



settle its energy markets four times after each operating day – at seven days, 14 days, 55 days, and 105 days after the operating day. The 7-day settlement provides preliminary results to market participants who are expected to verify the accuracy of the settlement data and to identify discrepancies prior to the 14-day settlement when transactions made during the operating day are fully recalculated and incremental charge type differences are shown. Market participants are not invoiced for the operating day's charges and credits until completion of the 14-day settlement. The 55-day and the 105-day settlements fully recalculate all charges and credits of the operating day and show changes from the prior settlements.<sup>2</sup>

## **II. Dispute Initiation Time Limit (Docket No. ER07-813-000)**

### **A. Background**

3. Before July 22, 2005, market participants had 65 days after an operating day within which to initiate disputes arising under Module C. From stakeholder discussions, in 2005, Midwest ISO determined that the 65-day time limit had become too short. It therefore proposed to the Commission to extend the time limit for initiating such disputes from 65 days to 115 days, effective July 22, 2005.<sup>3</sup>

4. While the Commission accepted Midwest ISO's proposal to extend the time limit for initiating disputes, the Commission also directed Midwest ISO to propose, in a compliance filing, a sunset date for the extended 115-day limit. The Commission found that reinstatement of a shorter dispute initiation time limit would add certainty to market participants' financial accounts and, in turn, decrease their exposure to dispute-related uplifts.<sup>4</sup>

5. On June 21, 2005, the Commission rejected Midwest ISO's compliance filing to reinstate the 65-day limit. The Commission found that due to the number of new disputes

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<sup>2</sup> This information is taken from Midwest ISO Business Practices Manual – Market Settlements at §§ 2, 2.1.3 (January 26, 2007) (Market Settlements BPM), available at <http://www.midwestiso.org>.

<sup>3</sup> Midwest ISO's July 21, 2005 Filing in Docket No. ER05-1230-000.

<sup>4</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 112 FERC ¶ 61,271, at P 12 (2005) (September 15 Order), *order rejecting compliance filing*, 115 FERC ¶ 61,352 (2006) (June 21 Order).

initiated each week, a significant number of settlement issues were outstanding.<sup>5</sup> The Commission therefore concluded that it was reasonable to continue to allow additional time for market participants to dispute their settlement statements. The Commission also directed Midwest ISO to file informational reports every 90 days to demonstrate whether it: (1) has attained accurate and complete settlement statements by Day 55 after the operating day; (2) has reduced the number of outstanding disputes; and (3) is ready to revise the 115-day limit for initiating disputes.<sup>6</sup>

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<sup>5</sup> June 21 Order at P 16. Many of these disputes relate to Revenue Sufficiency Guarantee (RSG) charges. The real-time RSG credit ensures that any generator scheduled or dispatched by the Midwest ISO after the close of the day-ahead energy market – either through the Reliability Assessment Commitment or the real-time market – will receive no less than its offer prices for start-up, no-load and incremental energy. RSG costs are allocated based on load and resource deviations, virtual offers, and exports and imports of market participants withdrawing energy. The Commission found, on April 25, 2006, that Midwest ISO had not been assessing RSG charges to virtual offers, in violation of its tariff, and directed appropriate refunds. Subsequently, the Commission granted rehearing as to refunds related to virtual supply offers. *Midwest Independent Transmission System Operator, Inc.*, 115 FERC ¶ 61,108, *order on reh'g*, 117 FERC ¶ 61,113 (2006), *order on reh'g*, 118 FERC ¶ 61,212 (2007), *reh'g pending*. During consideration of Midwest's proposal to return to the 65 day time limit for initiating disputes concerning resettlements, the Commission was cognizant of the contemporaneous RSG proceedings. Uncertainty surrounding recalculating rates and making refunds in those proceedings contributed to its decision, in the June 21 Order, to continue the 115 day time limit; market participants would benefit from having this time to study their settlement statements and initiate disputes.

<sup>6</sup> June 21 Order at P 16. Midwest ISO filed three informational reports – on September 19, 2006 (First Report), on December 18, 2006 (Second Report), and on March 19, 2007 (Third Report). The Detroit Edison Company (Detroit Edison) and Consumers Energy Company (Consumers Energy) filed protests to the First Report. WPS Resources Corporation (WPS Resources) and its subsidiaries, Wisconsin Public Service Corporation, Upper Peninsula Power Company, and WPS Energy Services, Inc. (Wisconsin Companies) filed comments on the Second Report. FirstEnergy Service Company, on behalf of its affiliates, American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, and the Toledo Edison Company, (FirstEnergy) filed comments on the Third Report. Detroit Edison and Consumers Energy asked the Commission not to shorten the dispute initiation deadline before April 1, 2007. FirstEnergy asked that RSG resettlements be exempted from a shortened deadline. Wisconsin Companies asked the Commission to wait until after resolution of RSG charges and payments and establishment of well working ancillary services market before shortening the deadline.

## **B. Proposed Tariff Revisions**

6. In Docket No. ER07-813-000, Midwest ISO proposes to revise Section 12 of Module A of the TEMT, “Dispute Resolution Procedures” (Section 12)<sup>7</sup> to reduce the time limit for disputes brought under Module C, over market settlements or invoices associated with an operating day, from within 115 days of the operating day to within 70 days of the operating day.<sup>8</sup> Midwest ISO requests waiver of the 60-day prior notice requirement and an effective date of June 1, 2007 in order to minimize administrative costs for all market participants and to eliminate uncertainty and delay in financial outcomes of Operation Days from months earlier.

7. Midwest ISO states that the First, Second, and Third Reports show: (1) significant improvement in settlement accuracy; (2) a significant reduction in the dispute submission rate; (3) a sustained reduction in the dispute backlog; and (4) reduced utilization by market participants of the extended time deadline to initiate disputes. Midwest ISO states that ending the 115-day time limit will align the dispute process with the Markets Settlements Schedule, as had been the case previously. Midwest ISO states further that the market participants’ administrative costs will be minimized, and that delays creating uncertainty regarding financial outcomes of transactions that occurred months in the past will be eliminated. It states that market participants evidenced no strong opposition to the change and desire to minimize late resettlements. Lastly, Midwest ISO points out that its concurrent filing, in Docket No. ER07-773-000, requests restoration to the alternative dispute resolution procedures of the ten-day period for initiating disputes associated with resettlements.

## **III. Ten-Day Dispute Resolution Time Limit (Docket No. ER07-772-000)**

### **A. Background**

8. In a July 26, 2005 Order<sup>9</sup> conditionally accepting Midwest ISO’s proposed tariff revisions to correct and clarify the TEMT, the Commission directed Midwest ISO to revise Section 12 to state that, should a resettlement occur beyond the timelines prescribed in the Markets Settlement Schedule, market participants have the right to dispute Module C services within ten days of the date of the resettlement statement or

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<sup>7</sup> Tariff Sheet No. 207 in Midwest ISO’s FERC Electric Tariff, Third Revised Volume No. 1.

<sup>8</sup> Midwest ISO filed the proposed revisions in compliance with the Commission’s directive in P 16 of the June 21 Order.

<sup>9</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 112 FERC ¶ 61,122, at P 11 (2005) (July 26 Order).

invoice. The Commission found it unreasonable for a market participant to be precluded from initiating a dispute if a resettlement should occur after the window of opportunity has closed.<sup>10</sup> Subsequently, Midwest ISO filed, and the Commission accepted, a compliance filing to implement this change.<sup>11</sup>

9. On March 1, 2006, Midwest ISO filed revisions to the TEMT (March 1 Filing) to consolidate and clarify the dispute resolution procedures and to propose a new Attachment HH<sup>12</sup> to govern dispute resolution. However, in that filing, Midwest ISO inadvertently deleted the ten-day dispute initiation period for matters concerning resettlement. On May 15, 2006, the Commission conditionally accepted the March 1 Filing, effective May 1, 2006.<sup>13</sup> Thus, until May 1, 2006, market participants had ten days from notification of a resettlement to challenge the accuracy of the settlement data and the invoice for a particular operating day, whether the notification occurred within or after the operating day dispute initiation time limit. After May 1, 2006, this provision was void.

### **B. Proposed Tariff Revisions**

10. In Docket No. ER07-772-000, Midwest ISO proposes to revise Section 12<sup>14</sup> to reinstate the ten-day period after resettlement of an operating day for initiating disputes under Module C of the TEMT. The proposed tariff revisions would limit such disputes to incremental changes between the previous settlement statement and the revised

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<sup>10</sup> The window of opportunity refers to the number of days after the operating day within which a Market Participant may dispute a settlement invoice, the subject of Docket No. ER07-813-000.

<sup>11</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER05-1029 (Oct. 4, 2005) (unpublished letter order).

<sup>12</sup> Tariff Sheets No. 1887-1981 in Midwest ISO's FERC Electric Tariff, Third Revised Volume No. 1.

<sup>13</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 115 FERC ¶ 61,177, *order on reh'g and compliance*, 116 FERC ¶ 61,233 (2006) (Docket Nos. ER06-690-000 and ER06-690-001). Following a series of compliance filings and orders, the Commission ultimately accepted the revisions to the TEMT on November 2, 2006. *Midwest Indep. Transmission Sys. Operator, Inc.*, Docket No. ER06-690-004 (Nov. 2, 2006) (unpublished letter order).

<sup>14</sup> Tariff Sheet No. 208 in Midwest ISO's FERC Electric Tariff, Third Revised Volume No. 1.

settlement statement. The proposed revisions provide for such disputes to be governed initially by the Markets Settlements BPM<sup>15</sup> and then, if necessary, by Attachment HH. Midwest ISO asks the Commission to waive its regulations and to make these revisions effective as of April 24, 2007, one day after filing.

11. Midwest ISO states that the March 1 Filing<sup>16</sup> inadvertently deleted the ten-day dispute initiation period for matters concerning resettlement. Midwest ISO states further that in seeking to reinstate the deleted language, the only additional change it is making reflects references to Attachment HH, and that it proposes no substantive revisions. Midwest ISO explains that the April 24, 2007 effective date is necessary to ensure timely and efficient resolution of outstanding settlement and resettlement issues, including resettlement of RSG charges.

#### **IV. Notices and Responsive Filings**

12. Notice of Midwest ISO's filing in Docket No. ER07-772-000 was published in the *Federal Register*, 72 Fed. Reg. 24,284 (2007), with interventions or protests due on or before May 14, 2007. EPIC Merchant Energy, LP and SESCO Enterprises, LLC (jointly, Financial Marketers) filed a motion to intervene and protest. Integrys Energy Group (Integrys)<sup>17</sup> filed a motion to intervene.

13. Notice of Midwest ISO's filing in Docket No. ER07-813-000 was published in the *Federal Register*, 72 Fed. Reg. 26,088 (2007), with interventions or protests due on or before May 14, 2007. Consumers filed a motion to intervene. Detroit Edison filed a motion to intervene and protest and cited its protest to the First Report. FirstEnergy filed a motion to intervene and protest and cited its comments to the Third Report. Integrys filed a motion to intervene on behalf of itself and its subsidiaries.

14. On May 29, 2007, Midwest ISO filed answers to Financial Marketers' protest in Docket No. ER07-773-000 and to the protests of Detroit Edison and FirstEnergy in Docket No. ER07-813-000.

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<sup>15</sup> See note 2, *supra*.

<sup>16</sup> Docket No. ER06-690-000. See P 4, *supra*.

<sup>17</sup> Integrys Energy Group is the new name of the WPS Resources since the latter merged with another company on February 21, 2007.

## V. Discussion

### A. Procedural Matters

15. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2006), the timely, unopposed motions to intervene serve to make the entities that filed them parties to these proceedings. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2006), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept Midwest ISO's answers in these proceedings because they have provided information that assisted us in our decision-making process.

### B. Dispute Initiation Time Limit

#### 1. Protestors' Objections and Midwest ISO's Answer

16. Detroit Edison opposes Midwest ISO's proposal to institute a shortened deadline by which market participants must initiate disputes regarding services provided under Module C. First, Detroit Edison notes that Midwest ISO's Business Practices currently provide for market settlements 105 days after the operating day, which, according to Detroit Edison, necessarily exposes market participants to new charges (*i.e.*, charges that these entities become aware of for the first time) well after Midwest ISO's proposed 70-day dispute initiating deadline. Detroit Edison argues that Midwest ISO's proposal would preclude market participants from initiating disputes based on errors they may become aware of for the first time after the 105-day resettlement process. Second, Detroit Edison argues that Midwest ISO is about to implement its ancillary services market, which will raise complex settlement issues, and, as a result, new market rules, policies and procedures may affect the completeness and accuracy of Midwest ISO's settlement statements. Detroit Edison asks the Commission to prohibit Midwest ISO from shortening the current 115-day dispute initiation period until after full implementation of the ancillary services market.

17. In response to Detroit Edison's argument that new resettlement charges after 105 days cannot be disputed, Midwest ISO states that under the proposed tariff revisions in Docket No. ER07-772-000, market participants will have ten days to dispute any alleged errors in incremental changes from the preceding settlement statement. Midwest ISO states that this provision covers any market settlement made on the 105th day after operating day. With respect to Detroit Edison's concerns about the forthcoming ancillary services market, Midwest ISO answers that mere speculation about future complexity of that market should not preclude present reduction of the dispute initiation period.<sup>18</sup>

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<sup>18</sup> Midwest ISO's Answer in Docket No. ER07-813-000 at 6-7.

18. FirstEnergy disputes Midwest ISO's assertion that it has satisfied the Commission's criteria for revising the 115-day time limit as set forth in the June 21 Order.<sup>19</sup> FirstEnergy questions whether Midwest ISO is achieving accurate and complete settlement statements by Day 55 after the operating day because this conclusion is based on disputed settlements submitted by stakeholders, not performance of an independent review or analysis to establish that the settlement statements are accurate. FirstEnergy recommends that the Commission reject Midwest ISO's proposed tariff revisions and direct Midwest ISO to either resolve all of the stakeholders' concerns or provide an independent analysis that shows complete and accurate settlement statements by Day 55.

19. Midwest ISO answers FirstEnergy by stating that in the June 21 Order, the Commission did not require an independent analysis of settlement statements, including those statements that were never disputed by any party. Midwest ISO further responds that it is using the same criterion to assess the accuracy of the dispute resolution process as the Commission relied upon in the June 21 Order, *i.e.*, the number of disputes is the primary measure of potential inaccuracy of the settlement process. Moreover, according to Midwest ISO, an independent analysis is unnecessary and burdensome to undisputed settlements, and duplicative to disputed settlements.<sup>20</sup>

## 2. Commission Determination

20. We will accept Midwest ISO's proposal to reinstate a shortened time period for market participants to initiate disputes involving services under Module C of the TEMT to 70 days from the operating day. We find that Midwest ISO has achieved the three criteria specified in P 16 of the June 21 Order, *i.e.*, accurate and complete settlement statements by Day 55, reduction of the number of outstanding disputes, and readiness to revise the 115-day limit, thus complying with that order.

21. Our review of Midwest ISO's First, Second, and Third Reports, particularly the Third Report, shows a marked change from the June 21 Order, when the Commission rejected Midwest ISO's compliance filing proposing return to a shortened period. In that order, the Commission noted that in March 2006, Midwest ISO had 857 disputes outstanding, and that in February and March 2006, new disputes were being initiated at rates of 161 and 158 per week, respectively.<sup>21</sup> The Third Report, which includes data from April 2005 through February 2007, shows the favorable contrast that while the number of outstanding and backlog disputes, combined, was 922 in March 2006, by

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<sup>19</sup> 115 FERC ¶ 61,352 at P 16. *See* P 5, *supra*.

<sup>20</sup> Midwest ISO's Answer in Docket No. ER07-813-000 at 5.

<sup>21</sup> June 21 Order at P 14.

February 2007, this number had fallen to 33,<sup>22</sup> and that only 112 disputes were submitted for the entire month of February 2007.<sup>23</sup> Additionally, Midwest ISO's average time to resolve disputes has fallen from 16.0 days in March 2006 to 2.9 days in February 2007.<sup>24</sup>

22. Third Report data also indicate that Midwest ISO has achieved a settlement accuracy of 99.8 percent for February 2007.<sup>25</sup> Midwest ISO states that a significant factor affecting the accuracy of settlements is the number of days that market participants take before submitting disputes. Third Report data show that this figure declined from an average of 41.5 days in September 2006 to 21 days in February 2007.<sup>26</sup> Moreover, when looking only at disputes created between 71 and 115 days after operating day, the Third Report data show a declining trend. In the last 180 days, 8.7 percent of disputes created fall into this category; in the last 90 days, the figure is 5.9 percent; in the last 60 days, it is 5.5 percent; and in the last 30 days, the percentage of disputes created between 71 and 115 days falls to 2.7 percent. We agree with Midwest ISO's conclusion that the majority of market participants are submitting disputes well before the 70-day dispute window that the proposed tariff revisions would make available to them.

23. While the Commission's March 15, 2007 Orders in the RSG proceedings<sup>27</sup> do not completely resolve RSG issues, they provide additional clarity to market participants. Thus, fewer settlement disputes are anticipated. This anticipated reduction supports our determination that it is appropriate to revert to a shortened timeframe to initiate disputes arising under Module C.

24. We disagree with Detroit Edison that the shortened timeframe should await implementation of the ancillary services market. Market revisions and refinements are an ongoing process. The ancillary services market is anticipated to commence in Spring

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<sup>22</sup> Third Report at 5.

<sup>23</sup> *Id.* at 3.

<sup>24</sup> *Id.* at 4.

<sup>25</sup> *Id.* at 3. This figure is obtained from the ratio of disputes granted to settlements produced.

<sup>26</sup> *Id.* at 4.

<sup>27</sup> *Midwest Indep. Transmission Sys. Operator, Inc.*, 118 FERC ¶ 61,212 (2007), *reh'g pending*; *Midwest Indep. Transmission Sys. Operator, Inc.*, 118 FERC ¶ 61,213 (2007), *reh'g pending*.

2008, at the earliest. We find it inappropriate to delay returning to a shortened dispute initiation time limit, which carries with it financial benefits, for a market revision one year away.

25. We disagree with FirstEnergy that an independent analysis of the Midwest ISO settlement data is necessary before we accept the shortened dispute initiation time limit. The June 21 Order did not so require.

26. Our action discussed below, in Docket No. ER07-772-000, reinstating the ten-day period available for all market participants to submit disputes about resettlements resolves any concerns that shortening the dispute initiation period to 70 days may preclude market participants from initiating disputes resulting from the 105-day resettlement statements. Midwest ISO's proposed tariff revisions apply to *any* changes from the previous settlement statement.<sup>28</sup> Thus, a 105-day resettlement statement would be covered by that provision, just as any other settlement statement would be, regardless of the number of days from the operating day that have elapsed.

27. Finally, we note that the Commission originally directed Midwest ISO to propose reinstatement of the former 65-day timeline.<sup>29</sup> However, Midwest ISO instead proposes 70 days as fulfilling the intent of the previous provision. We find 70 days to be a reasonable timeframe and will accept it.

### **C. Ten-Day Dispute Resolution Time Limit**

#### **1. Protestors' Objections and Midwest ISO's Answer**

28. Financial Marketers argue that by proposing a ten-day limit to initiate disputes over operating day resettlement invoices, Midwest ISO is attempting to change the rules governing resolution of disputes over resettlements in the midst of the massive and complex RSG resettlement proceeding. Financial Marketers also argue that Midwest ISO has not shown why the existing provisions of Attachment HH, which include informal dispute resolution procedures, mediation, arbitration, and Commission resolution of the disputed issue, are insufficient to resolve resettlement disputes and need to be superseded. Next, Financial Marketers argue that the proposed revisions do not merely restore inadvertently removed language but represent a substantive change. According to Financial Marketers, the ten-day settlement limit is not imposed under Attachment HH,

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<sup>28</sup> Proposed revised section 12 of the TEMT, Tariff Sheet No. 208, Tab. A in Midwest ISO's April 23, 2007 Filing in Docket No. ER07-772-000.

<sup>29</sup> September 15 Order at P 12.

which currently governs resettlement disputes, and this limit does not provide market participants with enough time to evaluate resettlement statements, who will routinely file notices of dispute as a precaution.

29. Financial Marketers assert that should market participants miss the ten-day limit, they will be precluded from seeking Commission review or independent party mediation of resettlement disputes, as Attachment HH provides. They also argue that the Market Settlements BPM, which will initially govern disputes before Attachment HH's general dispute resolution procedures, is subject to unilateral change by Midwest ISO without Commission review or approval. Financial Marketers contend that it is unclear as to when the ten-day period to initiate disputes starts, and that Midwest ISO's requested effective date of April 24, 2007, could adversely affect resettlements in the RSG proceeding.

30. In response to Financial Marketers' arguments, Midwest ISO states that the proposed language clarifies that market participants may initiate disputes after the fourth regular settlement run performed 105 days after the operating day, and therefore assists market participants instead of prejudicing them.<sup>30</sup> Midwest ISO also answers that the proposed language recognizes that Attachment HH procedures can be used for disputes arising from resettlements.<sup>31</sup> Midwest ISO acknowledges that while the TEMT does not contain an express definition of resettlement, the Market Settlements BPM clearly describes the process, which Financial Marketers applied without confusion before the March 1 Filing inadvertently deleted the ten-day dispute initiation period for resettlements. Midwest ISO states that market participants are responsible for reviewing the regularly posted resettlement statements promptly, and that neither Financial Marketers nor other market participants complained about the shortness of the ten-day dispute initiation period while it was in effect nor did they routinely file notices of dispute. Midwest ISO maintains that ten day period provides market participants with sufficient time to retrieve, process, and analyze resettlement statements and that this time limit provides finality and certainty to resettlement disputes. Midwest ISO asks the Commission, should it not grant the previously requested April 24, 2007 effective date, to make the effective date for these revisions no later than June 1, 2007, to synchronize with the requested effective date of the changes to the reduced dispute initiation period proposed in Docket No. ER07-813-000.<sup>32</sup>

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<sup>30</sup> Midwest ISO's Answer, in Docket No. ER07-772-000, at 4. Midwest ISO also refers to contemporaneous evens as showing that it did not intend to remove the ten-day dispute initiation period from Section 12. It states that upon Commission approval of the proposed tariff revision, it will amend the Market Settlements BPM to conform to the tariff revisions. *Id.* at 4-5.

<sup>31</sup> *Id.* at 5.

<sup>32</sup> *Id.* at 6-7.

## 2. Commission Determination

31. We will accept Midwest ISO's proposed revision of Section 12 to reinstate the ten-day period to initiate disputes over resettlement invoices. Although we conclude that Midwest ISO is reinstating inadvertently deleted tariff language, we base our determination on the actual text proposed in Midwest ISO's filing.

32. In accepting a ten-day period in which market participants may dispute their market resettlements, limited to the amount of any incremental changes between the resettlement and the prior settlement statement, we balance the needs of all market participants to have sufficient opportunity to review market statements and to dispute charges, and reasonable certainty of receiving payments needed for efficient market clearing. While it is desirable that market resettlements be used as seldom as possible, we find it inevitable that some resettlements will be necessary in a market that cleared an average \$2.1 billion of market transactions per month in 2006.<sup>33</sup> We note that Midwest ISO operates as a clearing-house for market transactions, and that it needs to be able conclude settlements within a reasonable period of time after the operating day. Ten days is a reasonable length of time for market participants to dispute statements, including resettlements.

33. In addition, we find that a ten-day period for market participants to dispute resettlements is consistent with the Commission's prior conclusions in the July 26 Order. There, the Commission directed Midwest ISO to revise Section 12 to give market participants ten days to dispute a resettlement statement or invoice.<sup>34</sup> The Commission found that requiring market participants to adhere to a schedule of ten calendar days was neither unjust nor unreasonable.<sup>35</sup>

34. We note Midwest ISO's commitment to revise its Market Settlements BPM to the extent necessary after issuance of this order. The significant factor with regard to resettlement disputes is the time available to market participants to lodge their dispute. This provision is appropriately placed in the TEMT. The specific procedures that market participants must follow to do so may be located in the Market Settlements BPM.

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<sup>33</sup> See "Corporate Information" of the Midwest ISO on its Fact Sheet at <http://www.midwestmarket.org>.

<sup>34</sup> July 26 Order at P 11.

<sup>35</sup> *Id.* at P 12.

**D. Effective Dates of Tariff Revisions**

35. We will reject Midwest ISO's requests for waiver of the 60-day prior notice requirement to make the tariff revisions that shorten to 70 days market participants' time to initiate disputes effective June 1, 2007, and the tariff revisions that reinstate the 10-day period for market participants to dispute resettlement statements effective April 24, 2007. In both cases, we find that Midwest ISO does not meet the *Central Hudson*<sup>36</sup> requirements to sufficiently justify a waiver request. We are also concerned that market participants would not have the time that they relied upon to dispute settlements and resettlements occurring prior to the issuance of the order in these proceedings.

**E. Information Reports Requirement**

36. Our acceptance of Midwest ISO's proposed revisions to shorten to 70 days the time by which market participants may initiate disputes concerning operating day settlements makes unnecessary the continuation of the 90-day reports required under the June 21 Order.<sup>37</sup> We will therefore terminate the requirement for Midwest ISO to file these reports.

**The Commission orders:**

(A) Midwest ISO's April 23, 2007 Filing of proposed tariff revisions in Docket No. ER07-772-000 is hereby accepted, to become effective June 23, 2007.

(B) Midwest ISO's April 23, 2007 Filing of proposed tariff revisions in Docket No. ER07-813-000 is hereby accepted, to become effective June 23, 2007.

(C) Midwest ISO's requirement to submit informational reports every 90 days, stated in Docket No. ER05-1230-001, is hereby terminated.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>36</sup> *Central Hudson Gas & Elec. Corp.*, 60 FERC ¶ 61,106, at 61,338, *reh'g denied*, 61 FERC ¶ 61,089 (1992).

<sup>37</sup> 115 FERC ¶ 61,352 at P 16.