

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

July 23, 2003

In Reply Refer To:
Commonwealth Edison Company
Docket No. ER03-902-000

Heller, Ehrman, White & McAuliffe, LLP
Attn: Hyun S. Kim, Esq.
Attorney for Commonwealth Edison Company
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Washington, DC 20006-1228

Dear Ms. Kim:

1. On May 30, 2003, Commonwealth Edison Company (ComEd) filed seven executed service agreements for firm point-to-point transmission service with Wisconsin Electric Power Company (Wisconsin Electric) for service under ComEd's Open Access Transmission Tariff (OATT), as well as an associated unexecuted Dynamic Scheduling Agreement (DSA). ComEd states that the DSA supplements the service agreements, and Wisconsin Electric recognizes that because of timing considerations ComEd believed it necessary to make the filing prior to the execution of the DSA.
2. ComEd requests waiver of the Commission's 60-day prior notice requirement to allow four of the service agreements and the DSA to become effective June 1, 2003. ComEd also requests waiver of the Commission's 120-day advance notice requirement to allow three of the service agreements to become effective June 1, 2004.
3. Notice of ComEd's filing was published in the Federal Register,¹ with interventions and protests due on or before June 20, 2003. Wisconsin Electric filed comments supporting the filing. However, although Wisconsin Electric concurs with the terms of the DSA, it maintains that it is unclear from the attachments to the filing, each of which include the DSA, whether the DSA is intended to be a single agreement applicable to all transmission from Zion Energy Center to Wisconsin Electric's control area; as filed, it appears that there may be seven separate DSAs.

¹68 Fed. Reg. 35,397 (2003).

4. Wisconsin Electric explains that it is a transmission dependent utility serving retail and wholesale load located primarily in Southeastern Wisconsin and the Upper Peninsula of Michigan. Wisconsin Electric purchases the generation output from the Zion Energy Center, which is located in the City of Zion, Lake County, Illinois and within the ComEd control area. The energy from Zion is dynamically scheduled from the ComEd control area to the Wisconsin Electric control area and transmitted pursuant to the seven firm point-to-point transmission service agreements under the ComEd OATT.

5. The Commission accepts for filing the unexecuted DSA and the seven executed service agreements, to be effective June 1, 2003,² and June 1, 2004, as requested. The Commission grants waiver of the notice requirements for these agreements. The Commission clarifies that the DSA, which ComEd attached to each of the seven service agreements in its filing, is a single agreement, and not seven separate agreements; other than the fact that it is attached to each of the seven service agreements, there is no indication that the DSA is anything other than a single agreement.

By direction of the Commission.

Magalie R. Salas,
Secretary.

²Central Hudson Gas & Electric Corp., 60 FERC ¶ 61,106, reh'g denied, 61 FERC ¶ 61,089 (1992); Prior Notice and Filing Requirements Under Part II of the Federal Power Act, 64 FERC ¶ 61,139, clarified, 65 FERC ¶ 61,081 (1993).