

# Southwest Power Pool, Inc.

## Regulatory Status Report

### *FERC or State Jurisdiction: FERC*

#### **AD09-10 National Action Plan on Demand Response**

On March 11, 2010, FERC issued a Notice Announcing Release of Draft National Action Plan on Demand Response. Written comments are due by April 8, 2010. The Commission will draw on the comments received to finalize the National Action Plan.

#### **AD10-5 RTO/ISO Performance Metrics**

On February 3, 2010, FERC issued a Notice Requesting Comments on RTO/ISO Performance Metrics.

Commission staff requested comments on whether the proposed performance metrics will effectively track the performance of ISO/RTO operations and markets. Comments are due March 5, 2010, with Reply Comments due March 19, 2010.

On March 19, 2010, the ISO/RTO Council ("IRC") filed joint reply comments in response to the initial comments submitted regarding the February 3, 2010 Notice Requesting Comments.

The ISO/RTO Council discussed the following points:

- 1) the scope of RTO/ISO Metrics;
- 2) all data provided should strive to include five years of data points;
- 3) descriptions of metrics and analysis of trends should be included in the Metrics Report;
- 4) disaggregated revenue and cost data for specific generating units or market participants should not be included in the Metrics Report; and
- 5) the IRC supports the Commission's Second Phase of its metrics initiatives.

Numerous entities filed comments in response to the February 3, 2010 Notice Requesting Comments.

Numerous entities filed reply comments in response to the initial comments regarding the February 3, 2010 Notice Requesting Comments.

#### **CE09-34 Brian Smith's Request for Critical Energy Infrastructure Information - AWS Truewind (Additional Requester)**

FERC granted approval for this additional requester January 14, 2010.

#### **CE09-183.001 Andrew Oliver and Brian Healer's Request for Critical Energy Infrastructure Information - Renewable Energy Systems Americas, Inc. (Additional Requesters)**

FERC issued a Notice of Intent to Release for these additional requesters on March 19, 2010.

#### **CE09-183.002 Victor Babbitt, et al.'s Request for Critical Energy Infrastructure Information - Renewable Energy Systems Americas, Inc. (Additional Requesters)**

On February 10, 2010, Doug Nieb submitted a request on behalf of Jeff Fine to add seven additional employees of Renewable Energy Systems Americas, Inc. to the original group request in this docket.

SPP submitted comments on this request February 16, 2010.

FERC issued a Notice of Intent to Release for these additional requesters on March 19, 2010.

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CE10-12.001

**Maria Moore, et al.'s Request for Critical Energy Infrastructure Information - ABB, Inc. (Additional Requesters)**

On January 7, 2010, Maria Moore provided a notice by email that ABB, Inc. is seeking to add herself, Shu Wang, and Hongyan Li to Jinxiang Zhu's prior request in this docket.

SPP submitted comments on this request January 11, 2010.

CE10-23

**Jeffrey Palermo's Request for Critical Energy Infrastructure Information - KEMA, Inc.**

FERC issued a Notice of Intent to Release January 12, 2010.

CE10-27

**Qamar Arsalan and MD N. Sakib's Request for Critical Energy Infrastructure Information - Public Service Electric & Gas Company**

SPP submitted comments on this request March 29, 2010.

CE10-30

**Jackson Lord's Request for Critical Energy Infrastructure Information - MAP Royalty, Inc.**

FERC issued a Letter of Release January 5, 2010.

CE10-34

**Michael Chechelnitsky's Request for Critical Energy Infrastructure Information - Virtual Electricity, Inc.**

FERC issued a Notice of Intent to Release January 27, 2010.

CE10-35

**John Thomasen, et al.'s Request for Critical Energy Infrastructure Information - Madison Gas & Electric Company**

On December 4, 2009, John Thomasen submitted a FERC CEII request on behalf of himself and ten additional employees of Madison Gas & Electric Company to obtain "[d]etailed nodal power flow and generation dispatch model input data", as noticed January 8, 2010.

SPP submitted comments on this request January 15, 2010.

FERC issued a Notice of Intent to Release on February 17, 2010.

CE10-39

**Moussa Kourouma's Request for Critical Energy Infrastructure Information - Tibiri Energy Group, LLC**

SPP submitted comments January 4, 2010.

FERC issued a letter of denial (without prejudice) on March 15, 2010.

CE10-40

**John McNair's Request for Critical Energy Infrastructure Information - Hill Country Wind Power L.P.**

SPP submitted comments on this request January 4, 2010.

FERC issued a Notice of Intent to Release January 22, 2010.

CE10-41

**John Elder's Request for Critical Energy Infrastructure Information - Levitan & Associates**

SPP submitted comments on this request January 4, 2010.

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FERC issued a Notice of Intent to Release January 22, 2010.

**CE10-46**

### **Shawn Sapp's Request for Critical Energy Infrastructure Information - Ventyx**

On January 4, 2010, Shawn Sapp, Principal Consultant, Ventyx, filed a FERC CEII request to obtain FERC 715 data, powerflow cases, data dictionaries, transmission maps, annual reports, etc., as noticed January 5, 2010.

SPP submitted comments on this request January 11, 2010.

FERC issued a Notice of Intent to Release February 4, 2010.

**CE10-48**

### **Nehal Divekar's Request for Critical Energy Infrastructure Information - Renewable Energy Systems America, Inc.**

On January 7, 2010, Nehal Divekar, Transmission Planning Engineer for Renewable Energy Systems America, Inc., filed a FERC CEII request to obtain FERC Form 715 data for all areas, as noticed January 12, 2010.

SPP submitted comments on this request January 19, 2010.

FERC issued a Notice of Intent to Release February 4, 2010.

**CE10-50**

### **Nicholas Hiza's Request for Critical Energy Infrastructure Information - Atlas Renewables, LLC**

SPP submitted comments on this request February 5, 2010.

FERC issued a Notice of Intent to Release on March 17, 2010.

**CE10-54**

### **Kathleen O'Brien, et al.'s Request for Critical Energy Infrastructure Information - Entergy Services, Inc.**

On January 13, 2010, Kathleen O'Brien filed a FERC CEII request to obtain a copy of "[t]ransmission line information, power flow cases and maps published by transmission owners, operators and ISOs" on behalf of herself and four additional employees of Entergy Services, Inc., as noticed February 1, 2010.

SPP submitted comments on this request February 12, 2010. FERC Headquarters were closed February 5 -11, 2010, due to weather.

FERC issued a Notice of Intent to Release March 4, 2010.

**CE10-56**

### **Mark Saviers, et al.'s Request for Critical Energy Infrastructure Information - Sage Partners on behalf of Fibrowatt, LLC**

On January 13, 2010, Michael Saviers filed a FERC CEII request on behalf of himself and two additional requesters to obtain a copy of SPP's transmission map, as noticed February 1, 2010. Mr. Saviers is a partner with Sage Partners and has filed this request on behalf of Fibrowatt, LLC.

SPP submitted comments on February 12, 2010, as FERC Headquarters were closed February 5 -11, 2010, due to weather.

FERC issued a Notice of Intent to Release on March 4, 2010.

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**CE10-57 Brian Curley's Request for Critical Energy Infrastructure Information - Ecolution Capital**

On January 16, 2010, Brian Curley, Partner, Ecolution Capital, filed a FERC CEII request to obtain a copy of the SPP Transmission map, as noticed January 25, 2010.

SPP submitted comments on this request February 1, 2010.

**CE10-58 Anthony "Wayne" Galli's Request for Critical Energy Infrastructure Information - Clean Line Energy Partners**

On January 19, 2010, Anthony "Wayne" Galli, Vice President, Transmission and Technical Service for Clean Line Energy Partners, filed a FERC CEII request to obtain a copy of SPP MDWG models and SPP transmission maps and atlas, as noticed January 25, 2010.

SPP submitted comments on this request February 1, 2010.

**CE10-59 Xiaohuan Tan's Request for Critical Energy Infrastructure Information - Quanta Technology, Inc.**

On January 21, 2010, Xiaohuan Tan, Principal Engineer for Quanta Technology, Inc., filed a FERC CEII request to obtain "access to transmission maps filed as FERC Form No. 715 data by PJM, MISO, and SPP", as noticed January 25, 2010.

SPP submitted comments on this request February 1, 2010.

**CE10-60 Allen Todd's Request for Critical Energy Infrastructure Information - Downes & Associates, Inc.**

On January 22, 2010, Allen Todd, Sr. Transmission Engineer, Downes & Associates, Inc., filed a FERC CEII request to obtain a copy of "[t]ransmission maps and transmission load flow data and load flow studies", as noticed February 25, 2010.

SPP submitted comments on this request March 3, 2010.

FERC issued a Notice of Intent to Release on March 16, 2010.

**CE10-61 Ryan Thomas' Request for Critical Energy Infrastructure Information - Brookfield Renewable Power, Inc. (Representing Erie Boulevard Hydropower)**

On January 29, 2010, Ryan Thomas, an electrical engineer representing Erie Boulevard Hydropower, filed a FERC CEII request to obtain all FERC Form No. 715 data, as noticed February 1, 2010.

SPP submitted comments on this request February 12, 2010, as FERC Headquarters were closed February 5 -11, 2010, due to weather.

FERC issued a Notice of Intent to Release on March 17, 2010.

**CE10-63 Charles Askey's Request for Critical Energy Infrastructure Information - Pike (representing multiple entities)**

On January 27, 2010, Charles Askey, Director, System Planning at Pike Energy Solutions, filed a FERC CEII request to obtain a copy of "transmission line information, power flow cases and maps published by transmission owners, operators, and ISOs", as noticed March 17, 2010.

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SPP submitted comments on this request March 23, 2010.

**CE10-65**

**David Jones, et al.'s Request for Critical Energy Infrastructure Information - Gestamp Wind North America, Inc.**

On February 3, 2010, David Jones, Chief Technical Officer, Gestamp Wind North America, Inc. filed a FERC CEII request on behalf of himself and seven additional employees to request a copy of the FERC Form No. 715s filed in 2009, as noticed February 24, 2010.

SPP submitted comments on this request March 3, 2010.

FERC issued a Notice of Intent to Release on March 30, 2010.

**CE10-68**

**Darrel VanCoevering's Request for Critical Energy Infrastructure Information - EnTranTek, LLC on behalf of Ridgeline Energy**

SPP submitted comments on this request March 12, 2010.

FERC issued a Release Letter on March 19, 2010.

**CE10-69**

**Aleksandr Rudkevich, et al.'s Request for Critical Energy Infrastructure Information - CRA International, Inc.**

On February 17, 2010, Aleksandr Rudkevich, Vice President of CRA International, Inc., filed a FERC CEII request on behalf of himself and eleven additional employees to request a copy of the "[m]ost recent filing under FERC form 715 for Eastern Interconnection (including NPCC, Reliability First, MRO, SERC, SPP, FRCC), for Western Electricity Coordinating Council (WECC) and for Electric Reliability Council of Texas (ERCOT)", as noticed March 5, 2010.

SPP submitted comments on this request March 12, 2010.

FERC issued a Notice of Intent to Release on March 23, 2010.

**CE10-71**

**Gary Aksamit's Request for Critical Energy Infrastructure Information - Aksamit Resource Management**

SPP submitted comments on this request March 12, 2010.

FERC issued a Release Letter on March 18, 2010.

**CE10-72**

**Mark Schwausch's Request for Critical Energy Infrastructure Information - West Oaks Energy, LP**

On February 19, 2010, Mark Schwausch, Managing Member, West Oaks Energy, LP, filed a FERC CEII request to obtain the "latest CEII grid maps for PJM, MISO, CAISO, ERCOT, NYISO, NEPOOL", as noticed March 5, 2010.

SPP submitted comments on this request March 12, 2010.

FERC issued a Notice of Intent to Release on March 24, 2010.

**CE10-75**

**Alex Pollock's Request for Critical Energy Infrastructure Information - EAPC Wind Energy Services, LLC**

On February 22, 2010, Alex Pollock, WTG and Electrical Engineer for EAPC Wind Energy Services, LLC, filed a FERC CEII Request to obtain a copy of "[t]he entire collection of the most recent available 715 information for the entire US, including the PJM service area", as

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noticed March 17, 2010.

SPP submitted comments on this request March 23, 2010.

**CE10-79**

### **Matthew Cinadr's Request for Critical Energy Infrastructure Information - New York State Department of Public Service**

On February 25, 2010, Matthew Cinadr, PowerSystem Ops Spec for the New York State Department of Public Service, filed a FERC CEII request to obtain a copy of "[d]etailed generator and transmission line information as it is used and will be used in GE Maps, GE MARS, and Load Flow Studies from numerous Transmission [Owner], ISO and RTO organizations in NERC", as noticed March 17, 2010.

SPP submitted comments on this request March 23, 2010.

**CE10-81**

### **Michael Kim's Request for Critical Energy Infrastructure Information - Iberdrola Renewables, Inc.**

On March 3, 2010, Michael Kim, Principal, ISO Markets for Iberdrola Renewables, Inc., filed a FERC CEII request to obtain a copy of "FERC 715 cases for 2009", as noticed March 15, 2010.

SPP submitted comments on this request March 22, 2010.

**CE10-82**

### **Michael Gray's Request for Critical Energy Infrastructure Information - Arion Energy, LLC**

SPP submitted comments on this request March 22, 2010.

**CE10-85**

### **Venkata Subbaiah Pasupulati's Request for Critical Energy Infrastructure Information - Oak Creek Energy Systems, Inc.**

On March 4, 2010, Venkata Subbaiah Pasupulati, Sr. Director of Power Systems Engineering for Oak Creek Energy Systems, Inc., filed a FERC CEII request to obtain a copy of "model data from JCSP", as noticed March 15, 2010.

SPP submitted comments on this request March 22, 2010.

**CE10-86**

### **Judah Rose, et al.'s Request for Critical Energy Infrastructure Information - ICF International, Inc.**

On March 5, 2010, Judah Rose, Senior Vice President of ICF International, Inc., filed a FERC CEII request on behalf of himself and ten additional employees to obtain a copy of all FERC Form No. 715 data, as noticed March 22, 2010.

SPP submitted comments on this request March 29, 2010.

**CE10-89**

### **Bobby D. Thomas' Request for Critical Energy Infrastructure Information - Halff Associates, Inc.**

On March 10, 2010, Bobby D. Thomas, Director of Energy Services for Halff Associates, Inc., filed a FERC CEII request to obtain a copy of the SPP Transmission Map, as noticed March 22, 2010.

SPP submitted comments on this request March 29, 2010.

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**EL08-59**                    **Complaint Requesting Fast Track Processing on ConocoPhillips ("Conoco") Company against Entergy Services, Inc.**

On February 16, 2010, Entergy Services, Inc. filed a Petition for Review with the United States Court of Appeals in Case No. 10-1043.

Entergy filed a petition for review of the following orders:

- 1) Conoco Phillips Co. v. Entergy Servs., Inc., Order on Complaint, 124 FERC 61,085 (2008); and
- 2) Conoco Phillips Co. v. Entergy Servs, Inc., Order on Rehearing, 129 FERC 61,243 (2009).

On March 23, 2010, the Certified Index to the Record for U.S. Court of Appeals Case No.10-1043 was filed.

**EL09-40**                    **Section 206 Proceeding to Determine the Justness and Reasonableness of Certain Language in Section 2.2 of SPP's Existing OATT**

On January 21, 2010, FERC issued an Order on Paper Hearing. The Commission found that the longest-term requirement of section 2.2 of SPP's OATT is unjust and unreasonable, and unduly discriminatory. FERC directed SPP to revise section 2.2 of its OATT to conform to the matching language of the pro forma OATT.

SPP's compliance filing is due February 22, 2010.

On February 22, 2010, SPP submitted a compliance filing pursuant to the January 21, 2010 order in Docket No. EL09-40. SPP's compliance filing incorporates into SPP's Tariff FERC's pro forma matching requirement for incumbent transmission customers seeking to rollover their transmission service.

An effective date of January 21, 2010 is requested.

**EL10-22**                    **Tres Amigas LLC Petition for Disclaimer of Jurisdiction (Pursuant to Rule 207)**

On January 20, 2010, SPP filed a Motion to Intervene.

On January 20, 2010, Tres Amigas LLC filed an answer in response to comments in opposition to the Petition for Disclaimer of Jurisdiction.

On January 27, 2010, Occidental filed a Motion and Answer in response to Tres Amigas' January 20, 2010 Answer. Occidental requested that the Commission either disregard Tres Amigas' Answer or take other procedural actions to allow the public to comment on the changes to its Petition for Disclaimer of Jurisdiction.

On January 28, 2010, Tres Amigas filed an answer in response to Occident's motion for leave to submit answer. Tres Amigas responded to Occidental's assertion that Tres Amigas had changed its position in the proceeding.

On February 1, 2010, Occidental filed an answer in response to Tres Amigas' January 28, 2010 answer. Occidental asked that the Commission approve its January 27, 2010 motion.

On March 18, 2010, FERC issued an Order on Application for Authorization to Sell Transmission Services at Negotiated Rates, which approved Tres Amigas' Application.

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In a separate order, FERC declined to disclaim jurisdiction over prospective transmission facilities to interconnect the station and the Electric Reliability Council of Texas ("ERCOT"), stating it did not have the information necessary to grant the request. The Commission went on to state that upon receipt of a valid application, the Commission could issue orders to allow Tres Amigas to proceed and interconnect with ERCOT without conferring FERC jurisdiction over ERCOT utilities.

ER05-1065

### **Entergy Services' New Proposal for an Independent Coordinator of Transmission ("ICT") and Extension of the ICT's Initial Term**

On January 4, 2010, Union Power Partners, L.P. filed a Motion for Leave to File Comments and Comments regarding Entergy's December 17, 2009 filing reporting AFC-Related Errors.

On February 16, 2010, Occidental Chemical Corporation submitted comments in response to the ICT's Fourth Quarterly Performance Report for 2009.

On February 16, 2010, the Arkansas Cities submitted comments in response to the ICT's Fourth Quarterly Performance Report for 2009.

On February 17, 2010, FERC filed in this proceeding a letter dated February 8, 2010, from Lanny Nickell, SPP Vice President of Operations, concerning electric reliability concerns in the "Acadiana Load Pocket" area in Louisiana.

On February 17, 2010, SPP and Entergy Services, Inc. filed the Differences Report Between ICT Base Plan and Entergy Construction Plan. The report relates to the differences between the 2010 ICT Base Plan and the 2010-2012 Entergy Construction Plan, as required by FERC's orders approving the establishment of the ICT and Entergy's OATT.

On February 25, 2010, SPP submitted the ICT's Annual Performance Report for the time period of November 17, 2008 through November 17, 2009.

On March 31, 2010, SPP submitted the ICT's First Quarterly Performance Report for 2010.

ER06-20

### **Louisville Gas and Electric Company ("LG&E") and Kentucky Utility Company's ("KU") Request for Commission Approval to Change their Method of Complying with Order Nos. 888 and 889 and Certain Conditions Imposed by the Commission in the Context of their Prior Mergers, and Achieving the Goals of Order No. 2000**

On January 5, 2010, FERC issued a letter order accepting the Settlement Agreement.

However, the rate schedule designations in the tariff sheets contained in the Amended Agreement must be revised to comply with Order No. 614. LG&E/KU must file revised rate schedule sheets by February 4, 2010.

This letter terminates Docket Nos. EC06-4-000, EC06-4-001, ER06-20-000, ER06-20-001, and ER06-20-009.

On March 26, 2010, SPP submitted the ITO's Semi-Annual Report. This report covers the period from September 2009 through February 2010.

The semi-annual report is required by FERC's orders approving the establishment of the ITO and section 12.1.2 of the ITO Agreement in LG&E/KU's Tariff.



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ER06-451

### SPP Real-Time Energy Imbalance Service ("EIS") Market

On March 1, 2010, SPP filed an informational status report concerning its incorporation of demand-side resources into its EIS Market (Docket No. ER06-451).

ER08-313

### SPS Formula Rate Case

On January 5, 2010, FERC issued an Order Granting Golden Spread Electric Cooperative, Inc.'s Motion for Heightened Protection for Certain Data Responses, granting Golden Spread's December 18, 2009 motion.

On January 20, 2010, the NM Coops filed the Answering Testimony and Exhibits of Thomas Siegrist, P.E on behalf of the New Mexico Cooperatives.

On January 20, 2010, Golden Spread Electric Cooperative, Inc. submitted the Answering Testimony and related exhibits of Stephen Page Daniel and Kathleen Best.

On January 20, 2010, Cap Rock Energy Coproration submitted the following documents: 1) Prepared Direct Testimony and Exhibits of Greg Boggs; 2) Prepared Direct Testimony and Exhibits of Henry Janhsen; and 3) Prepared Direct Testimony and Exhibits of Oliver Kleinbub.

On January 20, 2010, Occidental Permian LTD. and Occidental Power Marketing, L.P. filed a Statement of Position regarding the matters addressed in the Supplemental Direct Testimony filed by Southwestern Public Service Company on November 18, 2009.

On February 18, 2010, Commission Staff witness, Donna Zugris, filed Prepared Direct and Answering Testimony.

On February 19, 2010, Southwestern Public Service Company filed a Compliance Refund Report.

On March 5, 2010, FERC issued a Report of Settlement Status, in which Deputy Chief Judge McCartney recommended that settlement judge procedures be extended for another 60 days.

On March 11, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion requesting a limited extension of time to file comments on Xcel Energy's Compliance Refund Report. Golden Spread asked for a one week extension of time to March 18, 2010.

On March 11, 2010, FERC issued a Notice of Extension of Time, which grants an extension of time to and including March 18, 2010 to file comments on Xcel's compliance refund report.

On March 12, 2010, Stephen Page Daniel and Kathleen F. Best submitted Cross-Answering Testimony and Exhibits on behalf of Golden Spread Electric Cooperative, Inc.

On March 12, 2010, Thomas W. Siegrist, P.E. submitted Cross-Answering Testimony and Exhibits on behalf of the NM Coops.

On March 12, 2010, Greg Boggs, Henry P. Janhsen, and Oliver Kleinbub submitted Cross-Answering Testimony and Exhibits on behalf of Cap Rock Energy Corporation.

On March 24, 2010, Cap Rock Energy Corporation filed a Motion for Partial Summary Disposition.

Specifically, Cap Rock seeks expedited summary disposition of the following issue:  
Whether the Hobbs to Midland line (SPS circuit number K-71) and the Grassland to Borden

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line (SPS circuit number K-48) (collectively, the "SPS Lines") are properly classified as Transmission Facilities under Attachment AI as proposed by SPS?

On March 25, 2010, FERC issued an Order Scheduling Oral Argument. The oral argument is scheduled for April 9, 2010.

On March 29, 2010, Tri-County Electric Cooperative, Inc. filed an answer opposing Cap Rock's Motion for Partial Summary Disposition.

ER08-1206

**SPP Filing of an Unexecuted Network Integration Transmission Service Agreement ("NITSA") between SPP and the Oklahoma Municipal Power Authority ("OMPA"), as well as a Network Operating Agreement ("NOA")**

On January 5, 2010, FERC issued a letter order approving the Settlement Agreement filed on October 20, 2009.

This letter terminates Docket Nos. ER09-342-000, ER08-1206-000, and ER08-1206-001.

ER09-35

**Tallgrass Transmission, LLC ("Tallgrass") Formula and Incentive Rate Case**

On January 19, 2010, a Report of Settlement Judge was issued, which states the parties appear to be close to reaching a settlement agreement. The Settlement Judge recommends that the settlement proceedings continue.

On March 8, 2010, FERC issued a Report of Settlement Judge, recommending that settlement proceedings continue.

ER09-36

**Prairie Wind Transmission, LLC ("Prairie Wind") Formula and Incentive Rate Case**

On January 19, 2010, a Report of Settlement Judge was issued, which states the parties appear to be close to reaching a settlement agreement. The Settlement Judge recommends that the settlement proceedings continue.

On March 8, 2010, FERC issued a Report of Settlement Judge, recommending that settlement proceedings continue.

ER09-342

**SPP Filing of an Executed Network Integration Transmission Service Agreement ("NITSA") between SPP and American Electric Power Service Corporation ("AEP"), as well as a Network Operating Agreement ("NOA")**

On January 5, 2010, FERC issued a letter order approving the Settlement Agreement filed on October 20, 2009.

This letter terminates Docket Nos. ER09-342-000, ER08-1206-000, and ER08-1206-001.

ER09-548

**ITC Great Plains, LLC's Application for Acceptance of a Formula Rate to Establish a Revenue Requirement for Transmission Service Over Facilities that ITC Will Own in the SPP Region**

On February 3, 2010, FERC issued a letter order approving the Settlement.

The Settlement does not resolve the issues raised in requests for rehearing and clarification in Docket No. ER09-548-001.

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ER09-555

### **Entergy Services, Inc. Filing of Proposed Revisions to Attachment V of Entergy's Open Access Transmission Tariff ("OATT")**

On January 25, 2010, SPP filed its Supplement to the WPP Quarterly Report for the time period of September through November 2009. This supplement contains the final November numbers for the actual output of Entergy's legacy oil and gas units.

On March 15, 2010, SPP submitted the ICT's WPP Quarterly Report. This covers the period of December 2009 through February 2010.

ER09-748

### **SPP Filing of Revisions to OATT to Modify Energy Imbalance Service Market (Attachment AE Revisions - Demand Response Proposal)**

On January 19, 2010, FERC issued an Order Granting Rehearing for Further Consideration.

ER09-1050

### **SPP Order 719 Compliance Filing**

On January 7, 2010, FERC issued a Notice containing the agenda for the February 4, 2010 Technical Conference on RTO/ISO Responsiveness. This notice was rescinded on January 8, 2010 and a corrected agenda was issued.

On January 8, 2010, FERC issued a Notice containing the agenda for the February 4, 2010 Technical Conference on RTO/ISO Responsiveness.

On January 19, 2010, FERC issued an Order Granting Rehearing for Further Consideration.

On January 27, 2010, FERC issued a notice providing the agenda for the Technical Conference on RTO/ISO responsiveness to be held on February 4, 2010.

On February 18, 2010, SPP submitted its compliance filing in response to the November 20, 2009 order. The filing included:

- 1) Revisions to several aspects of the Market Monitoring Plan in Attachment AG of the OATT;
- 2) Revised language regarding release of offer curve data in Section 6 of Attachment AE of the OATT;
- 3) Revisions to Section 3.17 of the SPP Bylaws; and
- 4) Deletion of Attachment AJ of the OATT (the External Market Advisor Agreement that terminated on December 31, 2009).

An effective date of February 18, 2010 is requested for the proposed revisions to Bylaws and the revisions to Attachments AE and AG. An effective date of January 1, 2010 is requested for the deletion of Attachment AJ, which is the day after expiration of the 2009 External Market Advisor Agreement.

On February 25, 2010, the APSC filed a Motion to Intervene.

On March 5, 2010, the East Texas Cooperatives filed a Motion to Intervene.

On March 8, 2010, SPP filed comments in response to the February 4, 2010 technical conference regarding RTO/ISO Responsiveness.

SPP discussed:

- 1) Customer and Stakeholder access to the Board of Directors;
- 2) Balancing diverse Stakeholder interests and communicating minority views;

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- 3) Ongoing responsiveness; and
- 4) National Association of State Utility Consumer Advocates' recommendations.

On March 8, 2010, the New York Public Service Commission and New York State Consumer Protection Board filed Motions to Intervene and comments in response to the February 4, 2010 technical conference on RTO/ISO Responsiveness.

On March 9, 2010, numerous entities filed post-technical conference comments with respect to the February 4, 2010 technical conference convened by FERC to address RTO/ISO Responsiveness.

On March 11, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion to Intervene and Comments in response to SPP's February 18, 2010 compliance filing. Golden Spread believes that one aspect of the filing is overly broad and asked the Commission to provide clarification regarding section 4.3(b) of Attachment AG language that would authorize the SPP Market Monitor to monitor for violations of "any other Commission-approved rules and regulations...."

On March 11, 2010, EPIC Merchant Energy, L.P. filed a Motion to Intervene and Protest of SPP's February 18, 2010 Compliance Filing.

EPIC contested SPP's proposal to adopt a market monitoring unit ("MMU") structure that is entirely internal, rather than retaining an external market monitor. EPIC asked FERC to direct SPP to re-establish an external MMU in order to ensure independent monitoring of the performance of SPP itself.

ER09-1192

### **SPP Submission of Revisions to Bylaws**

On January 14, 2010, FERC issued a letter order accepting SPP's December 1, 2009 compliance filing revising the SPP Bylaws to provide a list of duties for the Regional Entity General Manager and providing an explanation of new voting procedures for the election of Regional Entity Trustees. An effective date of September 30, 2009 was granted, as requested.

This order constitutes final agency action.

On February 18, 2010, SPP submitted its compliance filing in response to the November 20, 2009 order. The filing included:

- 1) Revisions to several aspects of the Market Monitoring Plan in Attachment AG of the OATT;
- 2) Revised language regarding release of offer curve data in Section 6 of Attachment AE of the OATT;
- 3) Revisions to Section 3.17 of the SPP Bylaws; and
- 4) Deletion of Attachment AJ of the OATT (the External Market Advisor Agreement that terminated on December 31, 2009).

An effective date of February 18, 2010 is requested for the proposed revisions to Bylaws and the revisions to Attachments AE and AG. An effective date of January 1, 2010 is requested for the deletion of Attachment AJ, which is the day after expiration of the 2009 External Market Advisor Agreement.

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On February 25, 2010, the APSC filed a Motion to Intervene.

On March 5, 2010, the East Texas Cooperatives filed a Motion to Intervene.

On March 8, 2010, the New York Public Service Commission and New York State Consumer Protection Board filed Motions to Intervene and comments in response to the February 4, 2010 technical conference on RTO/ISO Responsiveness.

On March 10, 2010, SPP submitted a ministerial filing to correct the Bylaws effective date to reflect September 30, 2009, the effective date as adopted by the September 17, 2009 Order.

On March 11, 2010, EPIC Merchant Energy, L.P. filed a Motion to Intervene and Protest of SPP's February 18, 2010 Compliance Filing.

EPIC contested SPP's proposal to adopt a market monitoring unit ("MMU") structure that is entirely internal, rather than retaining an external market monitor. EPIC asked FERC to direct SPP to re-establish an external MMU in order to ensure independent monitoring of the performance of SPP itself.

On March 11, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion to Intervene and Comments in response to SPP's February 18, 2010 compliance filing. Golden Spread believes that one aspect of the filing is overly broad and asked the Commission to provide clarification regarding section 4.3(b) of Attachment AG language that would authorize the SPP Market Monitor to monitor for violations of "any other Commission-approved rules and regulations...."

**ER09-1254**

### **SPP Submission of Revisions to Open Access Transmission Tariff to Reform Generation Interconnection Procedures ("Queue Reform Filing")**

On January 19, 2010, SPP submitted its compliance filing pursuant to the Commission's December 17, 2009 order.

On February 12, 2010, E.ON Climate & Renewables North America Inc. filed a Protest in response to SPP's January 19, 2010 compliance filing.

E.ON asked the Commission to reject SPP's proposal and direct SPP to adopt (or address why it should not adopt) one of the simpler alternative approaches to demonstrate site control.

On March 1, 2010, SPP filed an Answer in response to E.ON's February 12, 2010 Protest.

SPP stated that its alternative site control criteria comply with the compliance order and provide a specific mechanism for interconnection customers to demonstrate alternative site control.

On March 12, 2010, E.ON Climate & Renewables North America, Inc. filed an answer in response to SPP's March 1, 2010 answer. E.ON stated that SPP's March Answer contained important clarifications that should be incorporated into section 3.3.1 of the LGIP.

**ER09-1306**

### **Kansas City Power & Light Company ("KCP&L") Filing of an Executed Facilities Use Agreement between KCP&L and enXco Development Corporation ("enXco")**

On March 16, 2010, KCP&L submitted for informational purposes an executed Fourth Letter Agreement between KCP&L and enXco, dated March 5, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

This filing supplements the filing made on August 24, 2009, which included the following agreements: 1) the Amended and restated Interconnection Rights Assignment and Assumption Agreement dated as of August 24, 2009, between KCP&L and enXco; 2) the Second Letter Agreement dated June 15, 2009 between KCP&L and enXco; and 3) the Third Letter Agreement between KCP&L and enXco dated August 24, 2009.

ER09-1370

### **Interim Large Generator Interconnection Agreement ("LGIA") between SPP as Transmission Provider and Oklahoma Gas and Electric Company (OG&E) as Interconnection Customer and Transmission Owner**

On March 1, 2010, pursuant to the August 27, 2009 Order, SPP submitted a revised executed Interim LGIA to conform to the pro forma Interim LGIA accepted in Docket No. ER10-352.

ER09-1397

### **Unexecuted Network Integration Transmission Service Agreement ("NITSA") between SPP, Kansas Power Pool ("KPP") as Network Customer, and Midwest Energy, Inc. ("Midwest Energy) and Westar Energy, Inc. ("Westar") as Host Transmission Owners, as well as a Network Operating Agreement ("NOA")**

On January 19, 2010, SPP filed an answer to KPP's December 30, 2009 protest.

SPP states:

- 1) KPP's designated resource shortfall is relevant to the need for the maximum firm import capability limitations;
- 2) SPP properly studied the transmission system and identified the network upgrades required to provide the network service as requested by KPP in its NITS application.

SPP also provided clarifications of Attachments B and C of the KPP NITSA.

On January 25, 2010, Westar Energy, Inc. filed a Motion to Intervene Out-of-Time.

On January 29, 2010, Kansas Power Pool filed an answer in response to SPP's January 19 answer.

On February 5, 2010, FERC issued a deficiency letter in response to SPP's December 10, 2009 Filing.

SPP's response is due February 25, 2010.

On February 25, 2010, SPP filed its response to the February 5, 2010 Deficiency Letter.

On March 18, 2010, Kansas Power Pool filed a preliminary protest of SPP's February 25, 2010 filing of its response to deficiency letter.

ER09-1562

### **Unexecuted Network Integration Transmission Service Agreement ("NITSA") between SPP, Kansas Power Pool ("KPP") as Network Customer, and Mid-Kansas Electric Company ("MKEC") as Host Transmission Owners, as well as a Network Operating Agreement ("NOA")**

On January 20, 2010, FERC issued a letter order accepting the agreement, effective October 6, 2009 as requested.

# Southwest Power Pool, Inc.

## Regulatory Status Report

This order constitutes final agency action.

**ER09-1716**

**Interim Large Generator Interconnection Agreement ("LGIA") between SPP as Transmission Provider and Western Farmers Electric Cooperative ("WFEC") as Interconnection Customer and Transmission Owner**

On March 1, 2010, pursuant to the November 16, 2009 Order, SPP submitted a revised executed Interim LGIA to conform to the pro forma Interim LGIA accepted in Docket No. ER10-352.

**ER10-45**

**SPP Submission of Revisions to OATT to Implement Rate Changes for ITC Great Plains, LLC (ITC Formula Rate Case)**

On March 2, 2010, SPP submitted its Compliance Filing pursuant to the December 11, 2009 Order. The formula rate and formula rate protocols have been adjusted to be consistent with the outcome of ER09-548.

**ER10-191**

**E.ON U.S. LLC (LG&E & KU Systems) Filing to Change Method of Complying with Order Nos. 888, 889, 890**

On February 3, 2010, E.ON U.S. LLC filed a Motion to Lodge in this proceeding an order of the Kentucky Public Service Commission ("KPSC"), issued February 2, 2010, because it demonstrates the KPSC's approval of E.ON U.S.' proposal to transfer certain functions from SPP as the ITO back to E.ON U.S.

On February 18, 2010, American Municipal Power, Inc. filed an answer in response to E.ON's February 3, 2010 Motion to Lodge. American Municipal Power asked FERC to deny the motion, and stated that the KPSC order has little bearing on the issues at hand and will not aid the Commission in reaching a decision in this proceeding.

On February 18, 2010, the Kentucky Municipals filed an answer to E.ON's February 3, 2010 Motion to Lodge. The Kentucky Municipals asked that the Commission attach no significance to the KPSC Order.

**ER10-195**

**Network Integration Transmission Service Agreement ("NITSA") between SPP, American Electric Power Service Corporation ("AEP") as Network Customer, and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 19, 2010, FERC issued a letter order accepting the agreement, effective October 1, 2009 as requested.

This order constitutes final agency action.

**ER10-230**

**Kansas City Power & Light Company ("KCP&L") and KCP&L Greater Missouri Operations Company ("KCPL-GMO") Submission of Proposed Tariff Revisions to**

# Southwest Power Pool, Inc.

## Regulatory Status Report

### **Provide for Recovery of an Updated Revenue Requirement**

On January 5, 2010, FERC issued an Order Conditionally Accepting and Suspending Proposed Tariff Revisions and Establishing Hearing and Settlement Judge Procedures.

The Commission conditionally accepted for filing and suspends for a nominal period the proposed tariff sheets to be effective January 6, 2010, subject to refund.

On January 13, 2010, FERC issued an Order of Chief Judge Designating Settlement Judge and Scheduling Settlement Conference. A settlement conference was scheduled for January 26, 2010.

On January 15, 2010, FERC issued an Order Rescheduling Settlement Conference. The January 26, 2010 conference was moved to February 10, 2010.

On February 4, 2010, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company filed a Request for Rehearing of the Commission's January 5, 2010 Order.

On February 17, 2010, FERC issued a Settlement Status Report and Setting New Date for Settlement Conference. The settlement conference scheduled for February 10, 2010 was canceled due to inclement weather. The settlement conference will now be held on March 9, 2010.

On February 18, 2010, FERC issued an Order of Chief Judge Continuing Settlement Judge Procedures.

On February 26, 2010, FERC issued an Order of Chief Judge Adopting Protective Order.

On March 1, 2010, an Errata was issued to the Order of Chief Judge Adopting Model Protective Order. The correct Model Protective Order is attached to this filing.

On March 5, 2010, FERC issued an Order Granting Rehearing for Further Consideration.

On March 10, 2010, FERC issued an Order Scheduling Conferences and Status Report. Telephone conferences will be held on March 19 and around March 23. Any data requests to KCPL are due March 26, 2010, with KCPL's response due by April 9, 2010. A technical conference is scheduled for April 23, 2010. A settlement conference is scheduled for June 2, 2010.

**ER10-242**

### **SPP Submission of Revisions to OATT to Implement Rate Changes for Oklahoma Gas & Electric Company ("OG&E")**

On January 6, 2010, FERC issued a letter order accepting the rate changes, effective January 1, 2010

This order constitutes final agency action.

**ER10-261**

### **Large Generator Interconnection Agreement ("LGIA") between Taloga Wind, LLC ("Taloga Wind") as Interconnection Customer and Oklahoma Gas & Electric Company ("OG&E") as Transmission Owner**



# Southwest Power Pool, Inc.

## Regulatory Status Report

On January 7, 2010, FERC issued a letter order accepting the agreement, effective October 13, 2009.

This order constitutes final agency action.

**ER10-267**

### **SPP Submission of Revision to Membership Agreement to Amend Section 1.21**

On January 7, 2010, FERC issued a letter order accepting the membership agreement revision, effective January 12, 2010.

This order constitutes final agency action.

**ER10-273**

### **SPP Submission of Revisions to OATT to Implement Rate Changes for Oklahoma Municipal Power Authority's ("OMPA") Revenue Requirements in the American Electric Power - West ("AEP") and Oklahoma Gas & Electric Company ("OG&E") Pricing Zones Under the SPP Tariff**

On January 11, 2010, FERC issued a letter order accepting the rate changes, effective January 1, 2010 as requested.

This order constitutes final agency action.

**ER10-329**

### **Network Integration Transmission Service Agreement ("NITSA") between SPP, Kansas Electric Power Cooperative ("KEPCO") as Network Customer, and Kansas City Power & Light Company ("KCPL") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 19, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

**ER10-330**

### **SPP Filing of Tariff Revisions to Incorporate Resident Load Reporting Deadline**

On January 25, 2010, FERC issued a letter order accepting SPP's proposed revisions to its OATT in order to incorporate a deadline for entities to report their Resident Load to SPP, effective January 1, 2010 as requested.

This order constitutes final agency action.

# Southwest Power Pool, Inc.

## Regulatory Status Report

**ER10-331**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP, KCP&L Greater Missouri Operations Company ("KCPL-GMO") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 14, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

**ER10-333**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP, City of Prescott, Arkansas ("Prescott") as Network Customer, and American Electric Power Service Corporation ("AEP") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 14, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

**ER10-334**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP, Kansas Municipal Energy Agency ("KMEA") as Network Customer, and Kansas City Power & Light Company ("KCPL") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 26, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

**ER10-335**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP, City of Coffeyville, Kansas ("Coffeyville") as Network Customer, and American Electric Power Service Corporation ("AEP") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 26, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

# Southwest Power Pool, Inc.

## Regulatory Status Report

**ER10-336**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP and the Empire District Electric Company ("Empire") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 19, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

**ER10-337**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP, Kansas City Power & Light Company ("KCP&L") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 19, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

**ER10-338**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP, Kansas Electric Power Cooperative, Inc. ("KEPCO") as Network Customer, and Mid-Kansas Electric Company ("MKEC") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 4, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

On February 25, 2010, FERC issued an Errata to the February 4, 2010 Letter Order, which incorrectly identified the parties to the Agreements.

**ER10-339**                    **Firm Point-To-Point Transmission Service Agreement between SPP as Transmission Provider and Midwest Energy, Inc. ("Midwest") as Transmission Customer**

On January 26, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

# Southwest Power Pool, Inc.

## Regulatory Status Report

ER10-341

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Grand River Dam Authority ("GRDA") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 14, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

ER10-352

**SPP Submission of Tariff Revisions to Incorporate a Pro Forma Interim Large Generator Interconnection Agreement ("Interim LGIA") and Associated Provisions in Generation Interconnection Procedures**

On January 6, 2010, SPP filed an Answer to Limited Protest of Western Farmers Electric Cooperative.

SPP states:

- 1) Reduction of interim interconnection service to accommodate higher-queued projects at SPP's sole discretion is reasonable;
- 2) Article 5.6.4 appropriately requires interconnection customers to provide security required under Article 11.5 to SPP; and
- 3) SPP confirms that no further studies will be required in connection with interim interconnection service provided under WFEC's Interim LGIA.

On January 19, 2010, Western Farmers Electric Cooperative file an Answer in response to SPP's January 6, 2010 Answer.

On January 29, 2010, FERC issued an Order Conditionally Accepting Tariff Revisions Addressing Interim Interconnection Service. In this order, the Commission conditionally accepts the filing effective December 2, 2009 as requested.

SPP was directed to submit a compliance filing on March 1, 2010 to include the following changes:

- 1) Revise Section 11A of the interim interconnection procedures to include the milestone requirements contained in Section 11.3 of the interconnection procedures and make the appropriate reference within the Recitals of the Interim LGIA.
- 2) Remove the statement from Appendix D concerning NERC reliability standards.

On March 1, 2010, SPP submitted its compliance filing pursuant to the January 29, 2010 Order. This filing addresses the following Commission directives:

- 1) To revise section 11A of the LGIP to "include the milestone requirements detailed in Section 11.3 within Section 11A of its interconnection procedures."
- 2) To revise the Interim LGIA "to remove the reference to the Section 11.3 milestones and replace it with the appropriate reference to Section 11A milestones in the Recitals."
- 3) To revise Appendix D of the Interim LGIA to remove the statement regarding NERC

# Southwest Power Pool, Inc.

## Regulatory Status Report

reliability standards.

4) To correct several non-substantive, ministerial errors in the tariff sheets submitted in the December 1 Filing, including correction of the effective date reflected on a certain tariff sheet and to revise the pro forma Interim LGIA's Table of Contents.

In addition, for consistency between the interim LGIA and the LGIA, the Commission suggested SPP revise Article 5.6.4 of the SPP's pro forma Large Generator Interconnection Agreement to require the provision of security to the transmission provider, rather than the transmission owner. This revision is also included in the March 1 Filing.

An effective date of December 2, 2009 is requested.

**ER10-353**

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Western Farmers Electric Cooperative, Inc. ("WFEC") as Network Customer, and American Electric Power ("AEP"), OG&E Electric Services ("OG&E"), and WFEC as Host Transmission Owners, as well as a Network Operating Agreement ("NOA")**

On January 26, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

FERC accepted the Notice of Cancellation for First Revised 1022, effective April 1, 2008 as requested.

This order constitutes final agency action.

**ER10-355**

**American Electric Power Service Corporation ("AEP") Submission of a Formula Rate to Recover Costs of Investments in Transmission Facilities Owned by AEP Transmission Company, L.L.C. ("AEPTCo") Subsidiaries in PJM and in SPP RTO Regions**

On January 6, 2010, American Electric Power Service Corporation filed an Answer to Protests and Motions to Intervene.

AEP asks that the Commission set this case for hearing, suspend AEP's proposed rates for a nominal period, hold the hearing procedures in abeyance pending settlement discussions before a Settlement Judge, and allow protests to be updated if settlement procedures are unsuccessful.

On January 6, 2010, the Pennsylvania Public Utility Commission filed a Motion to Intervene.

On January 21, 2010, Arkansas Electric Cooperative Corporation and Golden Spread Electric Cooperative, Inc. filed a Motion for Leave to Answer and Answer in response to AEP's January 6, 2010 Answer. AECC and Golden Spread asked that the Commission reject the proposed formula rate for the reasons discussed in its Protest if AEP does not agree to adopt the AEP West Settlement Protocols for the AEP West SubTCOs.

On January 28, 2010, FERC issued an Order Accepting and Suspending Formula Rates, Subject to Refund, and Establishing Hearing and Settlement Judge Procedures.

# Southwest Power Pool, Inc.

## Regulatory Status Report

AEP's proposed tariff sheets were accepted for filing, suspended for five months, to be effective July 1, 2010, subject to refund and condition, and to the outcome of hearing and settlement judge procedures.

On February 2, 2010, FERC issued an Order of Chief Judge Designating Settlement Judge and Scheduling Settlement Conference.

A settlement conference with Judge David H. Coffman is scheduled for February 23, 2010.

On February 24, 2010, FERC issued an Order Scheduling Settlement Conference.

A settlement conference is scheduled for April 6, 2010.

On March 1, 2010, Arkansas Electric Cooperative Corporation and Golden Spread Electric Cooperative, Inc. filed a Motion for Clarification or, In the Alternative, Request for Rehearing.

The parties seek clarification concerning the relationship between AEP's request for a 50 basis point incentive for RTO membership and its request for an overall Return on Equity (in SPP) of 11.9 percent.

AEECC and Golden Spread also state that they seek clarification regarding the failure of the January 28, 2010 Order to address the Motion to Reject the filing that was part of the Protest, which was grounded in part on AEP's failure to comply with requirements of the AEP West Settlement.

On March 2, 2010, FERC issued a Report of Settlement Judge. A settlement conference was held on February 23, 2010, with a further settlement conference scheduled for April 6, 2010. The Settlement Judge recommends that the settlement proceedings continue.

On March 4, 2010, FERC issued an Order of Chief Judge Continuing Settlement Judge Procedures.

On March 30, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the January 28, 2010 Order.

ER10-364

### **SPP Filing of a Designee Qualification and Novation Agreement between SPP, ITC Great Plains, LLC ("ITC"), and Midwest Energy, Inc. ("Midwest")**

On January 19, 2010, FERC issued a letter order accepting the agreement, effective November 9, 2009 as requested.

This order constitutes final agency action.

ER10-365

### **SPP Filing of a Designee Qualification and Novation Agreement between SPP, ITC Great Plains, LLC ("ITC"), and Sunflower Electric Power Corporation ("Sunflower")**

On January 19, 2010, FERC issued a letter order accepting the agreement, effective November 10, 2009 as requested.

# Southwest Power Pool, Inc.

## Regulatory Status Report

This order constitutes final agency action.

**ER10-367**                    **SPP Filing of Amendments to Section 9.7.1 of its Bylaws (Functions and Duties of the Regional Entity Trustees)**

On January 14, 2010, FERC issued a letter order accepting the revision to Section 9.7.1, effective January 31, 2010 as requested.

This order constitutes final agency action.

**ER10-368**                    **SPP Filing of an Executed Meter Agent Services Agreement between Westar Energy Generation Services ("WRGS") as Market Participant and Westar Energy Transmission Services ("Westar") as Meter Agent**

On January 13, 2010, FERC issued a letter order accepting the agreement, effective November 1, 2009 as requested.

This order constitutes final agency action.

**ER10-370**                    **SPP Filing of a Cancellation of the Meter Agent Services Agreement between Kansas Electric Power Cooperative, Inc. ("KEPCO") and Empire District Electric Company ("EDE")**

On January 25, 2010, FERC issued a letter order accepting the Notice of Cancellation, effective November 1, 2009 as requested.

This order constitutes final agency action.

**ER10-376**                    **SPP Submission of Revisions to OATT to Implement Rate Changes for ITC Great Plains, LLC ("ITC")**

On January 26, 2010, FERC issued a letter order accepting the annual update for ITC Great Plains, LLC, based on its transmission cost of service formula rate. An effective date of November 1, 2009 was granted.

This order constitutes final agency action.

On January 27, 2010, FERC issued an errata to the January 26, 2010 order. The correct effective date is January 1, 2010, as requested.

**ER10-393**                    **SPP Submission of Tariff Revisions to OATT to Modify Operational Constraint Violation Relaxation Limit ("VRL")**

# Southwest Power Pool, Inc.

## Regulatory Status Report

On January 25, 2010, FERC issued a letter order accepting the modification to the Violation Relaxation Limit, effective March 8, 2010 as requested.

This order constitutes final agency action.

ER10-396

### **Tres Amigas Application for Authorization to Sell Transmission Rights at Negotiated Rates for Related Relief**

Governor Bill Richardson of New Mexico filed comments in support of Tres Amigas' filing.

On January 14, 2010, SPP filed a Motion to Intervene.

Numerous parties have filed Motions to Intervene and Comments.

On January 19, 2010, the Public Utility Commission of Texas filed comments. The PUCT regulates integrated utilities or transmission and distribution utilities in all three interconnections operating in close proximity to the proposed location of the Tres Amigas project, it is responsible for administering a renewable portfolio standard in State law, and it is responsible for adopting and supervising the implementation of a transmission plan that would allow additional renewable energy resources to be developed.

The PUCT asks that before the Commission acts on the merits of the application, that the Commission order the sponsors to lead an open, stakeholder planning process for the Tres Amigas facility and associated transmission facilities, and the FERC should hold workshops in the region to explore such issues as (1) the impact of the project on renewable energy development, reliability, and power prices in the Southwestern United States, (2) whether the project is consistent with other efforts to plan and build additional transmission facilities to take advantage of the wind resources in the Great Plains and Western United States, and (3) the total cost of the Tres Amigas project and related transmission.

On February 4, 2010, the PSEG Companies filed a Motion for Leave to Answer and Answer in response to various statements made by Tres Amigas that relate to its Application for Negotiable Transmission Rates.

On March 18, 2010, FERC issued an Order on Application for Authorization to Sell Transmission Services at Negotiated Rates, which approved Tres Amigas' Application.

In a separate order, FERC declined to disclaim jurisdiction over prospective transmission facilities to interconnect the station and the Electric Reliability Council of Texas ("ERCOT"), stating it did not have the information necessary to grant the request. The Commission went on to state that upon receipt of a valid application, the Commission could issue orders to allow Tres Amigas to proceed and interconnect with ERCOT without conferring FERC jurisdiction over ERCOT utilities.

ER10-411

### **Large Generator Interconnection Agreement ("LGIA") between Golden Spread Electric Cooperative, Inc. ("Golden Spread") as Interconnection Customer and Southwestern Public Service Company ("SPS") as Transmission Owner**

On February 2, 2010, FERC issued a letter order accepting the agreement, effective November 10, 2009, and July 11, 2008 as requested.



# Southwest Power Pool, Inc.

## Regulatory Status Report

This order constitutes final agency action.

**ER10-415**                    **SPP Filing of an Executed Meter Agent Services Agreement between Kansas Power Pool ("KPP") as Market Participant and Westar Energy, Inc. ("Westar") as Meter Agent**

On January 13, 2010, FERC issued a letter order accepting the agreement, effective October 1, 2009 as requested.

This order constitutes final agency action.

**ER10-448**                    **SPP Filing of an Executed Meter Agent Services Agreement between City of Independence, Missouri ("Independence") as both Market Participant and Meter Agent**

On January 13, 2010, FERC issued a letter order accepting the agreement, effective December 1, 2009 as requested.

This order constitutes final agency action.

**ER10-449**                    **SPP Filing of a Cancellation of the Meter Agent Services Agreement between Tenaska Power Services Company ("Tenaska") and Westar Energy, Inc. ("Westar")**

On January 13, 2010, FERC issued a letter order accepting the cancellation of the agreement, effective December 1, 2009 as requested.

This order constitutes final agency action.

**ER10-454**                    **Interim Large Generator Interconnection Agreement ("LGIA") between CPV Keenan II Renewable Energy Company, LLC ("CPV Keenan") as Interconnection Customer and Oklahoma Gas & Electric Company ("OG&E") as Transmission Owner**

On January 26, 2010, FERC issued a letter order accepting the agreement conditionally pending the outcome of the proceeding in Docket No. ER10-352.

Accordingly, SPP was directed to modify this agreement as necessary to be consistent with any other changes ultimately approved or required in the Commission-accepted pro forma interim interconnection agreement in Docket No. ER10-352. SPP's compliance filing will be due within 30 days after the Commission accepts such tariff amendments.

An effective date of January 26, 2010 was granted.

On March 1, 2010, pursuant to the January 26, 2010 Order, SPP submitted a revised

# Southwest Power Pool, Inc.

## Regulatory Status Report

executed Interim LGIA to conform to the pro forma Interim LGIA accepted in Docket No. ER10-352.

**ER10-470**

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Westar Energy, Inc. ("Westar") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

**This is for Network Customer load of the City of Blue Mound, Kansas.**

On February 12, 2010, FERC issued a letter order accepting the agreement, effective December 1, 2009 as requested.

This order constitutes final agency action.

**ER10-496**

**Large Generator Interconnection Agreement ("LGIA") between Grand River Dam Authority ("GRDA") as Interconnection Customer and Transmission Owner**

On January 26, 2010, FERC issued a letter order accepting the agreement, effective November 23, 2009 as requested.

This order constitutes final agency action.

**ER10-511**

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Westar Energy, Inc. ("Westar") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 23, 2010, FERC issued a letter order accepting the agreement, effective December 1, 2009 as requested.

This order constitutes final agency action.

**ER10-512**

**SPP Filing of an Executed Meter Agent Services Agreement between Lincoln Electric System ("LES") as Market Participant and Meter Agent**

On January 19, 2010, Lincoln Electric System filed a Motion to Intervene.

On February 22, 2010, FERC issued a letter order accepting the agreement, effective December 1, 2009 as requested.

This order constitutes final agency action.

# Southwest Power Pool, Inc.

## Regulatory Status Report

**ER10-513 Firm Point-To-Point Transmission Service Agreement between SPP as Transmission Provider and Southwestern Public Service Company ("SPS") as Transmission Customer**

On February 22, 2010, FERC issued a letter order accepting the agreement, effective February 15, 2010 as requested.

This order constitutes final agency action.

**ER10-518 SPP Submission of Eleven Network Integration Transmission Service Agreement ("NITSA") between SPP, and Westar Energy, Inc. ("Westar") as Network Customer and Host Transmission Owner, as well as Twelve Network Operating Agreements ("NOA")**

On January 29, 2010, SPP filed a Motion to Withdraw the NITSA filing for Doniphan Electric Cooperative, designated Original Service Agreement No. 1886. SPP was informed by Westar that it was premature to include the agreement in the December 30, 2009 filing as it had not yet been approved by the Rural Utilities Service ("RUS"). SPP asked FERC to accept the remaining service agreements in the filing.

On March 16, 2010, FERC issued a letter order accepting the eleven agreements, effective December 1, 2009.

This order constitutes final agency action.

**ER10-531 Network Integration Transmission Service Agreement ("NITSA") between SPP, Oklahoma Municipal Power Agency ("OMPA") as Network Customer, and American Electric Power Service Corporation ("AEP"), Oklahoma Gas & Electric Company ("OG&E"), and Western Farmers Electric Cooperative ("WFEC") as Host Transmission Owners, as well as a Network Operating Agreement ("NOA")**

On January 20, 2010, Western Farmers Electric Cooperative filed a Motion to Intervene.

On January 29, 2010, FERC issued a letter order accepting the agreement, effective December 1, 2009 as requested.

This order constitutes final agency action.

**ER10-534 Large Generator Interconnection Agreement ("LGIA") between Shooting Star Power Partners, LLC ("Shooting Star") as Interconnection Customer and Mid-Kansas Electric Company ("MKEC") as Transmission Owner**

On February 24, 2010, FERC issued a letter order accepting the agreement, effective December 1, 2009 as requested.

# Southwest Power Pool, Inc.

## Regulatory Status Report

This order constitutes final agency action.

ER10-550

### **SPP Submission of Tariff Revisions to Incorporate Revisions Providing for Modifications, Additions, or Abandonment of Delivery Point Facilities Necessary for Transmission Service and Miscellaneous Clarifying Provisions**

On January 20, 2010, Xcel Energy Services Inc. filed a Motion to Intervene.

On January 21, 2010, the New Mexico Cooperatives filed a Motion to Intervene.

On January 21, 2010, SPP submitted an errata filing to correct a page number of a page that was included in the December 31, 2009 filing.

On January 21, 2010, East Texas Electric Cooperative, Inc., Northeast Texas Electric Cooperative, and Tex-La Electric Cooperative of Texas, Inc. filed a Motion to Intervene and Comments.

The East Texas Cooperatives suggested that the proposed tariff revisions are incomplete to the extent that they fail to provide any means for SPP to become a party to a delivery point agreement between a transmission owner and a transmission customer. The parties asked that the Commission require SPP to modify the proposed procedures to require SPP to be a party to any agreement with a network customer concerning the addition, modification or abandonment of a delivery point on the SPP system.

On January 21, 2010, ITC Great Plains, LLC filed a Motion to Intervene.

On January 21, 2010, Western Farmers Electric Cooperative filed a Motion to Intervene.

On January 21, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion to Intervene and Conditional Protest.

Golden Spread does not object to the process developed by SPP. However, in view of the impending end of the transition period where transmission owners must take Network Integration Transmission Service or Point-to-Point Transmission Service for service to all retail customers, the Commission should explicitly require in its order that the process set forth in the instant application for addition, modification and abandonment of delivery point facilities applies to changes made to the Transmission System to accommodate a Transmission Owner's retail load, whether or not the Transmission Owner characterizes the affected facilities as "Delivery Points".

On January 22, 2010, Oklahoma Gas and Electric Company and Westar Energy, Inc. filed Motions to Intervene Out of Time.

On February 3, 2010, American Electric Power Service Corporation filed a Motion to Intervene Out-of-Time.

On February 12, 2010, SPP filed an answer in response to the East Texas Cooperatives' January 21, 2010 comments.

SPP states:

1) requiring SPP to be a party to local distribution facilities agreements would violate the Federal Power Act and would be inconsistent with Commission precedent;

# Southwest Power Pool, Inc.

## Regulatory Status Report

- 2) the justifications cited by the East Texas Cooperatives for requiring SPP to sign local distribution facility agreements are unfounded; and
- 3) requiring SPP to sign local distribution facility agreements will impose unnecessary burdens upon SPP and the Commission.

On February 23, 2010, SPP filed a request to change the effective date of the proposed tariff revisions to May 1, 2010. The deferred effective date will allow SPP to finalize the internal processes necessary to properly implement the proposed Tariff provisions.

On February 26, 2010, Western Farmers Electric Cooperative filed a Motion for Leave to File Answer and Answer in response to SPP's February 12, 2010 Answer.

WFEC generally supported SPP's Answer and SPP's request to FERC to reject the East Texas Cooperatives' proposal that SPP be a party to agreements related to local delivery point facilities. WFEC also urged the Commission to reject Golden Spread's request that the Commission impose record-retention requirements in connection with local delivery point facilities that are beyond FERC's jurisdiction.

On March 2, 2010, FERC issued a letter order granting SPP's request for a change in effective date to May 1, 2010.

**ER10-556**

### **Revised Facilities Use Agreement ("FUA") Between Kansas City Power & Light ("KCPL") and enXco Development Corporation ("enXco")**

On January 5, 2010, Kansas City Power & Light Company submitted revised pages of the Facilities Use Agreement between KCPL and enXco Development Corporation. The FUA was filed by KCPL on June 15, 2009 in Docket No. ER09-1306.

KCPL and enXco have agreed to make the following amendments to the agreement: (1) the definition of "Interconnection Rights" has been revised to eliminate the words "subject to the receipt of consent from SPP and MKEC to the IRAAA"; and (2) the definition of "LGIA Commencement Deadline" has been revised to extend the deadline from October 31, 2009 to March 15, 2010.

An effective date of October 31, 2009 is requested.

On March 1, 2010, FERC issued a letter order accepting the revised Facilities Use Agreement, effective October 31, 2009 as requested.

This order constitutes final agency action.

**ER10-564**

### **Entergy Services, Inc. Submission of Amendments to ICT Agreement**

On January 7, 2010, Entergy Services, Inc. filed amendments to the ICT Agreement and a request for shortened notice and comment period.

Entergy and SPP have amended the ICT Agreement to provide that Entergy will pay to SPP certain costs associated with the establishment and operation of the Entergy Regional State Committee ("E-RSC").

An effective date of January 8, 2010 is requested.

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On January 12, 2010, the APSC filed a Motion to Intervene.

On January 13, 2010, the Council of the City of New Orleans, Louisiana filed a Motion to Intervene.

On January 14, 2010, the L-M Municipals and NRG Companies filed Motions to Intervene.

On January 14, 2010, SPP, as the ICT, filed a Motion to Intervene.

On January 27, 2010, FERC issued a letter order granting a waiver of section 35.11 and accepting the amended agreement effective January 8, 2010, as requested.

ER10-578

### **SPP Filing of an Executed Meter Agent Services Agreement between Basin Electric Power Cooperative ("Basin Electric") as Market Participant and Western Area Power Administration ("WAPA") as Meter Agent**

On January 11, 2010, SPP submitted an executed Meter Agent Services Agreement between Basin Electric Power Cooperative as the Market Participant and Western Area Power Administration as the Meter Agent. SPP Service Agreement No. 1867.

An effective date of December 1, 2009 is requested.

On February 1, 2010, Western Area Power Administration filed a Motion to Intervene and comments in support of SPP's January 11, 2010 filing.

On March 3, 2010, FERC issued a letter order accepting the agreement, effective December 1, 2009 as requested.

This order constitutes final agency action.

ER10-581

### **Two Network Integration Transmission Service Agreements ("NITSA") between SPP, Westar Energy, Inc. ("Westar") as both Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 11, 2010, SPP submitted an executed Network Integration Transmission Service Agreement and Network Operating Agreement between SPP as Transmission Provider, Westar Energy, Inc. as both Network Customer and Host Transmission Owner.

The following service agreement numbers are in this filing:

- 1) 1896 for City of Burlingame
- 2) 1897 for City of Elwood

An effective date of January 1, 2010 is requested.

On March 8, 2010, FERC issued a letter order accepting the agreements, effective January 1,

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2010 as requested.

This order constitutes final agency action.

ER10-613

### **Large Generator Interconnection Agreement ("LGIA") between Caney River Wind Project, LLC ("Caney River") as Interconnection Customer and Kansas Gas and Electric Company ("KG&E") as Transmission Owner**

On January 15, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Caney River Wind Project, LLC as Interconnection Customer, and Kansas Gas and Electric Company as Transmission Owner. SPP Service Agreement No. First Revised 1282.

Out of an abundance of caution, SPP also submitted the original LGIA.

An effective date of December 16, 2009 is requested for the revised LGIA, and September 13, 2006 for the original LGIA.

On February 24, 2010, FERC issued a letter order accepting the agreement, effective December 16, 2009 as requested.

This order constitutes final agency action.

ER10-618

### **SPP Submission of Revisions to OATT to Incorporate Revised Point-to-Point Transmission Service Rates for Mid-Kansas Electric Company ("MKEC") Pricing Zone (ITC Great Plains, LLC Revenue Requirement)**

On January 19, 2010, SPP submitted revised pages to its OATT to incorporate revised point-to-point transmission service rates for the Mid-Kansas Electric Company pricing zone. The tariff revisions are necessary in order for ITC Great Plains, LLC, as transmission owner within SPP whose facilities are located in the MKEC zone, to fully recover its requirement under SPP's Tariff.

SPP requested a waiver to permit an effective date of August 18, 2009.

On February 12, 2010, ITC Great Plains, LLC filed Motion for Leave to Intervene.

On March 8, 2010, FERC issued a letter order accepting the transmission service rate changes, effective August 18, 2009 as requested.

This order constitutes final agency action.

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ER10-619

### **SPP Submission of Revisions to OATT to Implement Rate Changes for Nebraska Public Power District ("NPPD")**

On January 19, 2010, SPP submitted revised pages to its OATT to implement rate changes for Nebraska Public Power District ("NPPD"), which is a transmission owner and pricing zone under the SPP Tariff. SPP submitted this filing to track the rate updates calculated by NPPD based on its transmission cost of service formula rate.

An effective date of January 1, 2010 is requested.

On January 27, 2010, SPP submitted an errata filing to correct one of the tariff pages submitted in the January 19, 2010 filing.

On March 16, 2010, FERC issued a letter order accepting the rate changes are accepted effective January 1, 2010, as requested.

This order constitutes final agency action.

ER10-659

### **SPP Submission of Tariff Revisions to Modify Transmission Study Process (Aggregate Study Pairing)**

On January 27, 2010, SPP submitted revisions to its OATT to continue its current methodology for combining transmission service requests into study groups.

SPP's filing in Docket No. ER08-1379 proposed to end the pairing of aggregate study open seasons on January 31, 2010. SPP now proposes to extend the pairing of aggregate study open seasons through the open season ending on January 31, 2011.

An effective date of January 28, 2010 is requested.

On March 11, 2010, FERC issued a letter order accepting the tariff revisions, effective January 28, 2010 as requested. SPP's proposal continues its current practice of combining all of the transmission service requests received in two consecutive open seasons into a single study through the open season that ends on January 31, 2011. The practice of combining consecutive open seasons was originally scheduled to end on January 31, 2010, and SPP sought a one-year extension of the methodology.

This order constitutes final agency action.

ER10-664

### **SPP Submission of Revisions to OATT to Implement Rate Changes for Southwestern Public Service Company**

On January 28, 2010, SPP submitted revised pages to its OATT to implement rate changes for Southwestern Public Service Company. SPP submitted this filing to (a) implement a monthly



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demand charge for network transmission service in the SPS pricing zone; and (b) track the rate update calculated by SPS based on its transmission cost of service formula rate.

An effective date of January 1, 2009 is requested for the monthly demand charge Tariff revisions. An effective date of January 1, 2010 is requested for the Tariff revisions tracking SPS's rate update.

On February 18, 2010, Cap Rock Energy Corporation filed a Motion to Intervene.

On February 19, 2010, SPP submitted an amendment to the January 28, 2010 filing to include revisions to Section 34.1 of SPP's Tariff necessary to accommodate the incorporation of the SPS monthly demand charge.

ER10-678

### **SPP Submission of Non-Substantive "Clean Up" Revisions to its OATT**

On January 29, 2010, SPP submitted non-substantive "clean up" revisions to numerous pages of its OATT.

An effective date of March 31, 2010 is requested.

On February 2, 2010, SPP submitted an errata to its January 29, 2009 filing to include one additional revision.

On February 18, 2010, Cap Rock Energy Corporation filed a Motion to Intervene.

On March 18, 2010, FERC issued a letter order conditionally accepting the tariff revisions, effective March 31, 2010, subject to a compliance filing to be submitted within 15 days of the date of this order.

SPP's Table of Contents show an incorrect tariff sheet number for section 1.3j (Base Plan Zonal Load Ratio Share) and section 42 (Applicability to Point-to-Point Transmission Service). Also, SPP must correct the designation of tariff sheet 13 to read Sixth Revised Sheet No. 13, Superseding Fifth Revised Sheet No. 13.

SPP's compliance filing is due April 2, 2010.

On March 25, 2010, SPP submitted a ministerial filing to correct three Tariff pages to reflect only current Tariff language as modified by the Clean-Up Filing that will be effective on March 31, 2010, without language that has not yet been accepted by the Commission in Docket No. ER10-550.

On March 25, 2010, SPP submitted its compliance filing in response to the March 18, 2010 letter order.

ER10-680

### **Large Generator Interconnection Agreement ("LGIA") between SPP and Southwestern Electric Power Company ("SWEPCO") as both Interconnection Customer and Transmission Owner**

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On January 29, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider and Southwestern Electric Power Company as both Interconnection Customer and Transmission Owner. SPP Service Agreement No. 1898.

This restated SWEPCO LGIA replaces the existing LGIA designated SPP Service Agreement No. 1510.

An effective date of December 30, 2009 is requested.

On March 25, 2010, FERC issued a letter order accepting the agreement, effective December 30, 2009 as requested.

This order constitutes final agency action.

**ER10-681**

### **SPP Submission of Revisions to Attachment V of the OATT to Implement Interconnection Procedures for Small Generators**

On January 29, 2010, SPP submitted revisions to its OATT to incorporate interconnection procedures for small generators into Attachment V.

An effective date of March 31, 2010 is requested.

On February 19, 2010, Western Farmers Electric Cooperative filed a Motion to Intervene.

On February 19, 2010, Xcel Energy Services, Inc. filed a Motion to Intervene.

On February 22, 2010, Sunflower Electric Power Corporation filed a Motion to Intervene.

On March 26, 2010, FERC issued a letter order accepting SPP's revisions to Attachment V of its Tariff in order to incorporate interconnection procedures for generating facilities no larger than 20 MW. An effective date of March 31, 2010 was granted.

This order constitutes final agency action.

**ER10-682**

### **Network Integration Transmission Service Agreement ("NITSA") between SPP and Sunflower Electric Power Corporation ("Sunflower") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On January 29, 2010, SPP submitted an executed Network Integration Transmission Service Agreement and Network Operating Agreement between SPP as Transmission Provider and Sunflower Electric Power Corporation as both Network Customer and Host Transmission Owner. SPP Service Agreement No. 1913.

An effective date of January 1, 2010 is requested.

On February 22, 2010, Sunflower Electric Power Corporation filed a Motion to Intervene.

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On March 16, 2010, FERC issued a letter order accepting the agreement, effective January 1, 2010 as requested.

This order constitutes final agency action.

ER10-692

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Golden Spread Electric Cooperative ("Golden Spread") as Network Customer, and Southwestern Public Service Company ("SPS") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 1, 2010, SPP submitted an executed Network Integration Transmission Service Agreement between SPP as Transmission Provider, Golden Spread Electric Cooperative, as Network Customer, as well as a Network Operating Agreement with Southwestern Public Service Company as Host Transmission Owner. SPP Service Agreement No. 1907.

An effective date of January 1, 2010 is requested.

On February 23, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion to Intervene Out-of-Time.

On March 22, 2010, FERC issued a letter order accepting the agreement, effective January 1, 2010 as requested.

This order constitutes final agency action.

ER10-693

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Kansas Electric Power Cooperative, Inc. ("KEPCO") as Network Customer, and Empire District Electric Company ("Empire") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 1, 2010, SPP submitted an executed Network Integration Transmission Service Agreement between SPP as Transmission Provider, Kansas Electric Power Cooperative, Inc., as Network Customer, as well as a Network Operating Agreement with Empire District Electric Company as Host Transmission Owner. SPP Service Agreement No. Second Revised 1622.

An effective date of January 1, 2010 is requested.

On March 22, 2010, FERC issued a letter order accepting the agreement, effective January 1, 2010 as requested.

This order constitutes final agency action.

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ER10-694

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Tex-La Electric Cooperative of Texas, Inc. ("Tex-La") as Network Customer, and American Electric Power Company ("AEP") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 1, 2010, SPP submitted an unexecuted Network Integration Transmission Service Agreement between SPP as Transmission Provider, Tex-La Electric Power Cooperative of Texas, Inc., as Network Customer, as well as a Network Operating Agreement with American Electric Power Company as Host Transmission Owner. SPP Service Agreement No. First Revised 1065.

The agreement was filed on an unexecuted basis because time constraints prevented the parties from finalizing the terms and conditions of the revised service agreement at this time.

An effective date of January 1, 2010 is requested.

On February 18, 2010, SPP filed a Motion to Defer Action until April 1, 2010.

On February 19, 2010, the East Texas Cooperatives filed a Motion to Intervene.

On March 30, 2010, SPP filed a Motion to Defer Action until June 1, 2010.

ER10-695

**Network Integration Transmission Service Agreement ("NITSA") between SPP and Board of Public Utilities, Springfield, Missouri ("Springfield") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 1, 2010, SPP submitted an executed Network Integration Transmission Service Agreement between SPP as Transmission Provider and Board of Public Utilities, Springfield, Missouri as both Network Customer and Host Transmission Owner. SPP Service Agreement No. Fourth Revised 549.

An effective date of January 1, 2010 is requested.

On March 8, 2010, FERC issued a letter order accepting the agreement, effective January 1, 2010 as requested.

This order constitutes final agency action.

ER10-696

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Northeast Texas Electric Cooperative, Inc. ("NTEC") as Network Customer, and American Electric Power Company ("AEP") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 1, 2010, SPP submitted an unexecuted Network Integration Transmission

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Service Agreement between SPP as Transmission Provider, Northeast Texas Electric Cooperative, Inc., as Network Customer, as well as a Network Operating Agreement with American Electric Power Company as Host Transmission Owner. SPP Service Agreement No. Second Revised 1066.

The agreement was filed on an unexecuted basis because time constraints prevented the parties from finalizing the terms and conditions of the revised service agreement at this time.

An effective date of January 1, 2010 is requested.

On February 18, 2010, SPP filed a Motion to Defer Action until April 1, 2010.

On February 19, 2010, the East Texas Cooperatives filed a Motion to Intervene.

On March 30, 2010, SPP filed a Motion to Defer Action until June 1, 2010.

ER10-697

### **SPP Submission of a Notice of Cancellation of the Point-to-Point Transmission Service Agreement between SPP and Kansas Municipal Energy Agency**

On February 1, 2010, SPP submitted a Notice of Cancellation for the Point-to-Point Transmission Service Agreement between SPP as Transmission Provider and Kansas Municipal Energy Agency as Transmission Customer. SPP Service Agreement No. 1698.

An effective date of January 1, 2010 is requested.

On March 25, 2010, FERC issued a letter order accepting the cancellation of the agreement, effective January 1, 2010 as requested.

This order constitutes final agency action.

ER10-698

### **Network Integration Transmission Service Agreement ("NITSA") between SPP, East Texas Electric Cooperative, Inc. ("ETEC") as Network Customer, and American Electric Power Company ("AEP") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 1, 2010, SPP submitted an unexecuted Network Integration Transmission Service Agreement between SPP as Transmission Provider, East Texas Electric Cooperative, Inc., as Network Customer, as well as a Network Operating Agreement with American Electric Power Company as Host Transmission Owner. SPP Service Agreement No. First Revised 1067.

The agreement was filed on an unexecuted basis because time constraints prevented the parties from finalizing the terms and conditions of the revised service agreement at this time.

An effective date of January 1, 2010 is requested.

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On February 18, 2010, SPP filed a Motion to Defer Action until April 1, 2010.

On February 19, 2010, the East Texas Cooperatives filed a Motion to Intervene.

On March 30, 2010, SPP filed a Motion to Defer Action until June 1, 2010.

ER10-699

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Kansas Municipal Energy Agency ("KMEA") as Network Customer, and Sunflower Electric Power Corporation ("Sunflower") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 1, 2010, SPP submitted an executed Network Integration Transmission Service Agreement between SPP as Transmission Provider, Kansas Municipal Energy Agency as Network Customer, as well as a Network Operating Agreement with Sunflower Electric Power Corporation as Host Transmission Owner. SPP Service Agreement No. 1914.

An effective date of January 1, 2010 is requested.

On February 22, 2010, Sunflower Electric Power Corporation filed a Motion to Intervene.

On March 16, 2010, FERC issued a letter order accepting the agreement, effective January 1, 2010 as requested.

This order constitutes final agency action.

ER10-700

**SPP Submission of an Executed Agreement for Wholesale Distribution Service Charges between Kansas Electric Power Cooperative, Inc. ("KEPCO") and Empire District Electric Company ("Empire")**

On February 1, 2010, SPP submitted an executed Agreement for Wholesale Distribution Service Charges between Kansas Electric Power Cooperative, Inc. and Empire District Electric Company. SPP Service Agreement No. Second Revised 1120.

An effective date of January 1, 2010 is requested.

On March 18, 2010, FERC issued a letter order accepting the agreement, effective January 1, 2010 as requested.

This order constitutes final agency action.

ER10-738

**SPP Filing of an Executed Meter Agent Services Agreement between Kansas Power Pool ("KPP") as Market Participant and Sunflower Electric Power Corporation ("Sunflower") as Meter Agent**

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On February 12, 2010, SPP submitted an executed Meter Agent Services Agreement between Kansas Power Pool as the Market Participant and Sunflower Electric Power Corporation as the Meter Agent. SPP Service Agreement No. 1882.

An effective date of April 1, 2008 is requested.

On March 5, 2010, Mid-Kansas Electric Company, LLC and Sunflower Electric Power Corporation filed a Motion to Intervene.

On March 26, 2010, FERC issued a letter order accepting the agreement, effective April 1, 2008 as requested.

This order constitutes final agency action.

**ER10-739**

### **Large Generator Interconnection Agreement ("LGIA") between Kansas City Power & Light Company ("KCPL") as Interconnection Customer and Mid-Kansas Electric Power Company, LLC ("MKEC") as Transmission Owner**

On February 12, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Kansas City Power & Light Company as Interconnection Customer, and Mid-Kansas Electric Power Company, LLC as Transmission Owner. SPP Service Agreement No. 1911.

SPP also filed a cancellation for SPP Service Agreement No. 1651, also known as the Spearville II LGIA.

An effective date of January 15, 2010 is requested.

On March 5, 2010, Kansas City Power & Light Company and enXco Development Corporation filed a Motion to Intervene and Supporting Comments of Joint Intervenors.

On March 5, 2010, Mid-Kansas Electric Company, LLC and Sunflower Electric Power Corporation filed a Motion to Intervene.

**ER10-754**

### **Network Integration Transmission Service Agreement ("NITSA") between SPP, Southwestern Public Service Company ("SPS") as both Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On February 5, 2010, SPP submitted an executed Network Integration Transmission Service Agreement and Network Operating Agreement between SPP as Transmission Provider and Southwestern Public Service Company as both Network Customer and Host Transmission Owner. SPP Service Agreement No. 1910.

An effective date of January 1, 2010 is requested.

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On March 18, 2010, FERC issued a letter order accepting the agreement, effective January 1, 2010 as requested.

This order constitutes final agency action.

**ER10-760**

### **SPP Submission of a Notice of Cancellation of the Point-to-Point Transmission Service Agreement between SPP as Transmission Provider and Southwestern Public Service Company ("SPS") as Transmission Customer**

On February 16, 2010, SPP submitted a Notice of Cancellation of the Point-to-Point Transmission Service Agreement between SPP as Transmission Provider and Southwestern Public Service Company as Transmission Customer. The agreement was filed in Docket No. ER07-243.

SPS will now take network service for this transmission service instead of point-to-point service. Therefore, it is necessary to terminate this agreement.

An effective date of January 1, 2010 is requested.

On March 22, 2010, FERC issued a letter order accepting the Notice of Cancellation, effective January 1, 2010 as requested.

This order constitutes final agency action.

**ER10-761**

### **SPP Submission of Tariff Revisions to Add Attachment AR (Screening Study for Potential Long-Term Service Requests and Proposed Delivery Point Transfers)**

On February 16, 2010, SPP submitted revisions to its OATT to include a new Attachment AR and related provisions, which provide for a screening study process to evaluate potential Long-Term Service requests and proposed transfers of responsibility for serving an existing delivery point from one customer to a different customer.

An effective date of February 17, 2010 is requested.

On February 26, 2010, Oklahoma Gas & Electric Company filed a Motion to Intervene.

On March 5, 2010, the East Texas Cooperatives filed a Motion to Intervene.

On March 8, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion to Intervene.

On March 30, 2010, SPP submitted an amendment to its February 16, 2010 filing.

At the suggestion of Commission Staff, SPP amended the Attachment AR filing to modify to the Introduction and section 3.8.

SPP separately amended the proposed section 31.2(e).



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ER10-762

### **Small Generator Interconnection Agreement ("SGIA") between DWS Frisco, LLC ("DWS Frisco") as Interconnection Customer and Southwestern Public Service Company ("SPS") as Transmission Owner**

On February 16, 2010, SPP submitted an executed SGIA between SPP as Transmission Provider, DWS Frisco, LLC as Interconnection Customer, and Southwestern Public Service Company as Transmission Owner. SPP Service Agreement No. Third Revised 1517.

An effective date of January 14, 2010 is requested for the revised SGIA.

In addition, SPP also filed the original SGIA which was executed on September 21, 2007. The original agreement contains the same non-conforming provisions as the revised SGIA.

An effective date of September 21, 2007 is requested for the original SGIA.

ER10-773

### **SPP Submission of Changes to Pricing Zones for Southwestern Public Service Company ("SPS") to Update the Revenue Requirement for the Allocation of Revenue Associated with the Provision of Scheduling, System Control, and Dispatch Services for Through and Out Point-to-Point Transmission Service**

On February 18, 2010, SPP submitted a revised page to its OATT to implement a rate change for Southwestern Public Service Company, which is a transmission owner and pricing zone under the SPP Tariff. SPP submitted this filing to update SPS' revenue requirement for the allocation of revenue associated with the provision of Scheduling, System Control and Dispatch Services for customers taking Firm or Non-Firm Point-to-Point Transmission Service for through and out transactions.

An effective date of October 1, 2009 is requested.

ER10-794

### **Entergy Services, Inc. Submission of Revisions to its OATT to Implement Supplemental Curtailment Procedures ("SCP") and Local Area Procedures ("LAP")**

On February 23, 2010, Energy Services, Inc. submitted revisions to its OATT.

The filing includes changes:

- 1) To Sections 14.7 and 33.4 of the OATT in order to couple the NERC TLR Procedures with a supplemental procedure that allows for curtailments beyond the Interchange Transactions curtailed under the NERC TLR Procedures (Supplemental Curtailment Procedures); and
- 2) To add a new Attachment X to the OATT for Local Area Procedures ("LAP") that Entergy intends to use to implement the curtailment process under Section 14.7 of the OATT in circumstances where the NERC TLR Procedures will not effectively resolve a constraint.

Numerous entities have filed motions to intervene and protests.

On March 16, 2010, SPP filed a Motion to Intervene and comments in support of Entergy's February 23, 2010 filing.

SPP stated that the Supplemental Curtailment Procedures were developed jointly by Entergy and SPP, and were fully vetted through the Entergy stakeholder process. After development and vetting of these procedures, SPP agreed with Entergy that the procedures could be filed in

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conjunction with Local Area Procedures in order to ease the administrative burden of two separate filings and to ensure that the SCP were presented to the Commission as soon as possible.

On March 31, 2010, SPP filed an Answer in response to comments and protests that object to the proposed revisions filed by Entergy on February 23, 2010.

SPP stated:

- 1) SPP, as the Reliability Coordinator for Entergy, is responsible for choosing the TLR Process or the LAP to manage congestion on the Entergy transmission system and for continuing to monitor the transmission system to ensure the effectiveness for the chosen process;
- 2) The Supplemental Curtailment Procedures were developed by SPP as an interim process to appropriately identify and curtail non-firm transmission service prior to firm transmission service; and
- 3) The treatment of Qualified Facility generation in the SCP as been the subject of considerable stakeholder discussion; SPP's position of neutrality on the issue is justified until the Commission addresses the issue.

**ER10-795**

### **SPP Request for Waiver of Tariff Provisions of Section 17.7 of OATT**

On February 25, 2010, SPS submitted a Request for Waiver of Tariff Provisions and Expedited Treatment. SPP requested to waive the notice provisions of Section 17.7 of the SPP OATT to permit SPP to grant Westar Energy, Inc. a five-month extension to August 1, 2010 to commence transmission service requested by Westar.

On March 17, 2010, the Cities of Kennett, Malden, and Poplar Bluff, Missouri filed a Motion to Intervene and comments in support of SPP's February 25, 2010 filing.

On March 18, 2010, Westar Energy, Inc. filed a Motion to Intervene, Statement of Support, and Request for Expedited Approval of SPP's February 25, 2010 filing.

**ER10-798**

### **SPP Submission of Revision to Attachment AD of its OATT to Extend Tariff Administration Agreement between SPP and Southwestern Power Administration ("SPA")**

On February 25, 2010, SPP submitted a revision to Attachment AD of its OATT in order to extend the Tariff Administration Agreement between SPP and Southwestern Power Administration.

On January 28, 2010, SPP and SPA executed an amendatory agreement to extend the term through January 31, 2011.

An effective date of February 1, 2010 is requested.

On March 4, 2010, Southwestern Power Administration filed a Motion to Intervene.

On March 18, 2010, American Electric Power Service Corporation filed a Motion to Intervene and Protest.

AEP states it is concerned that the operation of the 2010 Agreement will result in the assignment of cost responsibility to SPP Members without SPP member input. AEP goes on to state it believes it is unclear what mechanism SPP transmission customers can utilize to

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appeal any cost assignment that occurs under the Agreement. AEP stated it believes the Commission should require SPP to clarify how improvements to the SPA system for which SPA refuses to pay will be treated with respect to SPP customers.

ER10-813

### **SPP Submission of Revisions to OATT to Implement Rate Changes for Southwestern Power Administration ("SPA")**

On March 1, 2010, SPP submitted revised pages to its OATT to implement rate changes for Southwestern Power Administration.

An effective date of January 1, 2010 is requested.

On March 4, 2010, Southwestern Power Administration filed a Motion to Intervene.

ER10-814

### **Large Generator Interconnection Agreement ("LGIA") between Northwest Energy Center, LLC ("Northwest Energy") as Interconnection Customer and KCP&L Greater Missouri Operations Company, Inc. ("KCPL-GMO") as Transmission Owner**

On March 1, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Northwest Energy Center, LLC as Interconnection Customer, and KCP&L Greater Missouri Operations Company, Inc. as Transmission Owner. SPP Service Agreement No. 1974.

An effective date of January 29, 2010 is requested.

ER10-822

### **SPP Filing of an Executed Meter Agent Services Agreement between Westar Energy Generation Services ("WRGS") as Market Participant and Westar Energy Transmission Services ("Westar") as Meter Agent**

On March 2, 2010, SPP submitted an executed Meter Agent Services Agreement between Westar Energy Generation Services as the Market Participant and Westar Energy Transmission Services as the Meter Agent. SPP Service Agreement No. Second Revised 1382.

An effective date of February 1, 2010 is requested.

ER10-823

### **Network Integration Transmission Service Agreement ("NITSA") between SPP and Westar Energy, Inc. ("Westar") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On March 2, 2010, SPP submitted an executed Network Integration Transmission Service Agreement and Network Operating Agreement between SPP as Transmission Provider and Westar Energy, Inc. as both Network Customer and Host Transmission Owner. SPP Service Agreement No. Seventh Revised 607.

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An effective date of February 1, 2010 is requested.

ER10-824

**Two Network Integration Transmission Service Agreements ("NITSA") between SPP and Westar Energy, Inc. ("Westar") as Network Customer and Host Transmission Owner, as well as two Network Operating Agreements ("NOA")**

On March 2, 2010, SPP submitted two executed Network Integration Transmission Service Agreements and Network Operating Agreements between SPP as Transmission Provider and Westar Energy, Inc. as Network Customer and Host Transmission Owner.

This filing includes the following service agreements:

- 1) SPP Service Agreement No. 1886 - for Doniphan REC
- 2) SPP Service Agreement No. 1975 - for City of Troy

An effective date of February 1, 2010 is requested.

ER10-829

**Network Integration Transmission Service Agreement ("NITSA") between SPP and Southwestern Public Service Company ("SPS") as Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On March 3, 2010, SPP submitted an executed Network Integration Transmission Service Agreement and Network Operating Agreement between SPP as Transmission Provider and Southwestern Public Service Company as both Network Customer and Host Transmission Owner. SPP Service Agreement No. Fourth Revised 543.

An effective date of February 1, 2010 is requested.

ER10-830

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Kaw Valley Electric Cooperative ("Kaw Valley") as Network Customer, and Westar Energy, Inc. ("Westar") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On March 3, 2010, SPP submitted an executed Network Integration Transmission Service Agreement between SPP as Transmission Provider, Kaw Valley Electric Cooperative, as Network Customer, as well as a Network Operating Agreement with Westar Energy, Inc. as Host Transmission Owner. SPP Service Agreement No. 1976.

An effective date of February 1, 2010 is requested.

ER10-831

**Network Integration Transmission Service Agreement ("NITSA") between SPP, Nemaha Marshall Electric Cooperative ("Nemaha") as Network Customer, and Westar Energy, Inc. ("Westar") as Host Transmission Owner, as well as a Network Operating**

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### Agreement ("NOA")

On March 3, 2010, SPP submitted an executed Network Integration Transmission Service Agreement between SPP as Transmission Provider, Nemaha Marshall Electric Cooperative, as Network Customer, as well as a Network Operating Agreement with Westar Energy, Inc. as Host Transmission Owner. SPP Service Agreement No. 1977.

An effective date of February 1, 2010 is requested.

ER10-832

### **Network Integration Transmission Service Agreement ("NITSA") between SPP, Municipal Energy Agency of Nebraska ("MEAN") as Network Customer, and Nebraska Public Power District ("NPPD") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On March 3, 2010, SPP submitted an executed Network Integration Transmission Service Agreement between SPP as Transmission Provider, Municipal Energy Agency of Nebraska, as Network Customer, as well as a Network Operating Agreement with Nebraska Public Power District as Host Transmission Owner. SPP Service Agreement No. 1906.

An effective date of February 1, 2010 is requested.

On March 17, 2010, Municipal Energy Agency of Nebraska filed a Motion to Intervene and comments in support of SPP's March 3, 2010 filing.

ER10-833

### **SPP Submission of Revisions to OATT to Implement Rate Changes for Kansas City Power & Light Company ("KCPL") and KCP&L Greater Missouri Operations Company ("KCPL-GMO")**

On March 3, 2010, SPP submitted revised pages to its OATT to implement rate changes for Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company, which are transmission owners and pricing zones under the SPP Tariff. SPP submitted this filing to track the rate changes filed on November 6, 2009 in FERC Docket No. ER10-230 and conditionally accepted on January 5, 2010.

An effective date of January 5, 2010 is requested.

On March 24, 2010, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company filed a Motion to Intervene.

ER10-888

### **SPP Submission of Tariff Revisions to Modify the Pro Forma Meter Agent Services Agreement (Attachment AM) and Related Tariff Provisions**

On March 15, 2010, SPP submitted revisions to its OATT to modify the pro forma Meter Agent Services Agreement and related Tariff provisions.

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In this filing, SPP proposed to remove outdated language from its pro forma Meter Agent Agreement and related Tariff provisions, to incorporate provisions allowing modification of the Meter Agent Agreement and requiring notification to SPP, and to incorporate miscellaneous revisions that clarify SPP's Tariff.

An effective date of May 14, 2010 is requested.

ER10-897

### **SPP Submission of Revised Pages to OATT to Implement Rate Changes for Mid-Kansas Electric Company, LLC ("MKEC") Resulting from a Stipulation and Agreement filed by MKEC in Kansas Corporation Commission ("KCC") Docket No. 09-MKEE-969-RTS**

On March 16, 2010, SPP submitted revised pages to its OATT to implement rate changes for Mid-Kansas Electric Company, LLC, which is a transmission owner and pricing zone under the SPP Tariff. This filing is to incorporate rate changes resulting from a Stipulation and Agreement filed by MKEC in Kansas Corporation Commission Docket No. 09-MKEE-969-RTS, which was approved by KCC on January 11, 2010.

An effective date of January 14, 2010 is requested.

ER10-925

### **Large Generator Interconnection Agreement ("LGIA") between Laredo Ridge Wind, LLC ("Laredo Ridge") as Interconnection Customer and Nebraska Public Power District ("NPPD") as Transmission Owner**

On March 23, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Laredo Ridge Wind, LLC as Interconnection Customer, and Nebraska Public Power District as Transmission Owner. SPP Service Agreement No. 1980.

An effective date of March 5, 2010 is requested.

On March 31, 2010, Nebraska Public Power District filed a Motion to Intervene and comments in support of SPP's March 23, 2010 filing.

ER10-941

### **SPP Filing of a Letter Agreement Regarding Comprehensive Seams Agreement Between Entergy Services, Inc. and Southwest Power Pool, Inc.**

On March 26, 2010, SPP submitted a Letter Agreement regarding a comprehensive Seams Agreement between Entergy Services, Inc. and Southwest Power Pool, Inc. SPP Rate Schedule No. 12.

An effective date of February 26, 2010 is requested.

The parties negotiated the Letter Agreement to adopt certain procedures and processes that will provide comprehensive coordination between the Entergy and SPP transmission systems. The Letter Agreement provides for the development of four specific protocols: 1) Coordination Protocol; 2) the AFC/TFC Protocol; 3) Cost Allocation Protocol; and 4) Information Protocol.

Currently, Entergy and SPP are still negotiating the Cost Allocation and AFC/TFC Protocols.

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Therefore, updates to Rate Schedule 12 will be filed after these protocols are finalized.

On March 30, 2010, the Arkansas Public Service Commission filed a Notice of Intervention.

**ER10-957**

### **SPP Filing of an Executed Meter Agent Services Agreement between The Energy Authority ("TEA") as Market Participant and Nebraska Public Power District ("NPPD") as Meter Agent**

On March 30, 2010, SPP submitted an executed Meter Agent Services Agreement between The Energy Authority as the Market Participant and Nebraska Public Power District as the Meter Agent. SPP Service Agreement No. First Revised 1784.

An effective date of March 1, 2010 is requested.

**ER10-979**

### **SPP Filing of an Executed Service Agreement for the Resale, Reassignment or Transfer of Point-to-Point Transmission Service between SPP as Transmission Provider and Kansas City Power & Light Company ("KCPL") as Assignee**

On March 31, 2010, SPP submitted an executed Service Agreement for the Resale, Reassignment or Transfer of Point-to-Point Transmission Service between SPP as Transmission Provider and Kansas City Power & Light Company as the Assignee. SPP Service Agreement No. 1909.

This agreement is a reassignment of the agreement filed in Docket No. ER10-513.

An effective date of March 1, 2010 is requested.

**ES10-11**

### **SPP Application Under Section 204 of the Federal Power Act for an Order Authorizing the Issuance of Securities (\$150 million)**

On January 15, 2010, FERC issued a letter order granting SPP's application to issue Secured Notes in an aggregate principal amount not to exceed \$70 million and Unsecured Notes in an aggregate principal amount not to exceed \$90 million. The total aggregate amount will not exceed \$150 million.

**OA08-59**

### **Entergy Services, Inc. Order No. 890 Attachment K Compliance Filing**

On March 31, 2010, FERC issued an order accepting Entergy's August 17, 2009 compliance filing, as modified, subject to conditions.

Entergy's compliance filing is due June 1, 2010.

**RM01-5**

### **Electronic Tariff Filings**

On January 21, 2010, FERC issued an Order Establishing Procedures Relating to Tariff Filed Electronically. The adoption of electronic tariff filing necessitates changes in the Commission's processing of tariff filings. This order identifies the ways in which such changes affect aspects of Commission procedures, particularly the determination of statutory filings and statutory action dates, as well as changes in docketing procedures.

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This order becomes effective when tariff filings are submitted in electronic format.

On January 21, 2010, SPP submitted a notice date for submission of its eTariff Baseline Scheduled. SPP proposed to make its baseline filings on or about April 19, 2010.

On February 19, 2010, FERC issued a Notice of Rescheduled Technical Conference. The February 9, 2010 conference was canceled due to inclement weather and is rescheduled for February 26, 2010.

On March 9, 2010, FERC issued a Notice of Technical Conference. A final technical conference on Type of Filing Codes will be held on March 16, 2010 in order to address specific issues related to Federal Power Marketing Authorities.

On March 12, 2010, the Edison Electric Institute and Electric Power Supply Association filed an expedited motion for delay in the e-Tariff baseline filing time frame and extended retention of the e-Tariff Test Environment.

On March 16, 2010, Midwest Independent Transmission System Operator, Inc. filed comments in support of Edison Electric Institute's and Electric Power Supply Association's March 12, 2010 motion.

On March 18, 2010, New York Independent System Operator, Inc. filed a Motion to request that the Commission's e-Tariff testing site remain permanently open.

On March 18, 2010, PJM Interconnection, LLC filed a Motion to request that the Commission's e-Tariff testing site remain permanently open and that the Commission maintain the test site with codes, validation routines and operational support which pre-date their production releases.

On March 16, 2010, the Midwest ISO Transmission Owners filed comments in support of Edison Electric Institute's and Electric Power Supply Association's March 12, 2010 motion.

On March 19, 2010, FERC issued an Order Establishing Baseline Filing Schedule Starting April 1, 2010, and denying the extension of time requested in Edison Electric Institute's and Electric Power Supply Association's March 12, 2010 motion.

RM04-7

### **Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities**

On March 18, 2010, FERC issued Order No. 697-D, an Order on Rehearing and Clarification, which granted in part and denied in part the requests for rehearing and clarification of FERC's determination in Order No. 697-C.

This order is effective April 26, 2010.

RM06-16

### **Mandatory Reliability Standards for the Bulk-Power System to Process the Proposed Reliability Standards Submitted by NERC on April 4, 2006**

On January 20, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the November 24, 2009 order.

On March 1, 2010, pursuant to Paragraph 629 of Order No. 693, NERC submitted its quarterly informational filing regarding the timeframe to restore power to the auxiliary power systems of U.S. nuclear power plants following a blackout as determined during simulations and drills of system restoration plans. This filing contains material for the fourth quarter 2009.



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On March 18, 2010, FERC issued an Order Setting Deadline for Compliance. FERC directed NERC to submit a modification to the Resource and Demand Balancing Reliability Standard, BAL-003-0, that is responsive to the Commission's directive in Order No. 693 by September 18, 2010.

On March 18, 2010, FERC issued an Order Setting Deadline for Compliance. FERC directed NERC to submit a modification to the Transmission Planning Reliability Standard, TPL-002-0, that is responsive to the Commission's directive in Order No. 693 no later than June 30, 2010.

**RM06-22**

### **Mandatory Reliability Standards for the Bulk-Power System to Process the Proposed Reliability Standards Submitted by NERC on April 4, 2006**

On January 19, 2010, NERC filed its compliance filing in response to the December 17, 2009 order.

On February 12, 2010, Exelon Corporation filed comments in response to NERC's January 19, 2010 filing. Exelon requested that the Commission condition the effective date of its approval of NERC's CIP Version 1 Implementation Plan for nuclear GO/GOPs based on the actual date that NERC and NRC finalize the Bright-Line determination of their respective jurisdictions over the systems and finalize guidance for the NERC exemption process. Exelon also requested that the Commission require NERC to allow an ongoing exemptions process to avoid potential regulatory conflicts caused by implementation of NERC CIP Standards in parallel with NRC 10 CFR § 73.54 activities.

On March 18, 2010, FERC issued an Order Addressing Compliance Filing and Approving Implementation Plan. In this order, FERC accepted NERC's plan for the implementation of eight Critical Infrastructure Protection Reliability Standards, CIP-002-1 through CIP-009-1 by generator owners and operators of nuclear power plants located in the United States.

This order became effective on March 18, 2010.

On March 18, 2010, FERC issued an Order Addressing Violation Severity Level Assignments for Critical Infrastructure Protection Reliability Standards. On June 30, 2009, in compliance with Order No. 706, NERC submitted standards CIP-002-1 through CIP-009-1. In this order, FERC approved the proposed Violation Severity Level ("VSL") Assignments, as revised as discussed in the order.

The Commission also established additional guidance for determining appropriate Violation Severity Levels in the specific context of cyber security requirements. Therefore, FERC directed NERC to apply the new and existing guidelines and submit a compliance filing modifying 57 sets of VSL assignments by May 17, 2010.

On March 23, 2010, FERC issued an Errata Notice to the March 18 Order to include the Appendix that shows the revisions in redline.

**RM08-13**

### **Transmission Relay Loadability Reliability Standard**

On March 18, 2010, FERC issued Order No. 733, Final Rule for Transmission Relay Loadability Reliability Standard.

This rule is effective May 17, 2010.

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**RM08-19**                    **Notice of Proposed Rulemaking - Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System**

On January 20, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the November 24, 2009 order.

**RM09-13**                    **Time Error Correction Reliability Standard**

On March 18, 2010, FERC issued a Notice of Proposed Rulemaking. FERC proposed to remand the proposed revised Time Error Correction Reliability Standard (BAL-004-1) developed by NERC in order for NERC to develop several modifications to the proposed Reliability Standard.

Comments are due April 28, 2010.

**RM09-16**                    **Control and Affiliation for Purposes of Market-Bases Rate Requirements under Section 205 of the Federal Power Act and the Requirement of Section 203 of the Federal Power Act ("FPA")**

On January 21, 2010, FERC issued a Notice of Proposed Rulemaking. FERC proposed to amend its regulations pursuant to sections 203 and 205 of the Federal Power Act to grant blanket authorization to acquire securities under section 203 and amend definitions of "affiliate" in Subpart H and Subpart I of Part 35 of the Commission's Regulations.

Comments are due March 29, 2010.

Numerous entities filed comments in response to FERC's January 21, 2010 Notice of Proposed Rulemaking.

**RM09-18**                    **Revision to Electric Reliability Organization ("ERO") Definition of Bulk Electric System**

On March 18, 2010, FERC issued a Notice of Proposed Rulemaking in which it proposed to direct the Electric Reliability Organization to revise its definition of the term "bulk electric system" to include all electric transmission facilities with a rating of 100 kV or above. The Commission also proposed that a Regional Entity must seek ERO and Commission approval before exempting any facility rated at 100 kV or above from compliance with mandatory Reliability Standards. The proposal would also provide consistency across the nation's reliability regions regarding the identification of bulk electric system facilities.

Comments are due May 10, 2010.

**RM10-6**                    **Interpretation of Transmission Planning Reliability Standard**

On March 18, 2010, FERC issued a Notice of Proposed Rulemaking concerning requirement R1.13.10 of the Commission-approved transmission planning Reliability Standard TPL-002-0 which provides that planning authorities and transmission planners must consider in their planning studies the effects of the operation of their protection systems, including backup and redundant protection systems. In this order, FERC proposed to reject NERC's proposed interpretation of Requirement R1.3.10 of Reliability Standard TPL-002-0 and, instead, proposed an alternative interpretation of the provision.

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Comments are due 45 days after publication in the Federal Register.

**RM10-9**

### **Notice of Inquiry Regarding Transmission Loading Relief Reliability Standard and Curtailment Priorities**

On January 21, 2010, FERC issued a Notice of Inquiry concerning Transmission Loading Relief Reliability Standard and Curtailment Priorities. The Commission requested comments on the interplay between Reliability Standard IRO-006-4 (Reliability Coordination - Transmission Loading Relief) and the curtailment priorities set forth in the Commission's pro forma open access transmission tariff, particularly sections 13.6 and 14.7.

Comments are due March 29, 2010.

On March 29, 2010, the ISO/RTO Council submitted comments in response to FERC's January 21, 2010 Notice of Inquiry.

On March 29, 2010, SPP submitted comments in response to FERC's January 21, 2010 Notice of Inquiry.

Numerous entities filed comments in response to FERC's January 21, 2010 Notice of Inquiry.

**RM10-11**

### **Notice of Inquiry Regarding Integration of Variable Energy Resources**

On January 21, 2010, FERC issued a Notice of Inquiry regarding Integration of Variable Energy Resources. The Commission seeks comment on the extent to which barriers may exist that impede the reliable and efficient integration of variable energy resources (VERs) into the electric grid, and whether reforms are needed to eliminate those barriers.

Comments are due March 29, 2010.

On February 23, 2010, the Edison Electric Institute ("EEI") submitted a motion to extend the period for filing initial comments in response to FERC's January 21, 2010 Notice of Inquiry for an additional 14 days until April 12, 2010.

On February 26, 2010, the Bonneville Power Administration filed a Motion to Extend the Period for Filing Comments. Bonneville requested that the Commission extend the deadline by at least 14, but preferably 21 days.

On March 3, 2010, FERC issued a Notice Extending Comment Period. Comments in response to the January 21, 2010 Notice of Inquiry are now due on April 12, 2010.

On March 12, 2010, Glenn R. Schleede submitted a paper entitled "The True Cost of Electricity from Wind is always Underestimated and its Value is always Overestimated."

**RM10-12**

### **Notice of Inquiry Regarding Electricity Market Transparency Provisions of Section 220 of the Federal Power Act (FERC Seeks Comments on Whether the Commission's Electric Quarterly Report Filing Requirements Should Be Applied to Market Participants that are Excluded from the Commission's Jurisdiction Under Section 205)**

On January 21, 2010, FERC issued a Notice of Inquiry, seeking comments on whether the Commission's Electric Quarterly Report (EQR) filing requirements should be applied to market participants that are excluded from the Commission's jurisdiction under section 205 of the Federal Power Act. This will assist FERC in determining what changes, if any, should be made under the electric market transparency provisions of section 220 of the FPA.

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The Commission is also considering other refinements to existing EQR requirements to possibly include:

- 1) reporting the trade date (i.e., the date on which a transaction price is set) and the type of rate (i.e., fixed price, a formula, or an index);
- 2) reporting resales of financial transmission rights in secondary markets;
- 3) standardizing the unit for reporting energy and capacity transactions (i.e., dollars per MWh and dollars per MW/month); and
- 4) omitting the time zone from the contract section of the EQR.

Comments are due March 30, 2010.

Numerous entities filed comments in response to FERC's January 21, 2010 Notice of Inquiry.

**RM10-13**

### **Notice of Proposed Rulemaking: Credit Reforms in Organized Wholesale Electric Markets**

On January 21, 2010, FERC issued a Notice of Proposed Rulemaking, proposing, pursuant to section 206 of the Federal Power Act, to amend its regulations to reform credit practices in organized wholesale electric markets to ensure that credit practices result in jurisdictional rates that are just and reasonable.

Comments are due March 29, 2010.

On March 15, 2010, California Independent System Operator Corporation and Midwest Independent Transmission System Operator, Inc. filed joint comments in response to the January 21, 2010 NOPR.

On March 29, 2010, SPP filed comments in response to FERC's January 21, 2010 Notice of Proposed Rulemaking. SPP discussed the following items: 1) shortening the settlement cycle; 2) use of unsecured credit; 3) FTR markets; 4) ability to offset market obligations; 5) minimum criteria for market participants; 6) "material adverse change"; and 7) grace period to "Cure" collateral posting.

On March 29, 2010, the ISO/RTO Council filed comments in response to FERC's January 21, 2010 Notice of Proposed Rulemaking.

Numerous entities filed comments in response to FERC's January 21, 2010 Notice of Proposed Rulemaking.

**RM10-17**

### **Demand Response Compensation in Organized Wholesale Energy Markets**

On March 18, 2010, FERC issued a Notice of Proposed Rulemaking proposing an approach for compensating demand response resources in order to improve the competitiveness of organized wholesale energy markets and thus ensure just and reasonable wholesale rates.

Comments are due May 13, 2010.

**RR06-1**

### **North American Electric Reliability Council and North American Electric Reliability Corporation Filing of Draft Version 5 of the Reliability Standards Development Procedure to Allow NERC to Transition to Become the Electric Reliability Organization ("ERO")**

On January 29, 2010, NERC filed its Quarterly Report Regarding Analysis of Reliability Standards Voting Results for October 1, 2009 through December 31, 2009.

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### **RR09-4 NERC Petition for Approval of Proposed Revisions to Bylaws of SPP**

On January 28, 2010, FERC accepted NERC's and SPP's December 1, 2009 compliance filing in response to the September 17, 2009 Order.

The December 1 filing included: 1) a further amendment to section 9.3, setting forth the duties of the SPP RE General Manager; and 2) explanation of voting procedure in section 9.7.3(e).

This order constitutes final agency action.

### **RR10-2 NERC Petition for Approval of Amendment to Delegation Agreements with Regional Entities to Extend Initial Term of Agreements to May 2011**

On January 14, 2010, FERC issued a letter order accepting NERC's petition to extend the initial term of the Delegation Agreements with Regional Entities to May 2, 2011.

This order constitutes final agency action.

### **RR10-5 NERC Filing of Amendments to SPP Bylaws Section 9.7.1 (Functions and Duties of the Regional Entity Trustees)**

On January 14, 2010, FERC issued a letter order accepting NERC's filing of revisions to the SPP Bylaws to clarify the duties of the SPP Regional Entity Trustees, effective January 31, 2010 as requested.

This order constitutes final agency action.

### **RR10-7 NERC Petition for Approval of Compliance Monitoring and Enforcement Agreements Between SERC Reliability Corporation, Florida Reliability Coordinating Council and Southwest Power Pool Regional Entity and Related Amendments to Delegation Agreements**

On March 10, 2010, NERC filed its Petition for Approval of Compliance Monitoring and Enforcement Agreements between SERC Reliability Corporation, Florida Reliability Coordinating Council, and SPP Regional Entity and Related Amendments to Delegation Agreements.

NERC requested that the Commission issue an order granting approvals about June 17, 2010.

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### *FERC or State Jurisdiction: State of Arkansas*

**04-137-U**                    **SPP Application before the Arkansas Public Service Commission ("APSC") for a Certificate of Public Convenience and Necessity ("CCN")**

On March 31, 2010, Oklahoma Gas and Electric Company filed its Application for approval of its continued participation in the SPP RTO. This filing was made pursuant to Order No. 1 issued in Docket No. 04-111-U, which granted OG&E approval to transfer operational control of its transmission facilities to SPP.

**06-154-U**                    **In the Matter of the Application of Southwestern Electric Power Company ("SWEPCO") for a Certificate of Environmental Compatability and Public Need for the Construction, Ownership, Operation and Maintenance of a Coal-Fired Baseload Generating Facility in Hempstead County, Arkansas (to build a proposed Turk Coal Plant)**

On January 5, 2010, SWEPCO submitted its monthly report for December 2009 regarding the status of all federal and state permitting required for the Turk generating plant.

On February 5, 2010, SWEPCO submitted its monthly report for January 2010 regarding the status of all federal and state permitting required for the Turk generating plant.

On March 1, 2010, SWEPCO submitted its monthly report for February 2010 regarding the status of all federal and state permitting required for the Turk generating plant.

**08-002-U**                    **In the Matter of the Application of Southwestern Electric Power Company ("SWEPCO") for a Certificate of Environmental Capability and Public Need ("CECPN") for the Construction, Ownership, Operation and Maintenance of a 138 kV Transmission Line Originating at the Sugar Hill Station Located Near Texarkana, Arkansas and Terminating at a Proposed Station to be Constructed at the John W. Turk, Jr. Generation Facility Located in Hempstead County, Arkansas and for the Proposed Turk Station and Related Facilities**

On February 12, 2010, SWEPCO filed a Petition for Variances Along the Approved Route for the Authorized New 138 kV Transmission Line Pursuant to Agreement with Traversed Landowners. SWEPCO entered into two separate agreements with traversed landowners. The variances are being sought to accommodate the desires of the landowners in order to minimize the impact of the transmission line on their respective properties.

On February 18, 2010, the APSC General Staff filed its Response to SWEPCO's Petition for Variances. Staff has no objection to the variances requested by SWEPCO.

On February 22, 2010, the APSC issued Order No. 15 directing all parties interested in filing a response or comments to SWEPCO's Petition for Variances by 2 PM on March 4, 2010.

On March 12, 2010, the APSC issued Order No. 16, which approved SWEPCO's Petition for Variances filed on February 12, 2010.

On March 22, 2010, the APSC issued Order No. 17 to correct a typographical error in Order No. 16 that mistakenly stated that SWEPCO filed its Petition for Variances on February 12, 2009 instead of 2010.

**08-135-R**                    **In the Matter of Amendments to the Rules of Practice and Procedure of the Arkansas Public Service Commission**

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On January 28, 2010, the Drafting Committee filed its report containing the revised Rules of Practice and Procedure and the Secretary's Guidelines for Filing. The Drafting Committee asked that the Commission establish a procedural schedule.

On March 8, 2010, the APSC General Staff filed a Motion to Adopt Procedural Schedule.

On March 18, 2010, the Electric Cooperatives of Arkansas filed a response to Staff's Motion to Adopt Procedural Schedule. The Electric Cooperatives urged the APSC to adopt the Modified Procedural Schedule rather than the Staff's Procedural Schedule.

On March 18, 2010, Arkansas Oklahoma Gas Corporation, Arkansas Western Gas Company, CenterPoint Energy Resources Corp, d/b/a CenterPoint Energy Arkansas, and the Empire District Electric Company filed a Joint Motion Recommending Changes to Staff's Procedural Schedule.

08-136-U

### **In the Matter of an Inquiry into Electric Transmission Issues within the Areas Served by the Southwest Power Pool Regional Transmission Organization and the Entergy Corporation as such Issues Affect Electric Service within Arkansas**

On January 4, 2010, SPP filed the ICT's Fourth Quarterly Performance Report for 2009. This report covers the time period September 1, 2009 through November 30, 2009.

On January 4, 2010, SPP and Entergy filed the monthly progress report for December, detailing the progress made toward the completion of a seams agreement, pursuant to Order No. 15.

On January 15, 2010, the APSC issued Order No. 20. This order granted NRG Power Marketing LLC's intervention request. Cottonwood Energy Company, LP's intervention request is denied, but the Commission suggests that they consider filing a statement of Limited Appearance pursuant to RPP Rule 3.04(c), submitting written public comments to the APSC and/or making public comments at any evidentiary hearing in this proceeding.

On January 19, 2010, SPP filed the December 2009 State of the Market Report pursuant to Order No. 2.

On January 26, 2010, SPP filed its Supplement to the WPP Quarterly Report for the time period of September through November 2009.

On February 1, 2010, SPP and Entergy filed the monthly progress report for January, detailing the progress made toward the completion of a seams agreement, pursuant to Order No. 15.

On February 11, 2010, the APSC issued Order No. 21 in this proceeding. This order also opens Docket No. 10-011-U titled "In the Matter of a Show Cause Order Directed to Entergy Arkansas, Inc. Regarding Its Continued Membership in the Current Entergy System Agreement, or Any Successor Agreement Thereto, and Regarding the Future Operation and Control of Its Transmission Assets".

The overall intent of this order is to give Entergy Arkansas, Inc. ("EAI") notice that the Commission's stated purpose is to conduct an investigation regarding the prudence of EAI entering into successor Entergy System Agreement ("ESA") as opposed to becoming a stand-alone utility upon its exit from the ESA, and whether EAI, as a stand-alone utility, should join the SPP RTO.

Any future Entergy-related filings, including seams agreements filings, should be filed in

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10-011-U. However, the EIS Monthly State of the Market Report and Entergy Weekly Procurement Process ("WPP") filings, among others, shall be filed in 08-136-U.

On February 11, 2010, the APSC issued Order No. 22 in this proceeding. Entergy Arkansas, Inc. ("EAI") and SPP are ordered to file a seams agreement in Docket No. 10-011-U, by March 1, 2010, reflecting whatever issues have been agreed upon when they file their monthly seams progress report for February 2010. In addition, EAI and SPP are to provide a detailed status report regarding the progress made to date on all remaining issues and also provide what needs to be accomplished to complete work on these issues.

All future seams agreement related filings are to be filed in Docket No. 10-011-U.

On February 25, 2010, SPP filed the January 2010 State of the Market Report pursuant to Order No. 2.

On February 26, 2010, SPP filed with the APSC the ICT's Annual Performance Report for the time period of November 17, 2008 through November 17, 2009.

On March 1, 2010, Cottonwood Energy Company, LP filed a Statement of Position. Cottonwood wishes to enter a limited appearance in APSC Docket Nos. 08-136-U and 10-011-U.

On March 16, 2010, SPP filed the WPP Quarterly Report for the time period of December 2009 through February 2010.

On March 22, 2010, SPP filed the February 2010 State of the Market Report pursuant to Order No. 2.

08-137-U

### **In the Matter of the Consideration of Innovative Approaches to Ratebase, Rate of Return Ratemaking Including, but not limited to, Annual Earnings Reviews, Formula Rates, and Incentive Rates for Jurisdictional Electric and Natural Gas Public Utilities**

On February 3, 2010, the APSC issued Order No. 7. On February 3, 2010 in an omnibus "roadmap" order, the Commission announced the establishment of a new Energy Efficiency Notice of Inquiry Docket (No. 10-010-U) and redirected a series of 11 issues to other dockets for action during 2010. One of the issues was transferred to this proceeding.

In the roadmap order, the Commission committed to the task of vetting in this Innovative Ratemaking Docket a group of inter-related issues that are common to all of the Energy Efficiency, Tariff Filing, and Reporting Dockets: Lost Contributions to Fixed Costs, Avoided Costs of Energy Efficiency Resources, and Shareholder Incentives for Program Performance. The Commission committed to resolution and determination of its inquiry by December 31, 2010.

Gas and electric utilities, including the electric cooperatives and other interested parties, are directed to file comments, testimony and legal pleadings, as appropriate, on the subject on or before Noon on Friday, March 26, 2010. Reply comments, testimony, and legal pleadings are due on or before Noon on Friday, April 16, 2010.



# Southwest Power Pool, Inc.

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A public hearing will be scheduled on this subject.

On March 1, 2010, Arkansas Community Action Agencies Association, Inc. filed a Petition to Intervene.

On March 3, 2010, the Federal Executive Agencies filed a Petition to Intervene.

On March 5, 2010, the Arkansas Community Action Agencies Association, Inc. filed comments.

On March 23, 2010, the APSC issued Order No. 8, which granted the Petitions to Intervene of the Arkansas Community Action Agencies Association, Inc. and the Federal Executive Agencies.

On March 25, 2010, Robert H. Swaim submitted Direct Testimony on behalf of the General Staff of the APSC.

On March 26, 2010, Alan D. Henry and Angela M. Kline submitted Direct Testimony on behalf of CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Arkansas Gas.

On March 26, 2010, the Arkansas Attorney General, Arkansas Electric Energy Consumers, Inc. and Arkansas Gas Consumers, Inc., Arkansas Oklahoma Gas Corporation, the Electric Cooperatives of Arkansas, The Empire District Electric Company, Entergy Arkansas, Inc., Oklahoma Gas and Electric Company, and SWEPCO filed comments in response to Order No. 7.

On March 26, 2010, Paul Chernick submitted Direct Testimony on behalf of The National Audubon Society, Inc. and Audubon Arkansas.

On March 26, 2010, Larry Blank filed Testimony on behalf of the Federal Executive Agencies.

On March 26, 2010, Paul D. Smith submitted Testimony on behalf of Arkansas Western Gas Company.

08-144-U

### **In the Matter of a Notice of Inquiry regarding the Expanded Development of Sustainable Energy Resources in Arkansas**

On February 3, 2010, the APSC issued Order No. 13. On February 3, 2010 in an omnibus "roadmap" order, the Commission announced the establishment of a new Energy Efficiency Notice of Inquiry Docket (No. 10-010-U) and redirected a series of 11 issues to other dockets for action during 2010. Two of the issues were transferred to this proceeding.

In the roadmap order, the Commission committed to the task of vetting in this Sustainable Energy Resources Docket two issues that are common to the Energy Efficiency Dockets: 1) Defining the Term "comprehensive" in the context of the Energy Efficiency plans and portfolios of the state's regulated electric and gas utilities; and 2) Further exploring the promise and potential in Arkansas of the Smart Grid, Demand Response, and Advanced Metering Infrastructure ("AMI"). The Commission committed to resolution and determination of its inquiry by December 31, 2010.

On or before Noon on Tuesday, March 2, 2010, all parties are directed to file comments, testimony and legal pleadings, as appropriate, on the subject of the meaning "comprehensive" in Energy Efficiency planning under the Commission's Rules for Conservation and Energy Efficiency Programs ("C&EE Rules") issued in Docket No. 06-004-R, and integrating comprehensive and robust Energy Efficiency resources into the IRP process under the IRP

# Southwest Power Pool, Inc.

## Regulatory Status Report

Guidelines adopted in Docket No. 06-028-R. Reply pleadings are due on or before Noon on Tuesday, March 16, 2010. The Commission will review these findings and conduct an evidentiary hearing and will issue a subsequent order regarding the subject by December 31, 2012.

In addition, electric utilities, including the electric cooperatives, are directed to report in detail on their current and planned use of Smart Grid, Demand Response, and AMI projects and investments in Arkansas. EAI, SWEPCO, OG&E, and Empire are also directed to report on the current and planned use of Smart Grid, Demand Response, and AMI projects and investments in other jurisdictions by their parent and/or sister companies. These reports are due on or before Noon on Tuesday, March 2, 2010.

Pursuant to Order No. 13, numerous parties filed initial comments and/or testimony regarding the meaning "comprehensive" in Energy Efficiency planning under the Commission's Rules for Conservation and Energy Efficiency Programs ("C&EE Rules") issued in Docket No. 06-004-R, and integrating comprehensive and robust Energy Efficiency resources into the IRP process under the IRP Guidelines adopted in Docket No. 06-028-R.

In addition, electric utilities, including the electric cooperatives, were required to report in detail regarding their current and planned use of Smart Grid, Demand Response, and AMI projects and investments in Arkansas

Also, Entergy Arkansas, Inc., Oklahoma Gas & Electric Company, and Southwestern Electric Power Company were required to report their current and planned use of Smart Grid, Demand Response, and AMI projects and investments in other jurisdictions by their parent and/or sister companies.

On March 9, 2010, Gary J. Marchbanks filed Direct Testimony on behalf of Oklahoma Gas and Electric Company.

On March 16, 2010, the Arkansas Attorney General filed Reply Comments Regarding the Term "Comprehensive".

On March 16, 2010, Richard C. Leger submitted Rebuttal Testimony on behalf of Centerpoint Energy Resources Corp., d/b/a Centerpoint Energy Arkansas Gas.

On March 16, 2010, Entergy Arkansas, Inc. filed Reply Comments.

On March 16, 2010, Hale Powell submitted Reply Testimony on behalf of Audubon Arkansas.

On March 16, 2010, Paul Smith submitted Responsive Testimony on behalf of Arkansas Western Gas Company.

On March 16, 2010, Southwestern Electric Power Company filed Reply Comments.

09-037-U

**In the Matter of the Application of SPP for Authority to Issue up to \$30,000,000 in Non-Secured Promissory Notes with Maturity in 2016**

On March 5, 2010, the APSC issued Order No. 3, authorizing the Secretary of the Commission to close this docket.

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09-074-U

### **In the Matter of an Investigation into Transmission Cost Recovery by Members of the Southwest Power Pool, Inc.**

On February 11, 2010, the APSC issued Order No. 2 in this proceeding. The following procedural schedule was established:

- 1) Any additional entity/interested party desiring to participate as an official party must file a Petition to Intervene within 30 days of this order.
- 2) Reply comments and/or legal pleadings shall be filed by Noon on March 17, 2010.
- 3) Sur-Reply comments are due by Noon on March 26, 2010.
- 4) An evidentiary hearing is scheduled to begin at 9:30 AM on April 22, 2010.

On February 16, 2010, the APSC issued Order No. 3, an errata order changing the evidentiary hearing to April 28, 2010.

On March 16, 2010, the General Staff of the APSC filed a Motion to Amend Procedural Schedule. Because of several other filing deadlines, Staff requested a one week extension for the filing of Surreply Comments to Noon on April 2, 2010.

On March 17, 2010, the Empire District Electric Company filed Reply Comments.

On March 17, 2010, the Arkansas Attorney General filed Initial Comments.

On March 17, 2010, Arkansas Electric Cooperative Corporation filed Reply Comments.

On March 17, 2010, the General Staff of the APSC filed Reply Comments.

On March 17, 2010, Oklahoma Gas and Electric Company filed Reply Comments.

On March 17, 2010, Southwestern Electric Power Company filed Reply Comments.

On March 23, 2010, the APSC issued Order No. 4, which granted the Staff's Motion to Amend Procedural Schedule. Surreply comments are now due on April 2, 2010.

09-090-U

### **In the Matter of the Impact of Federal Energy Regulatory Commission ("FERC") Orders 719 and 719-A in FERC Docket No. RM07-19-001 on the Regulatory Authority of the Arkansas Public Service Commission**

On January 8, 2010, the APSC issued Order No. 6, which granted EnerNOC's Revised Motion to Intervene.

09-128-U

### **In the Matter of the Application of Southwest Power Pool, Inc. for Authority to Issue up to \$150,000,000 in Secured and Non-Secured Promissory Notes**

On January 15, 2010, SPP filed notice in this proceeding that FERC issued an order approving the finance filing in FERC Docket No. ES10-11.

On January 20, 2010, Robert Daniel filed Direct Testimony on behalf of the General Staff of the Arkansas Public Service Commission.

Mr. Daniel recommended that the Commission grant SPP's request, consistent with FERC's

# Southwest Power Pool, Inc.

## Regulatory Status Report

restrictions on all public utility debt issuances and for a two-year period through January 15, 2012.

On February 1, 2010, the Commission issued Order No. 1 which grants permission for SPP to issue secured and non-secured promissory notes with an aggregate principal amount that will not exceed \$150,000,000.

SPP must file in this docket a full and complete copy of any lending company agreement transaction within 30 days of the issuance or effective date of the proposed transaction.

10-010-U

### **In the Matter of a Notice of Inquiry into Energy Efficiency ("EE NOI Docket")**

On February 3, 2010, the APSC issued Order No. 1. On February 3, 2010 in an omnibus "roadmap" order, the Commission announced the establishment of a new Energy Efficiency Notice of Inquiry Docket (the "EE NOI Docket") and redirected a series of 11 issues to existing dockets for action during calendar year 2010. Seven of the issues were transferred to this proceeding.

The Commission committed to the task of vetting and deciding, by December 31, 2010, in the new EE NOI Docket issue numbers 4-10 discussed in the roadmap order that are common to the Energy Efficiency ("EE") Dockets:

- 4) Full Fuel Cycle Efficiency;
- 5) Independent Administration;
- 6) Commercial and Industrial "Opt Out";
- 7) Administrative Costs and EE Reporting Needs;
- 8) "Best Practices" - National Action Plan for Energy Efficiency;
- 9) Utility EE Resources and Staffing Training within the Contractor Market and within the Utility; and
- 10) Benefits of Energy Efficiency Resources

Comments, testimony and exhibits are due on or before Noon on Tuesday, March 2, 2010, with Reply Comments due on or before Noon on Tuesday, March 16, 2010, regarding the following items: Full Fuel Cycle Efficiency, Independent Administration, Commercial and Industrial "Opt Out", and Benefits of Energy Efficiency Resources.

In addition, the Working Group on Energy Efficiency Reporting Needs is to study the effort regarding the Administrative Costs and EE Reporting Needs. The Working Group is to submit a report of its findings and recommendations for strengthening and standardizing EE reporting on or before September 30, 2010, so that the Commission may finalize reporting requirements prior to April 2011.

The Working Group is also encouraged to conduct forums during 2010 on "Best Practices" - National Action Plan for Energy Efficiency. The Commission requested that the Working Group submit its report and recommendations by October 29, 2010.

Lastly, on or before Noon on Friday, April 23, 2010, each of the EE utilities were directed to file comments in detail to Audubon's recommendations regarding the Utility EE Resources and Staffing and Training within the Contractor Market and within the Utility issue - as they apply to its own EE plans and programs. Comments are to include a plan for implementing the proposals each company believes it can undertake on or after July 1, 2010.

On February 11, 2010, Audubon Arkansas filed a Petition to Intervene.

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On February 19, 2010, Kroger Co. filed a Petition to Intervene.

On February 26, 2010, the APSC issued Order No. 2, granting the Petitions to Intervene of Audubon, Kroger, and Industrial Consumers. The APSC also rescheduled Initial Comments and Reply Comments to be due on March 22 and April 6, 2010, respectively.

On February 26, 2010, Arkansas Electric Energy Consumers, Inc. and Arkansas Gas Consumers, Inc. filed a Petition to Intervene.

On March 1, 2010, Arkansas Community Action Agencies Association, Inc. filed a Petition to Intervene.

On March 2, 2010, the APSC issued Order No. 3. The Commission incorrectly stated as March 22, 2010 as the date for the parties to file initial comments, testimony, and exhibits. The correct date for these filings is March 23, 2010.

On March 2, 2010, Wal-Mart Stores Arkansas, LLC and Sam's West, Inc. filed a Petition to Intervene.

On March 5, 2010, the Arkansas Community Action Agencies Association, Inc. filed comments.

On March 23, 2010, several entities filed initial comments or Testimony in response to Order No. 1.

10-011-U

### **In the Matter of a Show Cause Order Directed to Entergy Arkansas, Inc. Regarding Its Continued Membership in the Current Entergy System Agreement, or Any Successor Agreement Thereto, and Regarding the Future Operation and Control of Its Transmission Assets**

On February 11, 2010, the APSC issued Order No. 2 in this proceeding. Entergy Arkansas, Inc. ("EAI") and SPP are ordered to file a seams agreement in Docket No. 10-011-U, by March 1, 2010, reflecting whatever issues have been agreed upon when they file their monthly seams progress report for February 2010. In addition, EAI and SPP are to provide a detailed status report regarding the progress made to date on all remaining issues and also provide what needs to be done to complete work on these issues.

All future seams agreement related filings are to be filed in Docket No. 10-011-U instead of 08-136-U.

A public hearing will be scheduled in a subsequent order.

On February 11, 2010, the APSC issued Order No. 1 in this proceeding. The overall intent of this order is to give Entergy Arkansas, Inc. ("EAI") notice that the Commission's stated purposed is to conduct an investigation regarding the prudence of EAI entering into successor Entergy System Agreement ("ESA") as opposed to becoming a stand-alone utility upon its exit from the ESA, and whether EAI, as a stand-alone utility, should join the SPP RTO.

It is the intent of the Commission to timely and aggressively consider such steps in anticipation of initiating the stand-alone project no later than early 2012, with full implementation no later than December 19, 2013. Therefore, EAI is directed to focus all resources necessary to finalize the stand-alone study and stand-alone implementation plan for consideration by the APSC.

# Southwest Power Pool, Inc.

## Regulatory Status Report

Beginning on March 1, 2010, EAI President Hugh McDonald is directed to file, on the first business day of each month, supplemental testimony addressing the following in detail: 1) Entergy's and EAI's progress toward the development of a new ESA; and 2) the progress of the EAI stand-alone study. In addition, the Commission directed that Mr. McDonald should be prepared to testify and the Show Cause Evidentiary Hearings scheduled in this proceeding.

EAI may file testimony and exhibits on any other matters relevant to this proceeding it would like the Commission to consider no later than Noon on March 1, 2010.

By March 3, 2010, EAI must file all documents, data, studies or analyses related to potential successor agreements furnished to the LPSC or the LPSC Staff in LPSC Docket No. U-29764. EAI must also file any future submissions or filings related to successor agreements in this proceeding.

Also by March 3, EAI is directed to file copies of any draft successor agreement to the ESA as well as copies of any communications between EAI (or EAI employees) and ESI or other EOCs regarding a successor agreement to the ESA, as well as such future communications and drafts.

The Commission will consider all filings to date at the Show Cause Evidentiary hearing scheduled for 9:30 AM on March 11, 2010.

Rebuttal Testimony by APSC General Staff and Intervenors are due by Noon on March 30, 2010.

Surrebuttal Testimony by EAI is due by Noon on April 14, 2010.

A second Show Cause Evidentiary Hearing is scheduled for May 11, 2010.

On February 16, 2010, the Attorney General's Office submitted written notice of its intent to be an active party in this proceeding.

On February 16, 2010, the APSC issued Order No. 3, an errata order changing the second Show Cause Evidentiary Hearing to May 10, 2010 beginning at 9:30 AM.

On February 18, 2010, Entergy Arkansas, Inc. ("EAI") filed a Motion for Protective Order of Non-Disclosure. EAI requested that documents designated as Confidential in other proceedings and other Confidential Highly Sensitive Protected Information should be protected on an interim basis. EAI asked that the Commission issue a Protective Order of Non-Disclosure.

On February 19, 2010, Entegra Power Group, LLC filed a Petition to Intervene.

On February 19, 2010, SPP filed the Differences Report Between ICT Base Plan and Entergy Construction Plan, which was filed in FERC Docket No. ER05-1065 on February 17, 2010. The report is regarding the differences between the 2010 ICT Base Plan and the 2010-2012 Entergy Construction Plan, as required by FERC's orders approving the establishment of the ICT and Entergy's OATT.

On February 22, 2010, Entergy filed its response to the APSC's directive in Order No. 1 to provide the names, titles, and business addresses of all Entergy employees involved with negotiating a new system agreement with EOCs.

# Southwest Power Pool, Inc.

## Regulatory Status Report

On February 23, 2010, KGEN Power Management Inc. filed a Petition to Intervene.

On February 23, 2010, the APSC General Staff filed its response to Entergy's February 18, 2010 Motion for Protective Order.

Staff stated it does not concede that the information in question is proprietary, nor does Staff concede that Entergy has provided sufficient evidence pursuant to Rule 13.05 to show that the information is proprietary and/or Highly Sensitive Protected Information. However, Staff did not object to the Commission entering an interim protective order if Staff is reserved the right to contest at a future date Entergy's entitlement to a protective order for all or portions of the information.

On February 24, 2010, Southwestern Electric Power Company ("SWEPCO") filed a Petition to Intervene.

On February 24, 2010, the APSC issued Order No. 4, an Interim Protective Order, in response to Entergy's February 18, 2010 Motion for Protective Order of Non-Disclosure.

The Commission granted Entergy's request on an interim basis and has directed that its standard Affidavit of Non-Disclosure be executed and filed in this docket by all official party representatives that will have access to such Confidential Information.

On February 25, 2010, Calpine Corporation filed a Petition to Intervene.

On February 25, 2010, GDF SUEZ Energy Marketing NA, Inc. filed a Petition to Intervene.

On February 26, 2010, Arkansas Cities filed a Petition to Intervene.

On February 26, 2010, Arkansas Electric Energy Consumers, Inc. filed a Petition to Intervene.

On February 26, 2010, Arkansas Electric Cooperative Corporation filed a Petition to Intervene.

On March 1, 2010, Hugh T. McDonald, President and Chief Executive Officer, filed Direct Testimony on behalf of Entergy Arkansas, Inc.

On March 1, 2010, Entergy Arkansas, Inc. filed a Motion to Present Witnesses as Panel at the March 11, 2010 Show Cause Evidentiary Hearing.

On March 1, 2010, Entergy Arkansas and SPP submitted their joint response to Order No. 2, which required the filing of a Seams Agreement by March 1, 2010. The filing also contains the monthly progress report for February, originally required by Order No. 15 issued in APSC Docket No. 08-136-U.

Entergy and SPP have reached and executed agreements regarding three of the five areas originally targeted for coordination as well as an additional area identified through the seams agreement development process. The two outstanding areas are coordination and exchange of data utilized to calculate AFC and cost allocation.

Entergy and SPP state, that during the month of March, they will actively pursue completion of the Protocol Governing Allocation of Costs of Upgrades, the execution of which would complete phase three of the Seams Agreement.

On March 1, 2010, Kurtis W. Castleberry, Director of Resource Planning, filed Direct Testimony on behalf of Entergy Arkansas, Inc.

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On March 1, 2010, NRG Power Marketing, LLC and Louisiana Generating, LLC filed a Petition to Intervene.

On March 1, 2010, Michael Schnitzer, Director of The Northbridge Group, Inc., filed Direct Testimony on behalf of Entergy Arkansas, Inc.

On March 1, 2010, Cottonwood Energy Company, LP filed a Statement of Position. Cottonwood wishes to enter a limited appearance in APSC Docket Nos. 08-136-U and 10-011-U.

On March 1, 2010, John P. Hurstell, Vice President of Energy Management, filed Direct Testimony on behalf of Entergy Arkansas, Inc.

On March 1, 2010, Entergy Arkansas, Inc. filed a Continuing Objection to Order No. 1.

Entergy asserted that the APSC lacks jurisdiction to pursue the stated purpose of Order No. 1 of investigating and determining the prudence of EAI's decisions concerning its involvement in the Entergy System Agreement, its withdrawal from that agreement, and its consideration of and participation in any successor agreement. EAI also objected to any investigation to determine whether EAI should be required to withdraw from centralized system-wide planning. EAI goes on to state that FERC is the only entity with jurisdiction or authority over the System Agreement and centralized system-wide or joint planning among the Entergy Operating Companies.

On March 3, 2010, Energy Arkansas, Inc. filed its response to the first three requests for information issued in Order No. 1.

Also on March 3, Entergy Arkansas submitted Confidential and Highly Sensitive Confidential Information pursuant to Order No. 4.

On March 4, 2010, Energy Arkansas submitted its response to the Petitions to Intervene filed by Calpine Corporation, GDF SUEZ Energy Marketing NA, Inc. and NRG Power Marketing, LLC and Louisiana Generating, LLC.

Entergy requested that should the Commission grant Entegra's Petition to Intervene, that it deny Calpine's, GDF SUEZ's and the NRG Companies' Petitions to Intervene, or, alternatively, consolidate Entegra, Calpine, GDF SUEZ, and the NRG Companies into an industry group for purposes of intervenor status.

On March 4, 2010, the APSC issued Order No. 5, a pre-hearing order outlining the scope of the March 11 evidentiary hearing.

The scope includes the Differences Report filed on February 19, the Direct Testimony filed by Entergy on March 1, and Entergy's responses to the four requests for information found in Order No. 1. The scope will also include the various comments, testimonies, exhibits, and Orders previously filed or issued in APSC Docket Nos. 04-023-U and 08-136-U.

Additionally, Entergy's witnesses should be prepared to respond to questions from the APSC regarding Entergy's revised Integrated Resource Plan filed in Docket No. 07-016-U.

On March 4, 2010, the APSC issued Order No. 6 concerning the cost benefit study ordered in Docket No. 08-136-U.



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The APSC, referencing Order No. 13 issued in 08-136-U, reiterated "its previous directive that the SPP include within the context of the broader cost/benefit study, an EAI specific study of the costs and benefits associated with EAI becoming a full 'stand-alone' member of the SPP RTO. This EAI specific study should presume that EAI will no longer be a member of the ESA effective December 20, 2013, and that EAI will become a full SPP RTO member at such time."

In Order No. 6, SPP was directed to coordinate with Charles River Associates ("CRA") to facilitate the study to calculate the cost and benefits of EAI joining the RTO.

Also, EAI was ordered to fully cooperate with SPP and CRA in conducting the study regarding EAI joining the RTO as a stand-alone utility, as well as the study regarding full membership in the RTO of both EAI and Entergy. EAI was directed to pay for the addendum study relating to EAI as a stand-alone member of the RTO and was authorized to accumulate the cost of the EAI-specific study as a regulatory asset.

On March 5, 2010, the Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General's Office and Arkansas Electric Energy Consumers, Inc. filed a Joint Motion to Amend Procedural Schedule.

On March 9, 2010, Calpine Corporation filed its Reply to Energy Arkansas, Inc.'s Response to Petition to Intervene by Calpine Corporation, GDF SUEZ Energy Marketing NA, Inc. and NRG Power Marketing, LLC and Louisiana Generating, LLC. Calpine stated that it has interests in this docket that are separate and distinct from the other independent power producers seeking to intervene

On March 10, 2010, Energy Arkansas, Inc. filed its Response to Joint Motion to Amend Procedural Schedule.

On March 10, 2010, Entergy Arkansas, Inc. filed information as part of Addendum 1 to EAI's response to the Commission's third request for information pursuant to Order No. 1.

On March 10, 2010, the APSC issued Order No. 7 which amends the procedural schedule as follows:

- 1) The deadline for Staff and Intervenor Rebuttal Testimony is extended from March 30, 2010 to Noon on June 23, 2010.
- 2) The deadline for EAI Surrebuttal Testimony is extended from April 14, 2010 to Noon on July 8, 2010.
- 4) The second Show Cause Hearing, set to begin on May 10, 2010, is cancelled and rescheduled to begin at 9:30 AM on August 2, 2010.

On March 10, 2010, the APSC issued Order No. 8 which granted several petitions to intervene in this proceeding.

The Commission granted the petitions to intervene of Southwestern Electric Power Company, Arkansas Electric Cooperative Corporation, Arkansas Electric Energy Consumers, and Arkansas Cities.

The Commission granted the petitions to intervene of Entegra, KGen, Calpine, GDF SUEZ, and NRG on the condition that these entities intervene and participate in this proceeding as a single and united Intervenor, retaining the rights to advance their individual positions to the

# Southwest Power Pool, Inc.

## Regulatory Status Report

extent they diverge from the group.

On March 11, 2010, SPP filed Affidavits for Non-Disclosure for access to Confidential Information pursuant to Interim Protective Order No. 4.

On March 11, 2010, SPP filed Affidavits of Certification for access to Highly Sensitive Protected Information pursuant to Interim Protective Order No. 4.

On March 15, 2010, Entegra Power Group, LLC, KGen Power Management, Inc., GDF SUEZ Energy Marketing North America, Calpine Corporation, NRG Power Marketing, LLC and Louisiana Generating, LLC filed their response to Order No. 8, which requested contact information for the official designees for the intervenors.

On March 15, 2010, the Arkansas Cities filed their response to Order No. 8, which requested contact information for the official designees for the Arkansas Cities.

On March 17, 2010, City, Water, and Light Plant of Jonesboro, Arkansas ("CWL") filed a Petition to Intervene.

On March 18, 2010, Staff filed its response to the Petition to Intervene of City Water and Light Plant of Jonesboro ("CWL"). Staff requested that CWL be required to show good cause before its untimely Petition to Intervene is considered.

On March 24, 2010, City, Water, and Light Plant of Jonesboro, Arkansas filed an Amended Petition to Intervene.

On March 30, 2010, the APSC issued Order No. 9, which granted the City, Water and Light Plant of Jonesboro's ("CWL") Amended Petition subject to CWL's acceptance of the existing procedural scheduled without modification and subject to CWL participating in this proceeding as a member of the single and united Arkansas Cities Intervenor group.

SC09-718

### **Hempstead County Hunting Club, Inc., Schultz Family Management Company, Po-Boy Land Company, Inc., and Yellow Creek Corporation v. Arkansas Public Service Commission and Southwestern Electric Power Company**

On January 6, 2010, the APSC submitted its Response to Appellants' Motion for Permission to File Response Briefs to Amicus Briefs. The APSC asked the court to deny appellants' request for an expanded page limit and to file response briefs to Amici filings, or alternatively, grant the PSC the opportunity to respond to Appellants' responsive filings and file separate responses as well to any other Amicus Curiae briefs.

On January 11, 2010, the Appellants filed their Response to PSC Supplemental Brief. The Appellants allege that the APSC has changed its arguments in a post hoc attempt to rationalize the Commission's failure to follow the statutory requirements for issuing a CECPN.

On January 14, 2010, the Arkansas Supreme Court issued orders granting the motion of Entergy Arkansas, Inc. to file amicus curiae brief and denying the motion for permission to file response briefs to amicus briefs.

On January 19, 2010, the Appellants filed their Response to Southwestern Electric Power Company's Supplemental Brief. The Appellants state they suffered prejudice as a result of the Commission's segmented consideration of issues. The Appellants state that order No. 11 must be reversed, and the Court of Appeals affirmed.

# **Southwest Power Pool, Inc.**

## **Regulatory Status Report**

On January 22, 2010, the APSC filed its Supplemental Reply Brief.

On February 1, 2010, SWEPCO filed its Supplemental Reply Brief.

On February 5, 2010, SWEPCO filed a Motion to Allow Additional Time for Oral Argument to be heard on April 15, 2010. SWEPCO stated that the additional time is needed because of the complexity and importance of the issues, including the jurisdictional issues raised by Appellee in its Motion to Dismiss.

On February 11, 2010, the Appellants filed their Response to SWEPCO's Motion to Allow Additional Time for Oral Argument. The Appellants do not oppose the Supreme Court granting the request.

On February 11, 2010, the APSC filed a Response to Southwestern Electric Power Company's Motion to Allow Additional Time for Oral Argument. The APSC supports the Court granting an additional ten minutes per side for oral argument to be heard on April 15, 2010.

On February 18, 2010, the Arkansas Supreme Court issued an order granting, to both sides, SWEPCO's motion to allow additional time for oral argument.

Oral arguments are to be held on April 15, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

*FERC or State Jurisdiction: State of Louisiana*

U-29702

**Application of Southwestern Electric Power Company ("SWEPCO") for Certification of Contracts for the Purchase of Capacity and to Purchase, Operate, Own and Install Peaking, Intermediate and Baseload Generating Facilities**

The Independent Monitor's Reports on Arsenal Hill are being submitted in this docket.

# Southwest Power Pool, Inc.

## Regulatory Status Report

***FERC or State Jurisdiction: State of Missouri***

**EW-2009-0290**

**In the Matter of the Consideration of Adoption of the PURPA Section 111(d)(16) Integrated Resource Planning Standard as Required by Section 532 of the Energy Independence and Security Act of 2007**

On January 13, 2010, the MoPSC issued a procedural order.

Docket No. EW-2009-0290: this workshop will continue in conjunction with the IRP workshops and the standard should be incorporated in the IRP (Chapter 22) rules.

Docket No. EW-2009-0291: this will be severed from the IRP rulemaking proceedings and should proceed as a separate workshop leading to a rule making proceeding. This docket will be consolidated with the rulemaking for SB 376 (Section 393.1124), the Missouri Energy Efficiency Investment Act.

Docket Nos. EW-2009-0292 and EW-2009-0293: these will remain consolidated but will be severed from the IRP rulemaking proceedings and will proceed as a separate workshop leading to a rulemaking proceeding.

Workshops are to being no later than March 31, 2010. The MoPSC will being filing status reports within seven days of completing each workshop session.

On January 25, 2010, the MoPSC Staff held a planning meeting concerning the approach to and schedule for workshops to comply with the January 13, 2010 Procedural Order.

Objectives of this meeting were:

- 1) Determination of the need for workshop(s) to comply with PURPA Section 111(d)(16) Integrated Resource Planning Standard
- 2) Discussion of and agreement on how the workshops will be conducted to comply with PURPA Section 111(d)(17) Rate Design Modifications to Promote Energy Efficiency Investment Standard, PURPA Section 111(d)(18) Smart Grid Investments Standard and PURPA Section 111(d)(19) Smart Grid Information Standard
- 3) Discussion of the schedule for all workshops

On January 27, 2010, MoPSC Staff filed its report in response to the January 13, 2010 Procedural Order.

Staff reported that it has called a workshop for February 22, 2010 for the purpose of reaching agreement on a schedule of workshops for the remaining PURPA standards, some or possibly all of the requirements of SB 376, and FERC Orders 719 and 719-A.

Staff noted that the February 22 workshop ultimately may result in a recommendation to consolidate EW-2010-0187 and EW-2009-0291.

Staff proposed to submit another report on February 25, 2010 which will relate the results of the February 22 workshop.

On January 28, 2010, the MoPSC issued an Order Directing Filing of Proposed Schedule. The proposed schedule for workshops is due no later than February 25, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

A workshop was held on February 22, 2010.

On February 25, 2010, the MoPSC Staff submitted the Staff Second Report and Proposed Workshop Schedules.

At the workshop held on February 22, 2010, the participants agreed to three tracks:

- 1) A track for the currently underway revision of Chapter 22 Electric Utility Resource Planning rules, which covers File Nos. EW-2009-0290 and EW-2009-0412;
- 2) A track and issues for workshops for energy efficiency investment / demand-side programs, which covers SB 376 / MEEIA / Section 393.1075 and File Nos. EW-2009-0291 and EW-2010-0187, with initial workshops scheduled for April 14, May 17-18, and June 11, 2010; and
- 3) A track for the workshops for smart grid investments and information, which covers File No. EW-2009-0292, with initial workshops scheduled for May 18 and June 28-29, 2010.

On March 3, 2010, the MoPSC issued an Order Adopting Workshop Schedule with Modifications.

At workshop held on February 22, 2010, the participants agreed to three tracks:

- 1) A track for the currently underway revision of Chapter 22 Electric Utility Resource Planning rules, which covers File Nos. EW-2009-0290 and EW-2009-0412;
- 2) A track and issues for workshops for energy efficiency investment / demand-side programs, which covers SB 376 / MEEIA / Section 393.1075 and File Nos. EW-2009-0291 and EW-2010-0187, with initial workshops scheduled for April 14, May 17-18, and June 11, 2010; and
- 3) A track for the workshops for smart grid investments and information, which covers File No. EW-2009-0292, with initial workshops scheduled for May 18 and June 28-29, 2010.

The proposed schedule is adopted with one modification. MoPSC directed the workshop participants to address the RTO issues in file Number EW-2009-0291 at either the April 14 or May 17-18 workshops.

On March 25, 2010, the MoPSC issued a Procedural Order Regarding Workshops. The Commission established a separate File for the SB 376 (Missouri Energy Efficiency Investment Act) workshop/rulemaking: File No. EW-2010-0265. The procedural schedule will remain unchanged and the consolidated workshops may continue.

On March 25, 2010, the MoPSC issued a Procedural Order Severing Workshops. The workshops for File No. EW-2010-0187 are severed from the workshops for File No. EW-2009-0291.

# Southwest Power Pool, Inc.

## Regulatory Status Report

EW-2009-0291

**In the Matter of the Consideration of Adoption) of the PURPA Section 111(d)(17) Rate Design Modifications to Promote Energy Efficiency Investments Standard as Required by Section 532 of the Energy Independence and Security Act of 2007**

On January 13, 2010, the MoPSC issued a procedural order.

Docket No. EW-2009-0290: this workshop will continue in conjunction with the IRP workshops and the standard should be incorporated in the IRP (Chapter 22) rules.

Docket No. EW-2009-0291: this will be severed from the IRP rulemaking proceedings and should proceed as a separate workshop leading to a rule making proceeding. This docket will be consolidated with the rulemaking for SB 376 (Section 393.1124), the Missouri Energy Efficiency Investment Act.

Docket Nos. EW-2009-0292 and EW-2009-0293: these will remain consolidated but will be severed from the IRP rulemaking proceedings and will proceed as a separate workshop leading to a rulemaking proceeding.

Workshops are to being no later than March 31, 2010. The MoPSC will being filing status reports within seven days of completing each workshop session.

On January 25, 2010, the MoPSC Staff held a planning meeting concerning the approach to and schedule for workshops to comply with the January 13, 2010 Procedural Order.

Objectives of this meeting were:

- 1) Determination of the need for workshop(s) to comply with PURPA Section 111(d)(16) Integrated Resource Planning Standard
- 2) Discussion of and agreement on how the workshops will be conducted to comply with PURPA Section 111(d)(17) Rate Design Modifications to Promote Energy Efficiency Investment Standard, PURPA Section 111(d)(18) Smart Grid Investments Standard and PURPA Section 111(d)(19) Smart Grid Information Standard
- 3) Discussion of the schedule for all workshops

On January 27, 2010, MoPSC Staff filed its report in response to the January 13, 2010 Procedural Order.

Staff reported that it has called a workshop for February 22, 2010 for the purpose of reaching agreement on a schedule of workshops for the remaining PURPA standards, some or possibly all of the requirements of SB 376, and FERC Orders 719 and 719-A.

Staff noted that the February 22 workshop ultimately may result in a recommendation to consolidate EW-2010-0187 and EW-2009-0291.

Staff proposed to submit another report on February 25, 2010 which will relate the results of the February 22 workshop.

On January 28, 2010, the MoPSC issued an Order Directing Filing of Proposed Schedule. The proposed schedule for workshops is due no later than February 25, 2010.

A workshop was held on February 22, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

On February 25, 2010, the MoPSC Staff submitted the Staff Second Report and Proposed Workshop Schedules.

At the workshop held on February 22, 2010, the participants agreed to three tracks:

- 1) A track for the currently underway revision of Chapter 22 Electric Utility Resource Planning rules, which covers File Nos. EW-2009-0290 and EW-2009-0412;
- 2) A track and issues for workshops for energy efficiency investment / demand-side programs, which covers SB 376 / MEEIA / Section 393.1075 and File Nos. EW-2009-0291 and EW-2010-0187, with initial workshops scheduled for April 14, May 17-18, and June 11, 2010; and
- 3) A track for the workshops for smart grid investments and information, which covers File No. EW-2009-0292, with initial workshops scheduled for May 18 and June 28-29, 2010.

On March 3, 2010, the MoPSC issued an Order Adopting Workshop Schedule with Modifications.

At workshop held on February 22, 2010, the participants agreed to three tracks:

- 1) A track for the currently underway revision of Chapter 22 Electric Utility Resource Planning rules, which covers File Nos. EW-2009-0290 and EW-2009-0412;
- 2) A track and issues for workshops for energy efficiency investment / demand-side programs, which covers SB 376 / MEEIA / Section 393.1075 and File Nos. EW-2009-0291 and EW-2010-0187, with initial workshops scheduled for April 14, May 17-18, and June 11, 2010; and
- 3) A track for the workshops for smart grid investments and information, which covers File No. EW-2009-0292, with initial workshops scheduled for May 18 and June 28-29, 2010.

The proposed schedule is adopted with one modification. MoPSC directed the workshop participants to address the RTO issues in file Number EW-2009-0291 at either the April 14 or May 17-18 workshops.

On March 25, 2010, the MoPSC issued a Procedural Order Regarding Workshops. The Commission established a separate File for the SB 376 (Missouri Energy Efficiency Investment Act) workshop/rulemaking: File No. EW-2010-0265. The procedural schedule will remain unchanged and the consolidated workshops may continue.

On March 25, 2010, the MoPSC issued a Procedural Order Severing Workshops. The workshops for File No. EW-2010-0187 are severed from the workshops for File No. EW-2009-0291.

**EW-2009-0292**

**In the Matter of the Consideration of Adoption of the PURPA Section 111(d)(18) Smart Grid Investments Standard and PURPA Section 111(d)(19) Smart Grid Information Standard, as Required by Section 1307 of the Energy Independence and Security Act**



# Southwest Power Pool, Inc.

## Regulatory Status Report

of 2007

On January 13, 2010, the MoPSC issued a procedural order.

Docket No. EW-2009-0290: this workshop will continue in conjunction with the IRP workshops and the standard should be incorporated in the IRP (Chapter 22) rules.

Docket No. EW-2009-0291: this will be severed from the IRP rulemaking proceedings and should proceed as a separate workshop leading to a rule making proceeding. This docket will be consolidated with the rulemaking for SB 376 (Section 393.1124), the Missouri Energy Efficiency Investment Act.

Docket Nos. EW-2009-0292 and EW-2009-0293: these will remain consolidated but will be severed from the IRP rulemaking proceedings and will proceed as a separate workshop leading to a rulemaking proceeding.

Workshops are to be held no later than March 31, 2010. The MoPSC will be filing status reports within seven days of completing each workshop session.

On January 25, 2010, the MoPSC Staff held a planning meeting concerning the approach to and schedule for workshops to comply with the January 13, 2010 Procedural Order.

Objectives of this meeting were:

- 1) Determination of the need for workshop(s) to comply with PURPA Section 111(d)(16) Integrated Resource Planning Standard
- 2) Discussion of and agreement on how the workshops will be conducted to comply with PURPA Section 111(d)(17) Rate Design Modifications to Promote Energy Efficiency Investment Standard, PURPA Section 111(d)(18) Smart Grid Investments Standard and PURPA Section 111(d)(19) Smart Grid Information Standard
- 3) Discussion of the schedule for all workshops

On January 27, 2010, MoPSC Staff filed its report in response to the January 13, 2010 Procedural Order.

Staff reported that it has called a workshop for February 22, 2010 for the purpose of reaching agreement on a schedule of workshops for the remaining PURPA standards, some or possibly all of the requirements of SB 376, and FERC Orders 719 and 719-A.

Staff noted that the February 22 workshop ultimately may result in a recommendation to consolidate EW-2010-0187 and EW-2009-0291.

Staff proposed to submit another report on February 25, 2010 which will relate the results of the February 22 workshop.

On January 28, 2010, the MoPSC issued an Order Directing Filing of Proposed Schedule. The proposed schedule for workshops is due no later than February 25, 2010.

A workshop was held on February 22, 2010.

On February 25, 2010, the MoPSC Staff submitted the Staff Second Report and Proposed Workshop Schedules.

# Southwest Power Pool, Inc.

## Regulatory Status Report

At the workshop held on February 22, 2010, the participants agreed to three tracks:

- 1) A track for the currently underway revision of Chapter 22 Electric Utility Resource Planning rules, which covers File Nos. EW-2009-0290 and EW-2009-0412;
- 2) A track and issues for workshops for energy efficiency investment / demand-side programs, which covers SB 376 / MEEIA / Section 393.1075 and File Nos. EW-2009-0291 and EW-2010-0187, with initial workshops scheduled for April 14, May 17-18, and June 11, 2010; and
- 3) A track for the workshops for smart grid investments and information, which covers File No. EW-2009-0292, with initial workshops scheduled for May 18 and June 28-29, 2010.

On March 3, 2010, the MoPSC issued an Order Adopting Workshop Schedule with Modifications.

At workshop held on February 22, 2010, the participants agreed to three tracks:

- 1) A track for the currently underway revision of Chapter 22 Electric Utility Resource Planning rules, which covers File Nos. EW-2009-0290 and EW-2009-0412;
- 2) A track and issues for workshops for energy efficiency investment / demand-side programs, which covers SB 376 / MEEIA / Section 393.1075 and File Nos. EW-2009-0291 and EW-2010-0187, with initial workshops scheduled for April 14, May 17-18, and June 11, 2010; and
- 3) A track for the workshops for smart grid investments and information, which covers File No. EW-2009-0292, with initial workshops scheduled for May 18 and June 28-29, 2010.

The proposed schedule is adopted with one modification. MoPSC directed the workshop participants to address the RTO issues in file Number EW-2009-0291 at either the April 14 or May 17-18 workshops.

On March 25, 2010, the MoPSC issued a Procedural Order Severing Workshops. The workshops for File No. EW-2010-0187 are severed from the workshops for File No. EW-2009-0291.

On March 25, 2010, the MoPSC issued a Procedural Order Regarding Workshops. The Commission established a separate File for the SB 376 (Missouri Energy Efficiency Investment Act) workshop/rulemaking: File No. EW-2010-0265. The procedural schedule will remain unchanged and the consolidated workshops may continue.

**EW-2010-0187**

**In the Matter of an Investigation into the Coordination of State and Federal Regulatory Policies for Facilitating the Deployment of all Cost-Effective Demand-Side Savings to Electric Customers of All Classes Consistent with the Public Interest**

On January 6, 2010, the Missouri Public Service Commission issued an Order Opening a Case to Investigate Implementation of Various Demand-Side Programs.

# Southwest Power Pool, Inc.

## Regulatory Status Report

The MoPSC invites comments regarding several questions it has regarding the Missouri Energy Efficiency Act ("MEEIA") and Aggregators of Retail Customers ("ARCs") that it asks participants to address. After comments are collected, the Commission will schedule a workshop for discussion of these matters.

This case was established to investigate how the Commission may achieve its new responsibilities under the MEEIA, within the background of FERC policies that eliminate barriers to demand response and that direct MISO and SPP to accommodate state policy regarding retail customer demand-side activity.

On January 27, 2010, MoPSC Staff submitted a report in response to the January 13, 2010 Procedural Order in Docket Nos. EW-2009-0290, 0291, and 0292. Since Docket No. EW-2009-0291 and EW-2010-0187 are interrelated, the Staff submitted its first report in this proceeding.

Staff noted that the February 22, 2010 workshop ultimately may result in a recommendation to consolidate EW-2010-0187 and EW-2009-0291. Staff proposes to submit another report on February 25, 2010 which will relate the results of the February 22, 2010 workshop.

On February 8, 2010, SPP submitted an informational filing as to the status of its FERC Order 719 and 719-A compliance filings.

On February 10, 2010, the Sierra Club, et al., filed its response to the January 6, 2010 order opening case.

On February 17, 2010, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company filed their response to the January 6, 2010 order opening case.

On February 17, 2010, Energy Curtailment Specialists, Inc. filed its initial comments.

On February 17, 2010, EnerNOC, Inc. filed its initial comments in response to the January 6, 2010 order opening case.

On February 19, 2010, Empire District Electric Company filed its response to the January 6, 2010 order opening case.

On February 22, 2010, Missouri Industrial Energy Consumers filed its response to questions for Electric Issues Workshop on February 22, 2010.

On February 22, 2010, Missouri Energy Group filed its Response to Commission Workshop Questions on Energy Efficiency.

A workshop was held on February 22, 2010.

On February 22, 2010, EnergyConnect, Inc. filed comments in response to the January 6, 2010 order opening case.

On February 25, 2010, the MoPSC Staff submitted the Staff Second Report and Proposed Workshop Schedules.

At the workshop held on February 22, 2010, the participants agreed to three tracks:

- 1) A track for the currently underway revision of Chapter 22 Electric Utility Resource Planning rules, which covers File Nos. EW-2009-0290 and EW-2009-0412;

# Southwest Power Pool, Inc.

## Regulatory Status Report

2) A track and issues for workshops for energy efficiency investment / demand-side programs, which covers SB 376 / MEEIA / Section 393.1075 and File Nos. EW-2009-0291 and EW-2010-0187, with initial workshops scheduled for April 14, May 17-18, and June 11, 2010; and

3) A track for the workshops for smart grid investments and information, which covers File No. EW-2009-0292, with initial workshops scheduled for May 18 and June 28-29, 2010.

On March 25, 2010, the MoPSC issued a Procedural Order Severing Workshops. The workshops for File No. EW-2010-0187 are severed from the workshops for File No. EW-2009-0291.

On March 31, 2010, the MoPSC issued an Order Temporarily Prohibiting the Operation of Aggregators of Retail Customers. The Commission Orders that:

- 1) Demand response load reductions of customers of the four Missouri electric utilities regulated by the Commission are prohibited from being transferred to ISO or RTO markets directly by retail customers or third party ARCs;
- 2) The staff shall file by April 2, 2010, any revisions to its scheduled of workshops for File No. EW-2010-0187;
- 3) The participants shall file additional comments regarding the issues attending ARC operations, in general, and ARC operation in Missouri in particular, by April 9, 2010.

This order is effective immediately and shall remain in effect until further order of the Commission.

**EW-2010-0265**

### **In the Matter of the Consideration and Implementation of Section 393.1075, the Missouri Energy Efficiency Investment Act**

On March 25, 2010, the MoPSC issued a Procedural Order Regarding Workshops. The Commission established a separate File for the SB 376 (Missouri Energy Efficiency Investment Act) workshop/rulemaking: File No. EW-2010-0265. The procedural schedule will remain unchanged and the consolidated workshops may continue.

**EX-2010-0169**

### **In the Matter of a Proposed Rulemaking Regarding Electric Utility Renewable Energy Standard Requirements**

On January 8, 2010, the MoPSC submitted a notice of proposed rule 4 CSR 240-3.156, Electric Utility Renewable Energy Standard Filing Requirements, to the Missouri Secretary of State for publication in the Missouri Register.

Comments concerning this rule are due April 5, 2010. A public hearing is scheduled for April 6, 2010 beginning at 9 am.

On January 11, 2010, the MoPSC issued a Notice of Rulemaking Hearing to be held on April 6, 2010 beginning at 9 AM.

The proposed rules were published in the Missouri Register on February 16, 2010.

**Southwest Power Pool, Inc.  
Regulatory Status Report**

# Southwest Power Pool, Inc.

## Regulatory Status Report

*FERC or State Jurisdiction: State of New Mexico*

07-00390-UT

### **An Investigation into the Prudence of Southwestern Public Service Company's ("SPS") Participation in the SPP RTO**

On February 2, 2010, the NMPRC issued a Final Order Approving Certification of Stipulation. The Final Order is effective immediately.

On March 23, 2010, Southwestern Public Service Company submitted a compliance filing to formally notify the New Mexico Public Regulation Commission that FERC issued a letter order in Docket No. ER10-754, on March 18, 2010, which accepted SPS' Network Integration Transmission Service Agreement with SPP.

# Southwest Power Pool, Inc.

## Regulatory Status Report

**FERC or State Jurisdiction: State of Texas**

**37344**

### **Information Related to the Entergy Regional State Committee ("ERSC")**

On January 13, 2010, the ERSC and SPP Service Agreement, effective January 6, 2010, was filed in this proceeding.

On January 13, 2010, the ERSC Bylaws adopted on December 16, 2009, were filed in this proceeding.

On January 13, 2010, the Resolution of the E-RSC Supporting Entergy's Amended ICT Agreement was filed in this proceeding.

On January 29, 2010, the FERC letter order approving the Amended ICT Agreement was filed in this proceeding.

On March 3, 2010, a letter from Brazos Electric Power Cooperative, Inc. was filed in this proceeding. Brazos Electric responded to Commissioner Anderson's request that Brazos Electric (i) provide a summary of their experience with the ICT process; (ii) review the comments submitted by the East Texas Electric Cooperatives to the ERSC during December 2009 and the AEP presentation to the ERSC in January 2010; (iii) notify Commissioner Anderson which of those comments Brazos Electric agreed or disagreed with; and (iv) provide an explanation of the reason for Brazos Electric's position.

# Southwest Power Pool, Inc.

## Regulatory Status Report

### *FERC or State Jurisdiction: United States Court of Appeals*

10-1043

#### **Entergy Filing of Petition for Review before the United States Court of Appeals, Entergy Services, Inc. v. Federal Energy Regulatory Commission**

On February 16, 2010, Entergy Services, Inc. filed a Petition for Review with the United States Court of Appeals in Case No. 10-1043.

Entergy filed a petition for review of the following orders:

- 1) Conoco Phillips Co. v. Entergy Servs., Inc., Order on Complaint, 124 FERC 61,085 (2008); and
- 2) Conoco Phillips Co. v. Entergy Servs, Inc., Order on Rehearing, 129 FERC 61,243 (2009).

On March 18, 2010, SPP filed a Corporate Disclosure Statement.

On March 18, 2010, SPP filed a Motion for Leave to Intervene.

On March 23, 2010, the Certified Index to the Record for U.S. Court of Appeals Case No.10-1043 was filed.