

120 FERC ¶ 61,103  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Parts 35 and 37

(Docket Nos. RM05-17-000 and RM05-25-000)

Preventing Undue Discrimination and Preference in Transmission Service

(Issued July 27, 2007)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Extending Compliance Action Date and Establishing Technical Conferences

SUMMARY: In this order, the Federal Energy Regulatory Commission (Commission) extends the date for transmission providers to submit an attachment to their Open Access Transmission Tariff incorporating the transmission planning principles and concepts adopted in Order No. 890 and establishes further planning-related technical conferences.

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SUPPLEMENTARY INFORMATION:

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.

Preventing Undue Discrimination and Preference in      Docket Nos. RM05-17-000  
Transmission Service      RM05-25-000

ORDER EXTENDING COMPLIANCE DATE  
AND ESTABLISHING TECHNICAL CONFERENCES

(Issued July 27, 2007)

**I.      Introduction**

1.      On February 16, 2007, the Commission issued Order No. 890, which reformed the pro forma open access transmission tariff (OATT) to clarify and expand the obligations of transmission providers to ensure that transmission service is provided on a non-discriminatory basis.<sup>1</sup> Among other things, Order No. 890 amended the pro forma OATT to require coordinated, open, and transparent planning of transmission systems on both a local and regional level.<sup>2</sup> To implement that requirement, the Commission directed transmission providers to submit, within 210 days of publication of Order No. 890 in the Federal Register, i.e., October 11, 2007, a compliance filing containing a new attachment

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<sup>1</sup> Preventing Undue Discrimination and Preference in Transmission Service, Order No. 890, 72 FR 12266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007) (Order No. 890), reh'g pending.

<sup>2</sup> *Id.* at P 435.

to their OATT (Attachment K) describing a coordinated and regional planning process that complies with the planning principles adopted in Order No. 890.<sup>3</sup>

2. As discussed below, the Commission extends the date for submitting the Attachment K compliance filings until December 7, 2007. To facilitate the development of these filings, we also require transmission providers to post a draft of their Attachment K on or before September 14, 2007 and establish further staff technical conferences for the purpose of stakeholder review of those drafts.

## **II. Background**

3. In order to assist transmission providers in complying with their planning-related obligations, and ensure that the planning procedures are developed with customer and stakeholder participation, the Commission in Order No. 890 directed staff to convene technical conferences in several broad regions around the country to discuss regional implementation and other compliance issues in advance of the October 11, 2007 compliance date. To facilitate these conferences, each transmission provider was directed to post on its OASIS, or on its website if it does not have an OASIS, a “strawman” proposal for compliance with the planning principles adopted by the Commission. The “strawman” proposals were posted by transmission providers on or

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<sup>3</sup> *Id.* at P 437.

around May 29, 2007, with the staff technical conferences held in various cities during the month of June.<sup>4</sup>

### **III. Discussion**

4. The Commission commends transmission providers and stakeholders for the significant amount of resources dedicated to development and review of the “strawman” proposals. All of the June technical conferences were well-attended and provided important information about transmission providers’ planning processes and stakeholder views. The Commission is concerned, however, that in many regions much work remains to develop the tariff language that will govern each transmission provider’s planning process prior to the October 11, 2007 filing deadline. Many of the “strawman” proposals addressed planning obligations in generalities. In order to prepare their Attachment K compliance filings, transmission providers must translate those generalities into tariff language that specifically identifies the rights and obligations of the transmission providers and their customers in the planning process.

5. To allow for additional time to develop that tariff language, and to provide for further stakeholder and state commission input into its development, the Commission hereby extends the date for filing Attachment K until December 7, 2007. To assist transmission providers in preparing their Attachment K drafts, the Commission

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<sup>4</sup> Staff technical conferences were held on: June 4-7, 2007 in Little Rock, AR, covering the southeast including Southwest Power Pool and its members; June 13, 2007 in Park City, UT, covering the northwest; June 26, 2007 in Phoenix, AZ, covering the southwest and California; and June 28-29, 2007 in Pittsburgh, PA, covering the ISO New England, New York ISO, PJM Interconnection, Midwest ISO and Mid-Continent Area Power Pool subregions.

establishes a second round of planning-related technical conferences to be held approximately 90-120 days after issuance of this order. Finally, the Commission directs each transmission provider to post on their OASIS, or on their website if they do not have an OASIS, a draft Attachment K on or before September 14, 2007.<sup>5</sup> As with the “strawman” postings, the Commission believes the posting of Attachment K drafts will facilitate review by stakeholders and assist staff in providing guidance to transmission providers.

The Commission Orders:

(A) The date by which each transmission provider must file an attachment to its OATT incorporating the transmission planning principles and concepts adopted in Order No. 890 is extended to December 7, 2007.

(B) Each transmission provider is directed to post a draft of the attachment to its OATT governing transmission planning on its OASIS, or on its website if it does not have an OASIS, on or before September 14, 2007.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>5</sup> To assist Commission staff in its review of the Attachment K drafts, each transmission provider is also requested to send a link to its OASIS or website posting to 890Planning.Strawman@ferc.gov promptly after posting its Attachment K draft.