism and require that SPP file a revised compliance filing that provides reimbursement for affected system network upgrades consistent with Order No. 2023.

c. Commission Determination

199. We find that SPP's proposed Tariff revisions to add new *pro forma* affected system study agreements in Appendices 1 and 2 of its GIP, and its proposed independent entity variations, comply with the requirements of Order Nos. 2023 and 2023-A because the proposed revisions are just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2023 and 2023-A. Other than the deviations discussed below, SPP proposes to largely adopt the Commission's *pro forma* affected system study agreements without modification.

200. We find that SPP's proposal to revise article 6 of Appendices 1 and 2 to provide that any difference between the affected system study deposit and actual study costs shall be paid to the affected system interconnection customer including "accrued interest," rather than "interest calculated in accordance with section 35.19a(a)(2) of FERC's regulations," is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A because the language is consistent with other refund provisions in SPP's existing GIP and ensures that affected system interconnection customers receive any such study deposit refunds with interest.[407]

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[405] *Id.* at 4 (citing SPP Answer at 11, which cites Order No. 2003, 104 FERC ¶ 61,103 at P 700 and *N.Y. Indep. Sys. Operator, Inc.*, 108 FERC ¶ 61,159 at P 57).

[406] *Id.* at 4-5.

[407] *See* SPP, Tariff, attach. V, § 8 (Definitive Planning Phase) (19.0.0), § 8.14(b)-(d). The Commission has previously found that SPP's use of the accrued interest method, which involves placing deposits in an interest-bearing account and refunding those deposits, when appropriate, with interest at the rate earned on deposits, rather than at the rate calculated in accordance with section 35.19a(a)(2) of the Commission's regulations, is a just and reasonable approach for non-profit entities like SPP for refunding deposits collected in the generator interconnection process and other contexts. *See Sw. Power*

201. We further find that SPP's proposal to replace article 7 and add certain new articles in both of its *pro forma* affected system study agreements is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A because the terms are consistent with SPP's existing *pro forma* generator interconnection study agreement.[408] We also find that SPP's proposal to add attachments A (Assumptions Used in Conducting the Affected System Study) and B (Generating Facility Data for the Affected System Study) to both *pro forma* affected system study agreements is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A because, as stated by SPP, the attachments will require affected system interconnection customers to provide data needed for SPP to complete affected system studies, and they are consistent with the attachments to SPP's existing *pro forma* generator interconnection study agreement in GIP Appendix 3.

202. We also find that SPP's proposed revisions to add new *pro forma* affected system facilities construction agreements in Appendices 17 and 18 to its GIP, and its proposed independent entity variations, comply with the requirements of Order Nos. 2023 and 2023-A because they are just and reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2023 and 2023-A because, as discussed below, adding the applicable transmission owner as a party to both agreements accurately reflects the responsibilities of SPP and transmission owners and the proposed new articles are consistent with electric industry standards, SPP's regional practices, and terms previously accepted by the Commission. Other than the deviations discussed below, SPP proposes to largely adopt the Commission's *pro forma* affected system facilities construction agreements without modification.

203. We find that SPP's proposal to add the applicable transmission owner as a party to both agreements and make conforming revisions throughout the agreements is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A because, as stated by SPP, the transmission owner is responsible for the design, procurement, construction, and installation of all network upgrades.[409] We note that the Commission has previously approved affected system facilities construction agreements filed by SPP in which the transmission owner is

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Pool, Inc., 149 FERC ¶ 61,177, at PP 29-30 (2014).

[408] SPP, Tariff, attach. V, § 8 (Definitive Planning Phase) (19.0.0); *id*. app. 1 (Two-Party Affected System Study Agreement) (3.0.0); *id.* app. 2 (Multiparty Affected System Study Agreement) (5.0.0).

[409] SPP Filing at 46.

included as a party.[410] We also find that SPP's proposal to add certain new articles in both *pro forma* affected system facilities construction agreements is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A because the terms are consistent with electric industry standards, SPP's regional practices, and terms included in affected system facilities construction agreements previously filed by SPP and accepted by the Commission.[411]

204. Finally, we find that SPP's proposed independent entity variation to revise article 3.2.2 of its *pro forma* affected system facilities construction agreements in Appendices 17 and 18 in its GIP to allow for reimbursement of affected system network upgrades solely through ILTCRs is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A because it provides an adequate form of reimbursement to generator interconnection customers for network upgrade costs that they are directly assigned. We disagree with Shell Companies' assertions that SPP's proposed use of ILTCRs conflicts with the Commission's cost causation principles and that ILTCRs do not provide adequate compensation to affected system interconnection customers. The Commission has previously found that SPP's use of ILTCRs is a just and reasonable method for compensating upgrade sponsors for directly assigned network upgrade costs, and there is no requirement that ILTCRs provide full cost recovery for, or have value equal to, the cost of network upgrades.[412] We note that existing article 11.5.1 of SPP's *pro forma* GIA provides compensation to interconnection customers through credits in accordance with Attachment Z2 of the Tariff.[413]

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[410] *See, e.g.*, *Sw. Power Pool, Inc.*, Docket No. ER24-723-000 (Jan. 26, 2024) (delegated order); *Sw. Power Pool, Inc.*, Docket No. ER23-2944-000 (Nov. 16, 2023) (delegated order).

[411] *Id.*

[412] *Sw. Power Pool, Inc.*, 171 FERC ¶ 61,272 at PP 39, 42-43 (citing *Sw. Power Pool, Inc.*, 112 FERC ¶ 61,319, at PP 31-32 (2005); *PJM Interconnection, L.L.C.*, 108 FERC ¶ 61,025 at P 20).

[413] *See Sw. Power Pool, Inc.*, 128 FERC ¶ 61,114. The Commission initially allowed SPP to provide compensation through transmission credits and later allowed interconnection customers to choose the option of reimbursement through ILTCRs. SPP subsequently eliminated transmission credits as an option available to interconnection customers, leaving ILTCRs as the only compensation mechanism in Attachment Z2 of its Tariff. *See Sw. Power Pool*, *Inc.*, 171 FERC ¶ 61,272.

15. Co-Located Generating Facilities

205. In Order No. 2023, the Commission revised *pro forma* LGIP section 3.1.2 to require transmission providers to allow more than one generating facility to co-locate on a shared site behind a single point of interconnection and share a single interconnection request.[414] The Commission clarified that interconnection customers have the choice to structure their interconnection requests for co-located generating facilities according to their preference (i.e., as separate interconnection requests or as a shared interconnection request) and that Order No. 2023 does not require interconnection customers to share a single interconnection request for multiple generating facilities located on the same site.[415] The Commission also clarified that co-located generating facilities can be owned by a single interconnection customer with multiple generating facilities sharing a site, or by multiple interconnection customers that have a contract or other agreement that allows for shared land use.[416]

a. SPP's Compliance Filing

206. SPP proposes revisions to GIP section 3.1.2 to incorporate, in part, the Commission's revisions to *pro forma* LGIP section 3.1.2 related to co-located generating facilities with shared interconnection requests adopted in Order Nos. 2023 and 2023-A, with minor SPP-specific modifications.[417] However, SPP does not propose to adopt the Commission's revisions to *pro forma* LGIP section 3.1.2 to remove existing language requiring interconnection customers to submit a deposit with each interconnection request even when more than one request is submitted for a single site.[418]

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[414] Order No. 2023, 184 FERC ¶ 61,054 at P 1346; *see also pro forma* LGIP § 3.1.2.

[415] Order No. 2023, 184 FERC ¶ 61,054 at PP 1351-1352.

[416] *Id.* P 1355.

[417] Filing at 47; SPP, Proposed Tariff, attach. V, § 3 (21.0.0), § 3.1.2 (Submission).

[418] SPP, Proposed Tariff, attach. V, § 3 (21.0.0), § 3.1.2 (Submission); *see also pro forma* LGIP § 3.1.2 (Submission). "Interconnection Customer shall submit a separate Interconnection Request for each site [and may submit multiple Interconnection Requests for a single site. Interconnection Customer must submit a deposit with each Interconnection Request even when more than one request is submitted for a single site]." Order No. 2023, 184 FERC ¶ 61,054, app. C at 16 (*pro forma* LGIP). Language deleted by the Commission in Order No. 2023 is bracketed.

b. Commission Determination

207. We find that SPP's proposed Tariff revisions concerning co-located generating facilities partially comply with the requirements of Order Nos. 2023 and 2023-A because SPP proposes to adopt, in part, the Commission's *pro forma* LGIP revisions regarding co-located generating facilities, with minor SPP-specific modifications. However, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing that revises GIP section 3.1.2 to remove certain language regarding the submission of multiple interconnection requests and deposits, which the Commission removed from *pro forma* LGIP section 3.1.2, or further justify its proposal under the independent entity variation standard.[419]

16. Revisions to the Modification Process to Require Consideration of Generating Facility Additions

208. In Order No. 2023, the Commission revised section 4.4.3 of the *pro forma* LGIP to require transmission providers to evaluate the proposed addition of a generating facility at the same point of interconnection prior to deeming such an addition a material modification, if the addition does not change the originally requested interconnection service level.[420] The Commission found that automatically deeming a request to add a generating facility to an existing interconnection request to be a material modification without such evaluation creates a significant barrier to access to the transmission system and renders existing interconnection processes unjust and unreasonable.[421]

209. The Commission clarified that interconnection customers may continue to request changes to proposed generating facilities at any time in the interconnection process; however, transmission providers are only required to evaluate whether a request to add a generating facility to an existing interconnection request is material if the request is submitted before the interconnection customer returns the executed facilities study agreement to the transmission provider. Once the executed facilities study agreement is returned, the transmission provider may decide to automatically treat requests to add a generating facility to an existing interconnection request as material modifications

[419] Order No. 2023, 184 FERC ¶ 61,054 app. C at 16 (*pro forma* LGIP).

[420] Order No. 2023, 184 FERC ¶ 61,054 at P 1406; *see also pro forma* LGIP § 4.4.3.

[421] Order No. 2023, 184 FERC ¶ 61,054 at P 1407.

without review.[422] The Commission also created an exception from these requirements for transmission providers that employ fuel-based dispatch assumptions.[423]

a. SPP's Compliance Filing

210. SPP proposes to not adopt the revisions to the modification process to require transmission providers to consider generating facility additions that the Commission adopted in Order Nos. 2023 and 2023-A. SPP notes that Order No. 2023 provides that transmission providers that employ fuel-based dispatch assumptions are not required to comply with this requirement. SPP explains that it utilizes fuel-based dispatch assumptions set forth in SPP Business Practice 7250 and argues that SPP is therefore exempt from this requirement.[424] SPP states that it does not propose to adopt *pro forma* LGIP section 4.4.3.

b. Commission Determination

211. We find that SPP's proposal concerning the modification process complies with the requirements of Order Nos. 2023 and 2023-A. In Order No. 2023, the Commission stated that for transmission providers that employ fuel-based dispatch assumptions, "a request to add a generating facility of a different fuel type to an existing interconnection request would always constitute a modification that would require study."[425] The Commission therefore provided such transmission providers with an exception to the requirement, reflected in *pro forma* LGIP section 4.4.3, that transmission providers evaluate whether a request to add a generating facility to an existing interconnection request is material if it is submitted before the interconnection customer returns the executed facilities study agreement to the transmission provider.[426] Accordingly, based on SPP's representation that it employs fuel-based dispatch assumptions, we find that SPP's proposal concerning the modification process comply with the requirements of Order Nos. 2023 and 2023-A without incorporating section 4.4.3 of the *pro forma* LGIP.

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[422] *Id.* PP 1409-1410.

[423] *Id.* P 1411.

[424] Filing at 48 (citing Order No. 2023, 184 FERC ¶ 61,054 at P 1526).

[425] Order No. 2023, 184 FERC ¶ 61,054 at P 1411.

[426] *Id.*

17. Availability of Surplus Interconnection Service

212. In Order No. 2023, the Commission revised section 3.3.1 (Surplus Interconnection Service Request) of the *pro forma* LGIP to require transmission providers to allow interconnection customers to access the surplus interconnection service process once the original interconnection customer has an executed LGIA or requests the filing of an unexecuted LGIA.[427] The Commission found that this reform will enable interconnection customers with unused interconnection service to let other generating facilities use that interconnection service earlier than is currently allowed and, therefore, increase overall efficiency of the interconnection queue and in turn ensure just and reasonable rates.[428] The Commission clarified that this reform does not modify how the surplus interconnection service process is conducted, but rather addresses when a request for surplus interconnection service may be submitted.[429] The Commission further clarified that the original interconnection customer must have an LGIA in place, either executed or requested to be filed unexecuted with the Commission, prior to the transmission provider tendering any LGIA for surplus interconnection service.[430]

a. SPP's Compliance Filing

213. SPP does not propose to adopt the Commission's revisions to *pro forma* LGIP section 3.3.1 related to the availability of surplus interconnection service that were adopted in Order Nos. 2023 and 2023-A.[431] SPP contends that its *pro forma* GIP already complies with the Order No. 2023 requirement to allow interconnection customers to make surplus interconnection service requests once the interconnection customer has executed a GIA or requested that a GIA be filed unexecuted. Specifically, SPP states that existing GIP section 3.3 provides that an interconnection customer with an effective GIA, which SPP explains includes both executed GIAs and those requested to be filed unexecuted and are accepted by the Commission, may make surplus interconnection service available at an existing point of interconnection utilizing the process outlined in GIP section 3.3.[432] Existing GIP section 3.3.1 similarly provides that a request for

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[427] *Id.* P 1436; *see also pro forma* LGIP § 3.3.1.

[428] Order No. 2023, 184 FERC ¶ 61,054 at P 1437.

[429] *Id.* P 1447.

[430] *Id.* P 1445.

[431] Filing at 48.

[432] *Id.* at 48-49 (citing SPP, Tariff, attach. V, § 3 (23.0.0), § 3.3 (Utilization of Surplus Interconnection Serv.)).

surplus interconnection service may be submitted by the interconnection customer with an effective GIA, or the entity that wants to utilize surplus interconnection service.[433]

b. Commission Determination

214. We find that SPP's proposal to retain its existing GIP provisions meets the independent entity variation standard because it is just and reasonable and accomplishes the purposes of Order Nos. 2023 and 2023-A concerning surplus interconnection service[434] as SPP's existing GIP section 3.3 provides that interconnection customers with an effective GIA may make surplus interconnection service available.[435] SPP explains that an effective GIA includes both executed GIAs as well as GIAs that an interconnection customer has requested to be filed unexecuted and are accepted by the Commission. Consistent with Order No. 2023, SPP's existing surplus interconnection service provisions allow customers with unused interconnection service to let other generating facilities use that interconnection service earlier than was previously allowed under the Commission's *pro forma* LGIP and, therefore, increases overall efficiency of the interconnection queue.[436]

18. Operating Assumptions for Interconnection Studies

215. In Order No. 2023, the Commission revised sections 3.1.2, 3.2.1.2 (The Study), 3.2.2.2 (The Study), 3.3.1, 3.4.2, 4.4.3, 7.3, 8.2 (Scope of Interconnection Facilities Study), and Appendix 1 (Interconnection Request for a Large Generating Facility) of the *pro forma* LGIP and article 17.2 (Violation of Operating Assumptions for Generating Facilities) and Appendix H (Operating Assumptions for Generating Facility) of the *pro forma* LGIA to require transmission providers, at the request of the interconnection customer, to use operating assumptions in interconnection studies that reflect the proposed charging behavior of electric storage resources (whether standalone, co-located generating facilities, or part of a hybrid generating facility)—i.e., whether the interconnecting generating facility will or will not charge during peak load conditions—unless good utility practice, including applicable reliability standards, otherwise requires the use of different operating assumptions.[437] The Commission required interconnection

[433] SPP, Tariff, attach. V, § 3 (23.0.0), § 3.3.1 (Initiating a Request for Surplus Interconnection Serv.).

[434] Order No. 2023, 184 FERC ¶ 61,054 at P 1437.

[435] SPP, Tariff, attach V, § 3 (23.0.0), § 3.3 (Utilization of Surplus Interconnection Serv.).

[436] Order No. 2023, 184 FERC ¶ 61,054 at P 1437.

[437] *Id.* P 1509; *see also pro forma* LGIP §§ 3.1.2, 3.2.1.2, 3.2.2.2, 3.3.1, 3.4.2,

customers to provide the proposed operating assumptions in the initial interconnection request.[438] The Commission also required that, if a transmission provider finds the interconnection customer's proposed operating assumptions in conflict with good utility practice, the transmission provider must provide the interconnection customer with a written explanation of why the operating assumptions are insufficient or inappropriate no later than 30 calendar days before the end of the customer engagement window and allow the interconnection customer to resubmit the operating assumptions at least 10 calendar days before the end of the customer engagement window.[439] Finally, the Commission added article 17.2 to the *pro forma* LGIA to describe a violation of operating assumptions and Appendix H to the *pro forma* LGIA as the location for the interconnection customer to memorialize its operating assumptions.[440]

a. SPP's Compliance Filing

216. SPP states that it does not propose to adopt the Commission's *pro forma* LGIP and *pro forma* LGIA revisions relating to operating assumptions that were adopted in Order Nos. 2023 and 2023-A.[441] SPP explains that it does not currently evaluate charging as part of its interconnection process, and SPP asserts that the Commission clarified in Order No. 2023 that transmission providers are not required to study charging as part of the interconnection process if they do not already do so.[442] SPP further states that it does not adopt the changes to these sections that allow transmission providers to require that interconnection customers install additional control technologies where necessary.[443] SPP does not address article 17.2 of its *pro forma* GIA.

4.4.3, 7.3, 8.2, app.1; *pro forma* LGIA art. 17.2, app. H.

[438] Order No. 2023, 184 FERC ¶ 61,054 at P 1520; *see also pro forma* LGIP § 3.4.2(v).

[439] Order No. 2023, 184 FERC ¶ 61,054 at P 1511.

[440] *Id.* P 1521; *see also pro forma* LGIA art. 17.2, app. H.

[441] Filing at 49; SPP, Proposed Tariff, attach. V, § 3 (21.0.0), §§ 3.1.2 (Submission), 3.2.1.2 (The Study), 3.2.2.2 (The Study), 3.3.1 (Initiating a Request for Surplus Interconnection Serv.), 3.4.2 (Initiating an Interconnection Request); *id.* § 4 (9.0.0), § 4.4.3; *id.* § 8 (17.0.0), § 8.10 (Scope of Interconnection Facilities Study).

[442] Filing at 49-50.

[443] *Id.* at 49.

b. Commission Determination

217. We find that SPP's proposal complies with the requirements of Order Nos. 2023 and 2023-A. Based on SPP's representation, we find that the requirement that transmission providers use operating assumptions, at the request of the interconnection customer, in interconnection studies that reflect the proposed charging behavior of an electric storage resource does not apply to SPP because it does not study the charging of an electric storage resource through its interconnection process.[444]

19. Incorporating the Enumerated Alternative Transmission Technologies

218. In Order No. 2023, the Commission revised section 7.3 of the *pro forma* LGIP, and sections 3.3.6 and 3.4.10 of the *pro forma* SGIP.[445] The Commission required transmission providers to evaluate the following enumerated list of alternative transmission technologies: static synchronous compensators, static VAR compensators, advanced power flow control devices, transmission switching, synchronous condensers, voltage source converters, advanced conductors, and tower lifting.[446] The Commission revised *pro forma* LGIP section 7.3 to require transmission providers to evaluate the list of alternative transmission technologies enumerated in Order No. 2023 during the cluster study, including any restudies, of the generator interconnection process in all instances (i.e., for all interconnection customers in a cluster), without the need for a request from an interconnection customer. The Commission required transmission providers to evaluate each alternative transmission technology listed in *pro forma* LGIP section 7.3 and to determine, in the transmission provider's sole discretion, whether it should be used, consistent with good utility practice, applicable reliability standards, and other applicable regulatory requirements. Finally, the Commission required transmission providers to include, in the *pro forma* LGIP cluster study report, an explanation of the

[444] Order No. 2023, 184 FERC ¶ 61,054 at P 1526 ("[T]he requirement for transmission providers to use operating assumptions, at the request of the interconnection customer, in interconnection studies that reflect the proposed charging behavior of an electric storage resource applies only to the operating assumptions that transmission providers use in the interconnection process. This requirement does not apply to transmission service requests . . . . If a transmission provider does not determine the network upgrades needed to accommodate the charging of an electric storage resource through the interconnection process, then on compliance the transmission provider must demonstrate why this reform does not apply to that particular transmission provider.").

[445] *Id.* P 1578; *see also pro forma* LGIP § 7.3; *pro forma* SGIP §§ 3.3.6, 3.4.10.

[446] Order No. 2023, 184 FERC ¶ 61,054 at P 1578.

results of the evaluation of the enumerated alternative transmission technologies for feasibility, cost, and time savings as an alternative to a traditional network upgrade.

219. The Commission revised sections 3.3.6 and 3.4.10 of the *pro forma* SGIP, consistent with the *pro forma* LGIP requirement, to require transmission providers to evaluate the enumerated alternative transmission technologies when performing interconnection studies for small generating facilities, without the need for a request from an interconnection customer.[447] The Commission required such evaluations to occur during the *pro forma* SGIP feasibility study and system impact study of the generator interconnection process. The Commission found that it is appropriate for these evaluations to occur during the relevant *pro forma* SGIP studies where network upgrades are identified, consistent with the *pro forma* LGIP requirement. The Commission required transmission providers to evaluate each alternative transmission technology listed in *pro forma* SGIP sections 3.3.6 and 3.4.10 and determine, in the transmission provider's sole discretion, whether it should be used, consistent with good utility practice, applicable reliability standards, and other applicable regulatory requirements.

220. In Order No. 2023-A, the Commission added the definitions of "applicable reliability standards" and "applicable laws and regulations" to the *pro forma* SGIP, added the term "applicable reliability standards" to the performance standards in *pro forma* LGIP section 7.3 and *pro forma* SGIP sections 3.3.6 and 3.4.10, and replaced "other applicable regulatory requirements" with the term "applicable laws and regulations" in *pro forma* LGIP section 7.3 and *pro forma* SGIP sections 3.3.6 and 3.4.10.[448] Additionally, the Commission revised *pro forma* LGIP section 7.3 and *pro forma* SGIP sections 3.3.6 and 3.4.10 to clarify that good utility practice, applicable reliability standards, and applicable laws and regulations apply to both the transmission provider's evaluation of the enumerated alternative transmission technologies and the determination to use the technology.[449]

a. SPP's Compliance Filing

221. SPP proposes revisions to GIP section 8.4.1 to incorporate, with modification, the *pro forma* LGIP section 7.3 framework for the enumerated alternative transmission technologies adopted in Order Nos. 2023 and 2023-A.[450] Specifically, SPP proposes a

[447] *Id.* P 1580.

[448] Order No. 2023-A, 186 FERC ¶ 61,199 at PP 623-624; *see also pro forma* LGIP § 7.3; *pro forma* SGIP §§ 3.3.6, 3.4.10, attach. 1.

[449] Order No. 2023-A, 186 FERC ¶ 61,199 at PP 625-627; *see also pro forma* LGIP § 7.3; *pro forma* SGIP §§ 3.3.6, 3.4.10.

[450] Filing at 50; SPP, Proposed Tariff, attach. V, § 8 (17.0.0), § 8.4.1 (Scope of

modification in GIP section 8.4.1 to use the term "DISIS" instead of "cluster study" to reflect the cluster study terminology used in SPP's GIP. Additionally, SPP proposes to modify language from section 7.3 of the *pro forma* LGIP providing that transmission providers are required to include an explanation of the results of the enumerated alternative transmission technologies evaluation in the cluster study report to instead state that SPP will include an explanation of results of its evaluation for each technology in either the DISIS Phase One or Phase Two results as applicable based on technology type.

222. SPP also explains that it does not propose to adopt the Commission's revisions in the *pro forma* SGIP because SPP has previously incorporated interconnection procedures for generating facilities no larger than 20 MW into its existing procedures for large generators.[451]

b. Commission Determination

223. We find that SPP has not demonstrated that its proposal to deviate from the Commission's *pro forma* LGIP by providing that SPP will include results from an evaluation for each enumerated alternative transmission technology in "either the DISIS Phase One or DISIS Phase Two results as applicable based on technology type" is just and reasonable, not unduly discriminatory or preferential, or accomplishes the purposes of Order Nos. 2023 and 2023-A.[452] Order No. 2023 requires transmission providers to evaluate the enumerated alternative transmission technologies in all instances, including cluster studies and cluster restudies.[453] SPP's proposed revisions reflect that the DISIS is performed in two phases; however, SPP's proposed revisions do not specify in which DISIS study phase SPP will provide results or which technology type is applicable to each DISIS phase. Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance filing to revise GIP section 8.4.1 to specify which enumerated alternative transmission technologies evaluation results are reported in DISIS Phase One and DISIS Phase Two and clarify when interconnection customers will receive the results of SPP's evaluation of the alternative transmission technologies, or further justify its proposal under the independent entity variation standard.

Definitive Interconnection System Impact Study).

[451] Filing at 3 (citing *Sw. Power Pool, Inc.*, Docket No. ER10-681-000 (Mar. 26, 2010) (delegated order)).

[452] SPP, Proposed Tariff, attach. V, § 8 (17.0.0), § 8.4.1 (Scope of Definitive Interconnection System Impact Study).

[453] Order No. 2023, 184 FERC ¶ 61,054 at P 1585.

224. We note that SPP previously incorporated the *pro forma* SGIP into its GIP. SPP's proposed revisions to its GIP incorporate the Commission's Order Nos. 2023 and 2023-A revisions to the *pro forma* SGIP. Therefore, we find that SPP has complied with the requirement of Order Nos. 2023 and 2023-A to require transmission providers to evaluate the enumerated alternative transmission technologies when performing interconnection studies for small generating facilities.

20. Modeling and Ride-Through Requirements for Non-Synchronous Generating Facilities

225. In Order No. 2023, the Commission revised Attachment A (Large Generating Facility Data) to Appendix 1 of the *pro forma* LGIP and Attachment 2 (Small Generator Interconnection Request) of the *pro forma* SGIP to require each interconnection customer requesting to interconnect a non-synchronous generating facility to submit to the transmission provider: (1) a validated user-defined root mean square (RMS) positive sequence dynamic model; (2) an appropriately parameterized generic library RMS positive sequence dynamic model, including a model block diagram of the inverter control system and plant control system, that corresponds to a model listed in a new table of acceptable models or a model otherwise approved by the Western Electricity Coordinating Council (WECC); and (3) a validated electromagnetic transient (EMT) model, if the transmission provider performs an EMT study as part of the interconnection study process.[454]

226. The Commission also: (1) defined a user-defined model as any set of programming code created by equipment manufacturers or developers that captures the latest features of controllers that are mainly software-based and represent the entities' control strategies but does not necessarily correspond to any particular generic library model, as contained in Attachment A to Appendix 1 of the *pro forma* LGIP and Attachment 2 of the *pro forma* SGIP; (2) revised Attachment A to Appendix 1 of the *pro forma* LGIP and Attachment 2 of the *pro forma* SGIP to add a table of acceptable generic library models, based on the current WECC list of approved dynamic models for renewable energy generating facilities; and (3) revised section 4.4.4 of the *pro forma* LGIP and section 1.4 (Modification of the Interconnection Request) of the *pro forma* SGIP to require that any proposed modification of the interconnection request be accompanied by updated models of the proposed generating facility.[455]

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[454] *Id.* P 1659; *see also pro forma* LGIP, app. 1, attach. A; *pro forma* SGIP, attach. 2.

[455] Order No. 2023, 184 FERC ¶ 61,054 at P 1660; *see also pro forma* LGIP § 4.4.4, app. 1, attach. A; *pro forma* SGIP § 1.4, attach. 2.

227. The Commission revised article 9.7.3 (Ride Through Capability and Performance) of the *pro forma* LGIA and article 1.5.7 of the *pro forma* SGIA to require that, during abnormal frequency conditions and voltage conditions within the "no trip zone" defined by Reliability Standard PRC-024-3 or successor mandatory ride through reliability standards, the non-synchronous generating facility must ensure that, within any physical limitations of the generating facility, its control and protection settings are configured or set to: (1) continue active power production during disturbance and post disturbance periods at pre-disturbance levels unless providing primary frequency response or fast frequency response; (2) minimize reductions in active power and remain within dynamic voltage and current limits, if reactive power priority mode is enabled, unless providing primary frequency response or fast frequency response; (3) not artificially limit dynamic reactive power capability during disturbances; and (4) return to pre-disturbance active power levels without artificial ramp rate limits if active power is reduced, unless providing primary frequency response or fast frequency response.[456]

228. The Commission further revised the *pro forma* LGIA to require that all newly interconnecting large generating facilities provide frequency and voltage ride through capability consistent with any standards and guidelines that are applied to other generating facilities in the balancing authority area on a comparable basis.[457] The Commission also replaced the term "applicable reliability council" with "electric reliability organization," revised the definition of "applicable reliability standards," replaced the term "control area" with "balancing authority area" throughout the *pro forma* LGIP, *pro forma* LGIA, and *pro forma* SGIA, and added the term "balancing authority."[458]

229. In Order No. 2023-A, the Commission revised *pro forma* LGIA article 9.7.3 and *pro forma* SGIA article 1.5.7 to state that a non-synchronous generating facility must ensure that, within any physical limitations of the generating facility, its control and protection settings are configured or set to continue active power production during disturbance and post disturbance periods at pre-disturbance levels, unless reactive power priority mode is enabled or unless providing primary frequency response of fast frequency response.[459]

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[456] Order No. 2023, 184 FERC ¶ 61,054 at P 1715.

[457] *Id.* P 1733; *see also pro forma* LGIA art. 9.7.3.

[458] Order No. 2023, 184 FERC ¶ 61,054 at P 1735; *see also pro forma* LGIP § 1; *pro forma* LGIA art. 1.

[459] Order No. 2023-A, 186 FERC ¶ 61,199 at P 661; *see also pro forma* LGIA art. 9.7.3; *pro forma* SGIA art. 1.5.7.

a. SPP's Compliance Filing

230. SPP proposes revisions to sections 1, 4.4.4, and Attachment B of Appendix 3 to its GIP and articles 1 and 9.7.3 of its *pro forma* GIA in Appendices 6, 8, 13 and 14 to its GIP that incorporate, with modification, the *pro forma* revisions adopted in Order Nos. 2023 and 2023-A.[460] SPP states that it does not adopt the *pro forma* definition of "balancing authority" and instead proposes to use the definition of "balancing authority" currently in its Tariff.[461] SPP further explains that it does not have an SGIA or SGIP and, therefore, it does not incorporate the changes to the Commission's *pro forma* SGIP and *pro forma* SGIA related to modeling and ride through requirements into its Tariff.[462]

b. Commission Determination

231. We find that SPP's proposed revisions concerning modeling and ride-through requirements for non-synchronous generating facilities comply with the requirements of Order Nos. 2023 and 2023-A because SPP adopts the revised language in the Commission's *pro forma* LGIP and *pro forma* LGIA. We further find that SPP's proposal to include a definition for "balancing authority" that is consistent with the definition contained in its Tariff is just and reasonable, not unduly discriminatory or preferential, and accomplishes the purposes of Order Nos. 2023 and 2023-A to implement updated terminology in SPP's GIP and *pro forma* GIA.[463] We also find that SPP need not comply with the Commission's *pro forma* SGIP and *pro forma* SGIA provisions relating to modeling and ride-through requirements for non-synchronous

[460] SPP, Proposed Tariff, attach. V, § 1 (Definitions) (15.0.0), Applicable Reliability Standards, Balancing Authority, Electric Reliability Organization; *id.* § 4 (9.0.0), § 4.4.4; *id.* app. 3 (15.0.0), attach. B (Assumptions Used in Conducting the Definitive Interconnection System Impact Study); *id.* app. 6 (23.0.0), arts. 1 (Definitions), Applicable Reliability Standards, Balancing Authority, Electric Reliability Organization, 9.7.3 (Ride Through Capability and Performance); *id.* app. 8 (20.0.0), arts. 1 (Definitions), Applicable Reliability Standards, Balancing Authority, Electric Reliability Organization, 9.7.3 (Ride Through Capability and Performance); *id.* app. 13 (19.0.0), arts. 1 (Definitions), Applicable Reliability Standards, Balancing Authority, Electric Reliability Organization, 9.7.3 (Ride Through Capability and Performance); *id.* app. 14 (18.0.0), arts. 1 (Definitions), Applicable Reliability Standards, Balancing Authority, Electric Reliability Organization, 9.7.3 (Ride Through Capability and Performance).

[461] Filing at 10; *see also* SPP, Tariff, pt. 1, § 1 (Definitions B) (6.0.0), Balancing Authority.

[462] Filing at 51.

[463] Order No. 2023, 184 FERC ¶ 61,054 at P 1731.

generating facilities because SPP's Tariff does not contain an SGIP and *pro forma* SGIA, and SPP's proposed revisions in its GIP and *pro forma* GIAs apply to both small and large generating facilities.

21. Other Issues Raised by SPP's Filing

a. SPP's Compliance Filing

232. SPP proposes revisions to its Tariff to remove GIP section 5.3 regarding transitional notice requirements for generating facility replacements.[464] SPP does not explain how these proposed revisions are intended to comply with the requirements of Order Nos. 2023 or 2023-A.

b. Commission Determination

233. We find SPP's proposed revisions to remove GIP section 5.3 regarding transitional notice requirements for generating facility replacement as outside the scope of this compliance proceeding.[465] Therefore, we direct SPP to submit, within 60 days of the date of this order, a further compliance to reinstate this language in its Tariff. This finding is made without prejudice to SPP submitting this proposed revision in a future FPA section 205 filing.

22. Other Compliance Directives

234. On August 20, 2024, the Commission issued an Errata Notice, which contained additional revisions to the Commission's *pro forma* LGIP, *pro forma* LGIA, and *pro forma* SGIA.[466] We direct SPP to incorporate the revisions made in the Errata Notice when it submits its further compliance filing within 60 days of the date of this order.

The Commission orders:

(A) SPP's compliance filing is hereby accepted in part, effective the date of this order, subject to a further compliance filing, as discussed in the body of this order.

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[464] SPP, Proposed Tariff, attach. V, § 5 (Procs. for Interconnection Requests Submitted Prior to Revision Date of Generator Interconnection Procs.) (10.0.0)).

[465] *Id.*

[466] *Improvements to Generator Interconnection Procs. & Agreements*, *errata notice*, 188 FERC ¶ 61,134.

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

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.