

127 FERC ¶ 61,168
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

MidAmerican Energy Company

Docket No. OA08-41-001

ORDER ACCEPTING COMPLIANCE FILING, AS MODIFIED

(Issued May 21, 2009)

1. On August 12, 2008, MidAmerican Energy Company (MidAmerican) submitted a revised Attachment M (Transmission Planning Process) to its Open Access Transmission Tariff (OATT), as required by the Commission in the MidAmerican Planning Order.¹ In this order, we will accept MidAmerican's filing, as modified, subject to a further compliance filing.

I. Background

2. In Order No. 890,² the Commission reformed the *pro forma* OATT to clarify and expand the obligations of transmission providers to ensure that transmission service is provided on a non-discriminatory basis. One of the Commission's primary reforms was designed to address the lack of specificity regarding how customers and other stakeholders should be treated in the transmission planning process. To remedy the potential for undue discrimination in planning activities, the Commission directed each transmission provider to develop a transmission planning process that satisfies nine principles and to clearly describe that process in a new attachment to its OATT (Attachment K).

3. The nine planning principles each transmission provider was directed by Order No. 890 to address in its Attachment K planning process are: (1) coordination;

¹ *MidAmerican Energy Co.*, 123 FERC ¶ 61,160 (2008) (MidAmerican Planning Order).

² *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009).

(2) openness; (3) transparency; (4) information exchange; (5) comparability;³ (6) dispute resolution; (7) regional participation; (8) economic planning studies; and (9) cost allocation for new projects. The Commission explained that it adopted a principles-based reform to allow for flexibility in implementation of and to build on transmission planning efforts and processes already underway in many regions of the country. The Commission also explained, however, that although Order No. 890 allows for flexibility, each transmission provider has a clear obligation to address each of the nine principles in its transmission planning process, and that all of these principles must be fully addressed in the tariff language filed with the Commission. The Commission emphasized that tariff rules, as supplemented with web-posted business practices when appropriate,⁴ must be specific and clear to facilitate compliance by transmission providers and place customers on notice of their rights and obligations.

4. On December 7, 2007, MidAmerican filed tariff sheets for the addition of Attachment M to its OATT, in accordance with Order No. 890. MidAmerican stated that it would rely on the Mid-Continent Area Power Pool (MAPP) Attachment K template (MAPP Planning Template), which constitutes sections 1-12 of MidAmerican's Attachment M, to meet the regional planning requirements of Order No. 890. MidAmerican added section 13 to meet the local planning requirements. In the MidAmerican Planning Order, the Commission required further compliance from MidAmerican in order to satisfy the requirements under the principles of regional participation, cost allocation, and comparability.

II. Compliance Filing

5. On August 12, 2008, MidAmerican submitted a revised Attachment M in compliance with the MidAmerican Planning Order. To address the Commission's directives relating to the regional participation and cost allocation principles of Order No. 890, MidAmerican has incorporated revisions into Attachment M that MAPP made to the MAPP Planning Template.⁵ MidAmerican has also revised section 13 of

³ In Order No. 890-A, the Commission clarified that the comparability principle requires each transmission provider to identify, as part of its Attachment K planning process, how it will treat resources on a comparable basis and, therefore, how it will determine comparability for purposes of transmission planning. *See* Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 at P 216.

⁴ Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 1649-55.

⁵ MidAmerican states that changes to the MAPP Planning Template are a result of improvements made by the MAPP Transmission Planning Subcommittee and were made after being vetted through the MAPP stakeholder process.

Attachment M to comply with the Commission's directives relating to the comparability principle of Order No. 890.

III. Notice of Filing and Responsive Pleadings

6. Notice of MidAmerican's filing was published in the Federal Register, 73 Fed. Reg. 49,456 (2008), with interventions and protests due on or before September 2, 2008. Municipal Energy Association of Nebraska and Iowa Association of Municipal Utilities submitted comments in support. Renewable Americas Systems Americas, Inc. (Renewable Americas) submitted a timely motion to intervene, comments, and request for technical conference. American Wind Energy Association and Wind on the Wires (together, American Wind) filed comments. MAPP filed an answer to Renewable Americas' comments. MidAmerican filed an answer to Renewable Americas' and American Wind's comments. Renewable Americas filed a motion to reject as procedurally barred MAPP's and MidAmerican's answers or, in the alternative, motion for leave to reply and reply. Lastly, MidAmerican and MAPP each filed answers to Renewable Americas' motion to reject.

IV. Discussion

A. Procedural Matters

7. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2008), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2008), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept all of the answers because they have provided information that assisted us in our decision-making process. We will deny Renewable Americas' motion to reject MAPP's and MidAmerican's answers.

B. Substantive Matters

8. We will accept MidAmerican's compliance filing, as modified, subject to a further compliance filing. Although the Commission accepts MidAmerican's compliance filing below, the Commission remains interested in the development of transmission planning processes and will continue to examine the adequacy of the processes accepted to date. We reiterate the encouragement made in prior orders for further refinements and improvements to the planning processes as transmission providers, their customers, and other stakeholders gain more experience through actual implementation of the processes. As part of the Commission's ongoing evaluation of the implementation of the planning processes, the Commission intends to convene regional technical conferences later this year to determine if further refinements to these processes are necessary. The focus of the 2009 regional technical conferences will be to determine the progress and benefits

realized by each transmission provider's transmission planning process, obtain customer and other stakeholder input, and discuss any areas that may need improvement. The conferences will examine whether existing transmission planning processes adequately consider needs and solutions on a regional or interconnection-wide basis to ensure adequate and reliable supplies at just and reasonable rates. The Commission will also explore whether existing processes are sufficient to meet emerging challenges to the transmission system, such as the development of interregional transmission facilities, the integration of large amounts of location-constrained generation, and the interconnection of distributed energy resources.

1. Comparability

a. MidAmerican Planning Order

9. In the MidAmerican Planning Order, the Commission stated that MidAmerican's proposed tariff language providing that, as a general matter, demand response resources will be treated comparably satisfied the comparability principle of Order No. 890.⁶ However, the Commission noted that MidAmerican had not had an opportunity to demonstrate that it complies with the comparability requirements of Order No. 890-A since Order No. 890-A was issued after MidAmerican made its initial transmission planning compliance filing. In Order No. 890-A, the Commission provided additional guidance, among other things, as to how the transmission provider can achieve compliance with the comparability principle. Specifically, the Commission stated that the transmission provider needed to identify as part of its Attachment K planning process "how it will treat resources on a comparable basis and, therefore, should identify how it will determine comparability for purposes of transmission planning."⁷ Therefore, the Commission directed MidAmerican to address the necessary demonstration required by Order No. 890-A.

b. MidAmerican's Proposal

10. MidAmerican states that it has modified sections 13.7(a)(ii) and 13.7(a)(iii) of Attachment M so that additional data is gathered to ensure comparable treatment of proposed demand response resources and generation resources. In particular, network customers and other load serving entities, including MidAmerican for its native end-use load or transmission dependent utilities, will be requested annually to provide a list of all existing and proposed new demand response resources, including behind the meter generation or load curtailment. For each resource, the customer is required to identify:

⁶ MidAmerican Planning Order, 123 FERC ¶ 61,160, at P 10 (2008).

⁷ Order No. 890-A, FERC Stats. & Regs. ¶ 31,261.

the MW impact on peak load; the historical and expected future operating practice of the demand response resources, such as the conditions under which the customer intends to initiate each resource; and, whether each resource is available for use in providing measurable transmission system support to correct problems assessed in the MidAmerican local transmission planning process. MidAmerican will also request a list of existing and proposed new generation resources and historical and expected future dispatch practices, such as the load level at which the customer plans to start each generating unit and plant, and whether each generation resource is available for use in providing measurable transmission system support to correct problems assessed in the MidAmerican local transmission planning process.

11. In addition, MidAmerican has revised section 13.6(g) of Attachment M to state that it will consider customer demand response resources on a comparable basis with generation resources in developing transmission plans provided that: 1) such resources are capable of providing measurable transmission system support needed to correct transmission system problems assessed in the MidAmerican Energy Local Transmission Planning Process; 2) such resources can be relied upon on a long-term basis; 3) such resources meet NERC Reliability Standards and applicable laws, rules, and regulations; and 4) the inclusion of such resources in corrective action plans are permitted by the NERC Reliability Standards.

c. Commission Determination

12. We find that MidAmerican has partially complied with the requirements in the MidAmerican Planning Order related to the comparability principle. Attachment M identifies where and when in the planning process certain stakeholders have an opportunity to provide their input regarding the development of assumptions used by MidAmerican in transmission planning activities.⁸ However, neither the MAPP Planning Template that MidAmerican incorporated into Attachment M at sections 1-12 nor MidAmerican's local process outlined in section 13 allow for sponsors of all types of resources, including transmission, generation and demand resources, to provide information for use in developing the base-line assumptions and models used by MidAmerican. In addition, Attachment M does not affirmatively state that, once needs on its system are identified, sponsors of transmission, generation, and demand resources can propose alternative solutions to those identified needs. MidAmerican also fails to identify how it will evaluate alternative solutions when determining what facilities will be included in its transmission plan. We therefore require MidAmerican to submit a further compliance filing, within 60 days of this order, revising Attachment M (including any portion of the MAPP Planning Template that MidAmerican relies on for transmission planning on the MidAmerican system) to state that sponsors of transmission, generation,

⁸ See, e.g., Attachment M, sections 8.4.1, 13.5 - 13.7.

and demand resources can provide information for use in developing base-line assumptions and models and propose alternative solutions to any needs identified on the MidAmerican system as part of the transmission planning process. We further direct MidAmerican to state how it will evaluate competing solutions when determining what facilities will be included in its transmission plan.⁹

13. With regard to economic planning studies requested by stakeholders, MidAmerican does not address how it will ensure comparable treatment of resources in its economic planning process. Section 13.8 of Attachment M provides that any stakeholder may request MidAmerican to perform an economic planning study to evaluate potential upgrades or other improvements to its transmission system to, among other things, integrate new resources. Section 13.8, however, also provides that the scope of such studies will primarily include studies to resolve congestion on MidAmerican transmission facilities and/or to review the integration of large levels of proposed generation. We require MidAmerican to submit a further compliance filing, within 60 days of this order, revising Attachment M to indicate clearly that a stakeholder is able to submit a request for MidAmerican to study potential upgrades or other investments necessary to integrate any resource, whether transmission, generation or demand resources, identified by the stakeholder.

2. Regional Participation

a. MidAmerican Planning Order

14. In the MidAmerican Planning Order, the Commission found that MidAmerican's active participation in MAPP, and its incorporation of the MAPP Planning Template as sections 1-12 of MidAmerican's Attachment M, was sufficient to comply with the regional participation principle. However, the Commission found that MidAmerican's mere reference to certain agreements and future commitments to coordinate with Midwest ISO did not meet the inter-regional coordination requirement found in the regional participation principle.¹⁰ The Commission directed MidAmerican to describe

⁹ Tariff language could, for example, state that solutions will be evaluated against each other based on a comparison of their relative economics and effectiveness of performance. Although the particular standard a transmission provider uses to perform this evaluation can vary, it should be clear from the tariff language how one type of investment would be considered against another and how the transmission provider would choose one resource over another or a competing proposal.

¹⁰ Order No. 890 requires that regions coordinate as necessary to share data, information and assumptions to maintain reliability and allow customers to consider resource options that span the regions (Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 527; Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 at P 226).

how the provisions of each of its agreements with its neighboring regions meet the inter-regional coordination requirement of the regional participation principle of Order No. 890 and, if necessary, to include proposed revised Attachment M language.¹¹

b. MidAmerican's Proposal

15. MidAmerican states that MAPP has cooperated with Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and Southwest Power Pool, Inc. (SPP) to develop a process to meet the inter-regional coordination requirement. As a result, MAPP revised section 8 of the MAPP Planning Template to include inter-regional coordination provisions similar to those in Midwest ISO's Joint Operating Agreements with its neighboring transmission providers, which MidAmerican states have been found to satisfy the inter-regional coordination provisions of Order No. 890.¹² MidAmerican states that under the revised transmission planning process, MAPP (and MidAmerican by virtue of its participation in MAPP) will engage in inter-regional coordination with its neighbors that will facilitate the sharing of data, information and assumptions to maintain reliability and allow customers to consider resource options that span the regions. MidAmerican states that, through these new provisions, it commits to participate in a Joint Planning Committee with representatives of adjacent transmission providers, regional transmission organizations, or their designated regional planning organizations.

16. Section 8.2 of the MAPP Planning Template describes the activities and responsibilities of the Joint Planning Committee. Specifically, the Joint Planning Committee will coordinate the development of common power system analysis models, conduct a Coordinated Regional Transmission Planning Study on a regular basis, maintain an internet site and email lists for the communication of information related to coordinated planning, meet at least semi-annually to review and coordinate transmission planning activities, establish working groups as necessary and establish a schedule for the rotation of responsibilities to be carried out by the Joint Planning Committee.

17. Section 8.3 of the MAPP Planning Template describes data and information exchange activities and responsibilities associated with membership in the Joint Planning Committee. It includes details related to the development of power flow and other system analysis models, planning models, regional plan documents, reliability assessments, operating assessments, the status of studies, transmission system maps, contingency lists, the timing of planned enhancements, identification of interconnection

¹¹ MidAmerican Planning Order, 123 FERC ¶ 61,160 at P 23.

¹² Transmittal Letter at 3 (citing *Midwest Indep. Transmission Sys. Operator, Inc.*, 123 FERC ¶ 61,164 at P 65 (citing *PJM Interconnection, L.L.C.*, 123 FERC ¶ 61,163 (2008))).

requests and information regarding long-term firm transmission service on relevant interfaces in accordance with Critical Energy Infrastructure Information requirements.

18. Section 8.4 of the MAPP Planning Template describes the coordinated system planning process to be carried out between members of the Joint Planning Committee, which includes the coordination of analyses of interconnection requests, coordination of analyses of long-term firm transmission service requests and participation in a periodic Coordinated Regional Transmission Planning Study. MidAmerican states that the Coordinated Regional Transmission Planning Study will be conducted every three years, will identify reliability and expansion issues, and will propose potential resolutions to be considered by MAPP and other members of the Joint Planning Committee. Members of the Joint Planning Committee, including MAPP, will review the scope, key modeling assumptions, and preliminary and final results of the Coordinated Regional Transmission Planning Study in coordination with stakeholders using existing stakeholder forums of the coordinating parties.

c. Comments

19. American Wind protests revised sections 8.4.3.1 and 8.4.4.2 of the MAPP Planning Template, which provide that interconnection and transmission service requests that “potentially impact” other parties will be communicated to neighboring transmission providers. American Wind is concerned that the language “potentially impact” creates a situation in which such requests that might not appear to impact other parties will still have that effect but will not be communicated and taken into account in transmission studies. If some requests are not communicated and considered for planning purposes, American Wind posits, it could result in serious operational and reliability impacts and/or parties receiving transmission capacity that would have been otherwise allocated to parties higher in the queue. American Wind encourages the Commission to require MidAmerican to revise the relevant parts of section 8 so that they provide that all interconnection and transmission requests be communicated and considered for planning purposes.

20. American Wind also protests revised section 8.4.5, which it argues indicates that a joint transmission planning study will be driven by interconnection and transmission service requests. American Wind argues that interconnection and transmission service requests alone are not sufficient to ensure adequate long-term system wide planning. American Wind encourages the Commission to require MidAmerican to revise that section so that it takes into consideration transmission that is necessary to meet renewable portfolio standards and other resource goals.

21. Further, American Wind notes that section 8.4.5.3 does not contain a commitment for follow-through on the results of any coordinated studies. American Wind encourages the Commission to require MidAmerican to address transmission upgrades identified through the Coordinated Regional Transmission Planning Study. In addition, American

Wind argues that the Commission should require MidAmerican to revise section 8.4.5.3 to provide that third parties, including independent transmission providers, should have the opportunity to construct the needed transmission lines identified through interregional planning if transmission providers are unwilling to do so.

22. Renewable Americas argues that, unlike the Midwest ISO's methodology, MAPP does not require that prior queued projects on neighboring systems be included in the system impact studies performed by MAPP transmission providers. According to Renewable Americas, such treatment allows transmission providers to engineer studies for proposed projects that appear not to impact the overall transmission grid, but that do have an impact when prior queued projects are considered. Renewable Americas states that, if MAPP desires to allow each transmission provider to manage its own queue, then MAPP should require that each transmission provider include in its studies all prior queued projects from neighboring systems that impact similar transmission system components, similar to the Midwest ISO's methodology.

23. Renewable Americas also asserts that the Design Review Subcommittee does not conduct an open transmission expansion planning process. Renewable Americas argues that, since the Design Review Subcommittee does not evaluate the "big picture" for transmission expansion, planning in the MAPP region can lead to: (1) seams-related issues as transmission owners in MAPP have different transmission planning practices; (2) undue discrimination to market participants; and (3) a MAPP region that is too small and intertwined for efficient transmission planning.

24. Renewable Americas argues that the MAPP Design Review Subcommittee policies and procedures are not reflected in the MAPP regional transmission planning process, which raises concerns about openness and transparency. It asserts that the Design Review Subcommittee process is not open to stakeholders or any other interested party and thus can easily result in undue discrimination against market participants who are not allowed to be heard.

25. In its answer, MidAmerican responds that the process outlined in sections 8.4.3.1 and 8.4.4.2 of Attachment M is consistent with good utility practice. It argues that a requirement to communicate all interconnection and transmission requests to neighboring regions, as American Wind proposes, is unnecessary and would eliminate any transmission provider discretion.

26. MidAmerican also argues that transmission providers are not mandated by Order No. 890 to address the need for actual construction of any or all transmission upgrades, as American Wind requests. Instead, according to MidAmerican, Order No. 890 gives the

transmission provider the authority to implement its own transmission plan.¹³ MidAmerican argues that it would be inappropriate to revisit this issue and inconsistent with Order No. 890 to require MidAmerican to address the actual construction of all transmission upgrades that are identified in transmission plans prepared pursuant to Attachment M as a part of this compliance filing.

27. MidAmerican contends that modifying section 8.4.5.3 to allow third parties to construct transmission projects identified in inter-regional planning studies is unnecessary because MidAmerican's Attachment M neither prohibits nor prevents third parties such as independent transmission providers from interconnecting or constructing any transmission facilities.

28. Regarding American Wind's request that planning take into consideration transmission that is necessary to meet renewable portfolio standards and other resource goals, MidAmerican responds that there is no requirement for inter-regional planning studies to specifically take into account transmission necessary to meet renewable portfolio standards or other resource goals. As with the other proposals of American Wind, MidAmerican contends that if the Commission wishes to revisit this issue, it should not elect to do so in this docket, but instead in a proceeding that can fully address this concern.

29. MAPP, in its answer, states that Renewable Americas' protest of the Design Review Subcommittee seems to hinge on a serious misunderstanding of the role that subcommittee plays in the MAPP regional planning process. MAPP explains that other than a limited reliability review, the Design Review Subcommittee has no role in the MAPP regional transmission planning process. The Design Review Subcommittee provides only a regional peer review of proposed studies and focuses its review on the merits of the study; it does not, as Renewable Americas claims, "approve" projects. MAPP also states that, contrary to the assertions of Renewable Americas, the Design Review Subcommittee does consider the impacts on adjacent systems. MAPP also argues that Renewable Americas' protest of the openness and transparency of the Design Review Subcommittee is a collateral attack on the MidAmerican Planning Order, which found that the MAPP regional transmission planning process was open and transparent.

¹³ MidAmerican cites Order No. 890 at P 438, which provides: "the planning obligations imposed in this Final Rule do not address or dictate which investments identified in a transmission plan should be undertaken by transmission providers" and "the planning obligations included in this Final Rule do not address whether or how investments identified in a transmission plan should be compensated."

d. Commission Determination

30. We find that MidAmerican's filing complies with the requirements in the MidAmerican Planning Order related to the coordination of transmission planning on a regional level. The provisions that MidAmerican added outline how MidAmerican (through its participation in MAPP) will coordinate with neighboring entities and transmission providers (including Midwest ISO and SPP). By participating in the Joint Planning Committee and under the information sharing requirements now outlined in Attachment M, MidAmerican will: (1) share system plans to ensure that they are simultaneously feasible and otherwise use consistent assumptions and data; and (2) identify system enhancements that could relieve significant and recurring transmission congestion. Therefore, MidAmerican's Attachment M now fully complies with the regional participation principle of Order No. 890.

31. With respect to American Wind's request that MidAmerican communicate *all* interconnection and transmission service requests to neighboring regions instead of only those that potentially impact neighboring transmission providers, we find that it is reasonable for MidAmerican to identify relevant neighboring systems by identifying the potential impact of a service request on external systems. American Wind has provided no reason for us to conclude that MidAmerican will not be able to determine which requests potentially impact neighboring entities or that MidAmerican will violate the requirement to share information related to such requests with neighboring entities. With respect to Renewable Americas' request that MidAmerican include in its system impact studies *all* related prior-queued projects from neighboring systems, we note that the transmission planning requirements of Order No. 890 are distinct from the requirements governing the processing of specific requests for transmission service. Renewable Americas' request is therefore beyond the scope of this compliance proceeding. In any event, we also note that Renewable Americas states that MidAmerican is permitted to use its engineering judgment to determine which projects to include in system impact studies but provides us no reason to conclude that MidAmerican will not include in its system impact studies appropriate projects from neighboring regions. In addition, we find that MAPP in its answer satisfactorily addressed Renewable Americas' concerns about the Design Review Subcommittee.

32. We disagree with American Wind that the Coordinated Regional Transmission Planning Study will be driven only by interconnection and transmission service requests. While it is true that the inter-regional studies of interconnection and transmission service requests will be an input of the Coordinated Regional Transmission Planning Study, section 8.4.5.5 of the MAPP Planning Template provides that the scope of those Studies over time will include evaluations of the transmission systems against reliability criteria, operational performance criteria, and economic performance criteria applicable to members of the Joint Planning Committee. These criteria would necessarily reflect, for

example, any requirements imposed by the renewable portfolio standards that are applicable to members of the Joint Planning Committee (including MidAmerican).

33. We also deny American Wind's request to revise section 8.4.5.3 to state that third party developers have the opportunity to construct projects identified in the Coordinated Regional Transmission Planning Study or to impose on MidAmerican a requirement to construct such projects. It is unnecessary for MidAmerican to revise Attachment M to allow third parties to construct transmission projects since MidAmerican confirms in its answer that Attachment M neither prohibits nor prevents third parties from interconnecting or constructing any transmission facilities. With regard to MidAmerican's obligation to construct facilities, the Commission made clear in Order No. 890 that the planning obligations imposed therein did not address or dictate which investments identified in a transmission plan should be undertaken by transmission providers.¹⁴

3. Cost Allocation

a. MidAmerican Planning Order

34. In the MidAmerican Planning Order, the Commission determined that MidAmerican had not adequately explained why the process it uses to provide subscription rights to transmission upgrades excludes certain eligible customers during the first two rounds of bidding or why participation in the second round is limited to those who participated in the first round.

b. MidAmerican's Proposal

35. MidAmerican states that it has amended its cost allocation methodology to correct the deficiencies the Commission found in its subscription rights process. First, section 12.2.3.1, "Applicability," has been amended to extend the auction procedure to "all Eligible Participants," defined as transmission owners in the MAPP region and eligible transmission customers, including affected generators and load-serving entities in the MAPP region. Second, MidAmerican revised section 12.2.3.4, "Second Round Offer of Subscription Rights," to provide that the second round of the subscription rights process is open to all eligible participants.

36. MidAmerican states that additional refinements were requested through the MAPP stakeholder review process related to the clarification required in the MidAmerican Planning Order. The additional refinements include: (1) throughout section 12.2.3, and as defined in section 12.2.3.2, changes have been made to reflect that the auction

¹⁴ Order No. 890, FERC Stats. & Regs. ¶ 31,241 at P 438.

procedure has been assigned to the MAPP Contractor, i.e., the staff at MAPPCOR, and is no longer the process of the host transmission owner; (2) within section 12.2.3, assurance has been added that, if the initial designated host transmission owner declined to sponsor the project, a backstop developer will be provided; and (3) within section 12.2.3.9, the transition from subscription rights to physical rights has been more clearly identified as taking place “upon signing a facilities agreement.”

c. Comments

37. Renewable Americas states broadly that, without clear and consistent provisions, MAPP’s cost allocation provisions have the potential to discriminate against market participants. Renewable Americas is concerned that inter-regional projects may be excluded from the cost allocation provisions while other MAPP-sponsored projects outside the transmission expansion plan of the adjacent transmission system may be included.

38. In response, MidAmerican states that Renewable Americas’ comments concerning cost allocation raise concerns that are general in nature and do not reflect the fact that the MidAmerican Planning Order largely accepted MidAmerican’s original Attachment M filing. Joined by MAPP, MidAmerican further argues that Renewable Americas does not address the substance of the revised cost allocation provisions. MidAmerican points out that Renewable Americas does not address the limited issue of customers’ eligibility to participate in rounds of subscription offer rights. MAPP states that Renewable Americas appears to seek inter-regional cost allocation among MAPP transmission providers and Midwest ISO – a step that MAPP argues the Commission did not require in Order No. 890.

d. Commission Determination

39. We find that MidAmerican has satisfactorily addressed the deficiencies identified in the MidAmerican Planning Order with respect to the cost allocation principle by extending the subscription rights process to all eligible customers. We also accept MidAmerican’s unopposed changes that resulted from the MAPP stakeholder review process. We find that the issues Renewable Americas raised with respect to cost allocation are not related to the specific compliance requirement in the MidAmerican Planning Order and are thus beyond the scope of this proceeding.

4. Interconnection Queues in the MAPP Region

a. MidAmerican Planning Order

40. The MidAmerican Planning Order did not require compliance on any issues related to interconnection queues in the MAPP region. As discussed further below,

Renewable Americas raises interconnection issues that are unrelated to the compliance filing now before the Commission.

b. Comments

41. Renewable Americas argues that, because MAPP allows each of its individual transmission providers to receive interconnection requests and to manage their own transmission queues without requiring them to evaluate prior queued projects in neighboring systems, MAPP's transmission expansion process creates a balkanized approach to transmission expansion and allows later queued projects to jump ahead of prior-queued projects in neighboring queues. It also complains that MAPP, unlike the Midwest ISO, has no methodology to allow projects to move ahead in the queue if they meet certain milestone requirements. Renewable Americas also argues that MAPP should adopt the Midwest ISO business practices and that the MAPP interconnection requests should either be more centrally received and processed or follow more uniform rules.

42. Renewable Americas requests that the Commission establish a technical conference in a separate docket to address the MAPP Planning Template and, in particular, ways to ensure that the processing of interconnection requests and associated transmission facilities become part of the inter-regional transmission planning process. It believes the Commission should condition the acceptance of the instant filing on the outcome of that technical conference.

43. MidAmerican argues in its answer that the issues raised by Renewable Americas actually concern the generator interconnection process followed by Minnkota Power Cooperative, which is a non-jurisdictional utility in MAPP, rather than the compliance filing at issue in this proceeding. In particular, MidAmerican asserts that Renewable Americas' protest in this compliance proceeding is a repackaging of the complaint it filed in Docket No. EL08-86-000. MidAmerican believes the complaint proceeding is the appropriate venue for the Commission to address Renewable Americas' concerns.¹⁵

44. Both MidAmerican and MAPP contend in their answers that the Commission should reject further consideration of the issues raised by Renewable Americas in this docket because they are not relevant to MidAmerican's Attachment M compliance filing, which only pertains to the limited issues raised by the Commission in the MidAmerican Planning Order. MidAmerican argues that the Commission made clear in Order No. 890 that the regional transmission planning process is separate from and does not supplant the

¹⁵ The Commission subsequently set Renewable Americas' complaint for hearing and settlement judge procedures. See *Renewable Energy Systems Americas Inc.*, 125 FERC ¶ 61,336 (2008).

existing interconnection or transmission service request evaluation processes.¹⁶ MAPP points out that the Commission does not require a “joint queue” for processing interconnection requests across multiple provider systems, which is what Renewable Americas is requesting. MAPP also argues that Renewable Americas’ requests for MAPP to adopt the Midwest ISO’s business practices are irrelevant to the limited issues required to be addressed in the compliance filing by the MidAmerican Planning Order and are a collateral attack on the requirements of that order, Order No. 890, and Order No. 2003.

45. MidAmerican states that Renewable Americas’ request for a technical conference is a clear indication that Renewable Americas’ concerns are not related to MidAmerican’s compliance filing. MidAmerican notes that the MAPP Planning Template was largely approved in the MidAmerican Planning Order and, further, the MAPP Planning Template outlines a long range transmission planning process and not the generation interconnection process that is the basis of Renewable Americas’ primary concern. MidAmerican adds that an appropriate venue for general consideration of transmission planning issues has already been announced – a series of technical conferences in 2009 to discuss implementation of transmission planning around the country. MidAmerican states that it expects that it and MAPP will participate in one of those technical conferences.

46. MAPP asserts that some of Renewable Americas’ concerns are premature because MAPP has not completed a planning cycle through its modified regional transmission planning process. Further, MAPP states that Renewable Americas will have continued opportunities to address its issues by participating in the MAPP regional transmission planning process and that Renewable Americas has already participated in the development of revisions to that very process. MAPP also explains that Renewable Americas participated in the development of the revised MAPP Planning Template to comply with the MidAmerican Planning Order, and the MAPP stakeholders took into consideration many of the concerns Renewable Americas raises in this proceeding during the July 2008 stakeholder meetings.

c. Commission Determination

47. Renewable Americas’ concerns related to the processing of generation interconnection requests in the MAPP region and its related request for a technical conference are beyond the scope of this proceeding. This proceeding is limited to the remaining compliance requirements established by the Commission in the MidAmerican Planning Order and Renewable Americas does not demonstrate that its concerns are

¹⁶ MidAmerican Answer at 7 (citing Order No. 890, FERC Stats & Regs. ¶ 31,241 at P 488).

directly related to those requirements. With regard to Renewable Americas' request for technical conference in particular, we note that the MidAmerican Planning Order rejected a similar request to establish further proceedings regarding the MAPP Planning Template:

[W]e will not grant Manitoba Hydro's request to convene a separate proceeding to address the MAPP Template. We clarify that in this proceeding, we examine only the filing made by MidAmerican. While MidAmerican's Attachment M incorporates the MAPP [Planning] Template as sections 1-12 thereof, it also includes a separate section 13 addressing local issues along with a detailed filing describing how the process in Attachment M complies with Order No. 890. MAPP did not submit an Attachment K compliance filing, and therefore, the MAPP Template standing alone is not before us.^[17]

The Commission orders:

- (A) MidAmerican is hereby directed to submit a further compliance filing, within 60 days of the date of this order, as discussed in the body of this order.
- (B) MidAmerican's compliance filing is hereby accepted, as modified, subject to a further compliance filing, as discussed in the body of this order.
- (C) Renewable Americas' request for a technical conference is hereby denied.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.

¹⁷ MidAmerican Planning Order, 123 FERC ¶ 61,160 at P 45.