

136 FERC ¶ 61,107
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;
Marc Spitzer, Philip D. Moeller,
John R. Norris, and Cheryl A. LaFleur.

California Independent System Operator Corporation Docket No. ER11-3700-000

ORDER GRANTING ONE-TIME WAIVER REQUEST

(Issued August 15, 2011)

1. In this order, we grant the California Independent System Operator Corporation's (CAISO) request for a one-time waiver that will allow CAISO to shorten the minimum time period that must elapse between the posting of a final study plan and the release of technical studies results undertaken as part of the transmission planning process from 120 days to 85 days.

Background

2. On June 3, 2011, CAISO submitted a petition for a one-time waiver of posting requirements for its 2011/2012 planning cycle.¹ This tariff provision requires that there be at least 120 days between posting of a final study plan and posting of technical study results undertaken as part of the transmission planning process. CAISO requests permission to shorten the posting period from 120 days to 85 days. CAISO explains that if waiver is not granted the transmission planning timelines for the upcoming and all subsequent planning cycles will no longer be consistent with the timelines in the CAISO tariff and business practice manual.

3. On June 4, 2010, CAISO submitted a tariff revision to implement its Revised Transmission Planning Process (RTPP). CAISO sought an effective date for the RTPP of August 3, 2010, to allow for implementation of the 2010/2011 planning cycle under the timeframe set forth in its tariff. On July 26, 2010, the Commission accepted and suspended the proposed tariff revisions to become effective on the earlier of January 3, 2011, or a date set in a further Commission order, and directed staff to convene a technical conference. On December 16,

¹ See CAISO Tariff Section 24.4.1(a).

2010, the Commission conditionally accepted the RTPP to become effective December 20, 2010, subject to a compliance filing.² Subsequent to the RTPP Order, CAISO states, it resumed the transmission planning process. CAISO explains that due to the delay in the 2010/2011 planning schedule, it requests waiver of its planning process timelines for its 2011/2012 planning process.

4. CAISO states that it delayed presenting the 2010/2011 transmission plan to the Governing Board until the May 2011 meeting because the RTPP Order was not issued until December 16, 2010. According to CAISO, under the current tariff, the final study plan of any given transmission planning cycle cannot be posted before the previous year's plan has received Board approval. Therefore, CAISO explains, the 2011/2012 study plan was not posted until May 20, 2011. CAISO notes that, if the posting of technical study results occurs pursuant to the CAISO tariff with a 120 day waiting period, the 2011/2012 transmission planning cycle will be delayed by approximately two months, correspondingly skewing all subsequent planning cycles. CAISO asserts that in order for the 2011/2012 planning process to continue according to schedule, technical study results must be posted by August 15, 2011, consistent with milestones outlined in CAISO's business practice manual.

5. Therefore, CAISO argues its one-time waiver request is necessary and reasonable, noting that the revised transmission timeline was carefully developed with input from various stakeholders. Further, CAISO states that transmission planning participants depend on the precise execution of the transmission planning process to provide predictability. CAISO argues that without the requested waiver, significant alterations to the established business practice manual will be required. CAISO asserts that no undesirable consequences will arise if the proposed waiver is granted, and argues that the waiver provides adequate time for any concerned parties to examine the final study plan and complete any necessary studies of their own. CAISO states that on February 18, 2011, it notified stakeholders of, among other things, its intent to seek Commission approval of an abbreviated posting period and to date no parties have taken issue with the proposed waiver.

Notice of Filing and Responsive Pleadings

6. Notice of the filing was published in the Federal Register, 76 Fed. Reg. § 36,529 (2011), with interventions, comments and protests due on or before June 24, 2011. NRG Companies and the Cities of Santa Clara, Palo Alto, and

² *Cal. Indep. Sys. Operator Corp.*, 133 FERC ¶ 61,224 (2010) (RTPP Order).

Alameda, California filed timely motions to intervene. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2011), the timely, unopposed motions to intervene serve to make the entities that filed them parties to the proceeding. The Commission received no comments or protests.

Commission Determination

7. The Commission historically has granted certain waiver requests involving an emergency situation or an unintentional error.³ Waiver, however, is not limited to those circumstances. For example, in several recent cases, the Commission has found good cause to grant waiver where the waiver is of limited scope, where there are no undesirable consequences, or where there are resultant benefits to customers.⁴ We find that the requested waiver is appropriate under the circumstances.

8. Section 2.4.4.1(a) of the CAISO tariff requires the minimum of 120 days to elapse between the publication of the final study plan and the release of the technical studies results. As the Commission has previously explained, requiring the minimum amount of time to elapse between major transmission planning milestones "protects transmission planning participants, yet also provides the CAISO with flexibility it may need to conduct a pragmatic transmission planning process that benefits itself and participants."⁵ We find that under the circumstances, the shortened minimum time period between the two major milestones in the transmission planning process will still provide sufficient time for market participants to complete their technical studies. The Commission received no filings suggesting otherwise. The waiver, however, will allow CAISO

³ See, e.g., *ISO New England Inc.*, 117 FERC ¶ 61,171, at P 21 (2006) (granting limited and temporary change to tariff to correct an error); *Great Lakes Transmission LP.*, 102 FERC ¶ 61,331, at P 16 (2003) (granting emergency waiver involving *force majeure* event for good cause shown); and *TransColorado Gas Transmission Co.*, 102 FERC ¶ 61,330, at P 5 (2003) (granting waiver for good cause shown to address calculation in variance adjustment).

⁴ See, e.g., *Cal. Indep. Sys. Operator Corp.*, 118 FERC ¶ 61,226 (2007); *Cal. Indep. Sys. Operator Corp.*, 124 FERC ¶ 61,031 (2008); *Cal. Indep. Sys. Operator Corp.*, 132 FERC ¶ 61,132 (2010); *Cal. Indep. Sys. Operator Corp.*, 133 FERC ¶ 61,020 (2010); *Coso Energy Developers*, 134 FERC ¶ 61,088 (2011).

⁵ *Cal. Indep. Sys. Operator Corp.*, 127 FERC ¶ 61,172, at P 59 (2009).

to post technical study results as early as August 15, 2011, thereby ensuring that the 2011/2012 transmission planning process stays on schedule and that participating transmission owners have sufficient time to submit reliability projects and mitigation solutions following the release of the technical studies results. For these reasons, CAISO's one-time waiver request is hereby granted.

Commission orders:

CAISO's request for waiver is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.