

125 FERC ¶ 61,201  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

ISO New England Inc.

Docket No. ER08-1606-000

ORDER GRANTING REQUEST FOR WAIVERS

(Issued November 20, 2008)

1. On September 30, 2008, ISO New England Inc. (ISO-NE) filed a request for a limited waiver from certain business practice standards adopted by the Commission in Order No. 676-C.<sup>1</sup> In this order, the Commission grants the requested waivers, as discussed below.

**I. Background**

2. In 2006, the Commission issued Order No. 676,<sup>2</sup> thereby incorporating by reference in its regulations certain standards promulgated by the Wholesale Electric Quadrant (WEQ) of the North American Energy Standards Board (NAESB). In addition, the Commission directed public utilities to comply with these standards and revise their open access transmission tariffs (OATT) to include these standards. The standards established a set of business practice standards and communications protocols (Standards WEQ-001, -002, and -003) for the electric industry that replace the Commission's existing Open Access Same-Time Information Systems (OASIS) standards, and also include business practices to complement reliability standards of the North American Electric Reliability Council (NERC) (Standards WEQ-004, -005, -006 and -007).

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<sup>1</sup> *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676-C, 73 Fed. Reg. 43,848 (July 29, 2008), FERC Stats. & Regs. ¶ 31,274 (2008).

<sup>2</sup> *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676, FERC Stats. & Regs., ¶ 31,216, *order on reh'g*, Order No. 676-A, 116 FERC ¶61,255 (2006), Order No. 676-B, 119 FERC ¶ 61,049 (2007), Order No. 676-C, FERC Stats. & Regs. ¶ 31,274 (2008), *order on reh'g*, Order No. 676-D, 124 FERC ¶ 61,317(2008).

3. As an alternative to complying with the standards, Order No. 676 gave public utilities the option of applying for a waiver, in whole or in part, of the standards by filing a request explaining the reasons why the waiver should be granted. Further, Order No. 676 stated that utilities, including ISOs and RTOs that have existing waivers of certain OASIS standards may reapply for such waivers using simplified procedures. These procedures require an applicant to identify the specific standard(s) from which it is seeking waiver and provide the caption, date, and docket number of the proceeding in which it received its waiver. In addition, an applicant must certify that the circumstances warranting its waiver(s) have not changed.<sup>3</sup>

4. Shortly after the issuance of Order No. 676, ISO-NE filed its original request for a limited waiver of the standards with respect to its Regional Network Service and Through or Out Service. On November 16, 2006, the Commission granted ISO-NE's request, finding that the ISO's "business model and regional transmission services differ from the business model and transmission services described in the *pro forma* OATT, on which the WEQ standards are generally based," and also finding that the request was reasonable.<sup>4</sup>

5. On July 21, 2008, the Commission amended its regulations to incorporate the NAESB WEQ Version 001 standards in Order No. 676-C. As with Order No. 676, Order No. 676-C provides that "each public utility that wants a waiver of any standard we are incorporating by reference in this Final Rule may file a request for a waiver, supported by the reasons it believes a waiver is warranted."<sup>5</sup>

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<sup>3</sup> Order No. 676, FERC Stats. & Regs. ¶ 31,216 at P 79.

<sup>4</sup> *ISO New England Inc.*, 117 FERC ¶ 61,195, at P 14 (2006). Specifically, the ISO has obtained waivers with respect to Regional Network Service and Through or Out Service from the following WEQ-001 standards: (1) Standards 001-2.1 through 001-2.1.14 (Attribute Values Defining the Period of Service); (2) Standards 001-2.2 through 001-2.2.2 (Attribute Values Defining Service Class); (3) Standards 001-2.3 through 001-2.3.2 (Attribute Values Defining Service Types); (4) Standards 001-4 through 001-4.27 (On-line Negotiation and Confirmation Process); (5) Standards 001-5 through 001-5.6 (Transmission Provider Requirements and Transmission Customer Requirements); (6) Standards 001-8 through 001-8.3.2 (Requirements for Dealing with Multiple, Identical Transmission Service Requests); (7) Standards 001-9 through 9.8.1 (Requirements for Dealing with Redirects on a Firm Basis); and (8) Standards 001-10 through 001-10.8.6 (Requirements for Dealing with Redirects on a Non-firm Basis).

<sup>5</sup> Order No. 676-C at P 19.

## II. Filing

6. In this filing, ISO-NE requests a limited waiver of the new WEQ Version 001 standards that address matters relating to Point-to-Point Service and the new standards for invoking Transmission Loading Relief Procedures. ISO-NE explains that the circumstances that convinced the Commission to grant ISO-NE a waiver of certain business practice standards established in Order No. 676 continue to apply.

7. Specifically, ISO-NE requests a waiver of the new Standard 001-10.8.7, which constitutes a new requirement for dealing with redirects on a non-firm basis; Standards 001-11 (which includes 001-11 through 001-11.7.1) on resales for Point-To-Point Service; Standards 001-12 (which includes 001-12 through 001-12.5.2) on transfers of Point-To-Point Service; and the new WEQ-008-1 (which governs Transmission Loading Relief Procedures).

## III. Notice of Filing

8. Notice of ISO-NE's request for limited waivers was published in the *Federal Register*, 73 Fed. Reg. 59,620 (2008), with comments, interventions and protests due on or before October 21, 2008. Northeast Utilities Service Company filed a motion to intervene.

9. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2008), the timely, unopposed motion to intervene serves to make the entity that filed it party to this proceeding.

## IV. Discussion

10. In support of its current request, ISO-NE states that the new WEQ standards at issue are "inapplicable to the ISO due to the nature of transmission service it provides, which differs from the services described in the Commission's *pro forma* OATT," on which the standards are generally based.

11. ISO-NE explains that its OATT varies significantly from the Commission's *pro forma* OATT with respect to the transmission services provided. ISO-NE offers Regional Network Service<sup>6</sup> and Through or Out Service,<sup>7</sup> both of which have different service

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<sup>6</sup> ISO-NE OATT § II.B.

<sup>7</sup> ISO-NE OATT § II.C, excluding §§ II.27 through II.29. Through or Out Service involves transactions into the ISO, out of the ISO, or across the ISO. ISO-NE explains that sections II.27 through 29 govern transmission service over Merchant Transmission

characteristics than the *pro forma* OATT transmission service (Point-To-Point Transmission Service and Network Integration Transmission Service). For example, Regional Network Service and Through or Out Service differ from the *pro forma* OATT in that they do not require advance reservations by transmission customers, are not offered for specific time periods, and do not have firm vs. non-firm service characteristics.

**A. Standard 001-10.8.7**

12. With respect to its request for a waiver of the new standard dealing with redirects on a non-firm basis (Standard 001-10.8.7), ISO-NE points out that the Commission has already granted the ISO's request for a waiver of all of the Version 000 WEQ standards dealing with redirects on a non-firm basis because these standards apply only to point-to-point transmission service requiring advance reservations, which ISO-NE does not provide. ISO-NE argues, therefore, that the same rationale makes a waiver from the new standard appropriate. We agree and grant ISO-NE's request for a waiver of this standard.

**B. Standards 001-11 through 11.7.1 and Standards 001-12 through 001-12.5.2**

13. ISO-NE states that because it does not offer point-to-point transmission service, the standards dealing specifically with resales for (Standards 001-11 through 001-11.7.1) and transfer of (Standards 001-12 through 001-12.5.2) Point-To-Point Transmission Service are inapplicable to its business model. Because ISO-NE does not provide the transmission service addressed by these standards, we grant ISO-NE's request for a waiver of both sets of standards.

**C. Standard WEQ-008-1**

14. Finally, ISO-NE explains that, unlike the *pro forma* OATT, the ISO-NE OATT does not include Transmission Loading Relief procedures, because the ISO does not initiate or use these types of procedures to initiate curtailments. Instead, ISO-NE uses a congestion management system as specified in its OATT.<sup>8</sup> Therefore, ISO-NE states that

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Facilities, Local Point-To-Point Service, and Other Transmission Facilities, and notes that ISO-NE is not the transmission provider for these three categories of service. Accordingly, ISO-NE states that this waiver request is not intended to include these transmission services.

<sup>8</sup> ISO-NE's scheduling and curtailment procedures are set forth in section II.44 of its OATT and Operating Procedure No. 9. However, ISO-NE notes that the waiver requested in the instant proceeding does not exempt it from responding to certain

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WEQ Standard 008-1 is inapplicable to its business model. Because ISO-NE does not initiate the type of procedures addressed by this standard, we grant its request for a waiver of WEQ-008-1.

The Commission orders:

ISO-NE's request for limited waivers is hereby granted, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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Transmission Loading Relief procedures, initiated by other entities, which the NAESB process determines as having an impact on the ISO, in accordance with the generally-applicable standards.