

to the Commission stating that as the Commission has permitted, they are not submitting Order No. 2003³ compliance filings, but instead are relying on the Midwest Independent Transmission System Operator, Inc.'s (Midwest ISO) Order No. 2003 compliance filing.⁴

Background

2. On July 24, 2003, the Commission issued Order No. 2003 requiring all public utilities that own, control, or operate interstate transmission facilities to adopt the final rule large generator interconnection procedures (LGIP) and agreement (LGIA).

3. On January 8, 2004, the Commission issued a notice clarifying compliance procedures (January 8 Notice).⁵ The January 8 Notice clarified that for non-independent transmission providers that are members of regional transmission organizations (RTO) or independent system operators (ISO), the RTOs' or ISOs' Commission-approved standards and procedures shall govern interconnections to its members' facilities that are under the operational control of the RTO or ISO.

4. Both Midwest ISO Transmission Owners and Midwest Stand-Alone Transmission Companies state that they own interstate transmission facilities but their transmission facilities are subject to the open access transmission tariff (OATT) of an RTO, the Midwest ISO. Midwest ISO Transmission Owners explain that any customers seeking transmission service over, or generation interconnection to, those facilities must do so under the Midwest ISO OATT.

5. Midwest ISO Transmission Owners and Midwest Stand-Alone Transmission Companies state that since the Midwest ISO is submitting a filing in compliance with Order No. 2003 to govern generation interconnections prospectively, there is no need or legal requirement for the Midwest ISO Transmission Owners to submit a similar filing.

³ Standardization of Generator Interconnection Agreements and Procedures, Order No. 2003, 68 Fed. Reg. 49,845 (Aug. 19, 2003), FERC Stats. & Regs., Regulations Preambles ¶ 31,146 (2003) (Order No. 2003), order on reh'g, Order No. 2003-A, 106 FERC ¶ 61,220 (2004) (Order No. 2003-A), reh'g pending.

⁴ Both Midwest ISO Transmission Owners and Midwest Stand-Alone Transmission Companies explain that they reserve the right to protest Midwest ISO's Order No. 2003 filing.

⁵ Notice Clarifying Compliance Procedures, 106 FERC ¶ 61,009 (2004).

Midwest ISO Transmission Owners state that they submitted their letter merely to inform the Commission of the reliance of the Midwest ISO Transmission Owners included in this filing on the Midwest ISO's filing for Order No. 2003 compliance.

Notice of Filing and Interventions

6. The January 20 Letters were both published in the Federal Register, 69 Fed. Reg. 6966 (2004), with comments, protests, or interventions due on or before February 13, 2004. None was filed.

Discussion

7. We are treating Midwest ISO Transmission Owners' and Midwest Stand-Alone Transmission Companies' January 20 Letters as requests to waive the Commission's Order No. 2003 requirements to adopt LGIA and LGIP. We will grant these requests for waiver. Under Order 2003-A, a non-independent transmission provider that belongs to an RTO or ISO and has turned over control of all of its transmission system to the RTO or ISO may request that the Commission waive Order No. 2003's requirements that it adopt the LGIA and LGIP.⁶ We interpret Midwest ISO Transmission Owners' and Midwest Stand-Alone Transmission Companies' statements (that any customers seeking transmission service over, or generation interconnection to, their facilities must do so under the Midwest ISO OATT) as meaning that both Midwest ISO Transmission Owners and Midwest Stand-Alone Transmission Companies have turned over control of their transmission systems to Midwest ISO. Since Midwest ISO Transmission Owners and Midwest Stand-Alone Transmission Companies provide no transmission service or interconnection service under terms separate from the Midwest ISO, waiver is appropriate and hereby granted.

⁶ Order No. 2003-A at P 55.

The Commission orders:

Midwest ISO Transmission Owners' and Midwest Stand-Alone Transmission Companies' requests for waiver are hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.