

# Southwest Power Pool, Inc.

## Regulatory Status Report

### *FERC or State Jurisdiction: FERC*

**AD10-5**

#### **RTO/ISO Performance Metrics**

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

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

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.

**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)**

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

**CE10-60**

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

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)**

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)**

SPP submitted comments on this request March 23, 2010.

FERC issued a Notice of Intent to Release on April 15, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

**CE10-65**                    **David Jones, et al.'s Request for Critical Energy Infrastructure Information - Gestamp Wind North America, Inc.**

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**

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.**

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**

FERC issued a Release Letter on March 18, 2010.

**CE10-72**                    **Mark Schwausch's Request for Critical Energy Infrastructure Information - West Oaks Energy, LP**

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**

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**

SPP submitted comments on this request March 23, 2010.

**CE10-81**                    **Michael Kim's Request for Critical Energy Infrastructure Information - Iberdrola Renewables, Inc.**

SPP submitted comments on this request March 22, 2010.

FERC issued a Notice of Intent to Release on April 8, 2010.

**CE10-82**                    **Michael Gray's Request for Critical Energy Infrastructure Information - Arion Energy, LLC**

SPP submitted comments on this request March 22, 2010.

FERC issued a Notice of Intent to Release on April 8, 2010.

**CE10-85**                    **Venkata Subbaiah Pasupulati's Request for Critical Energy Infrastructure Information - Oak Creek Energy Systems, Inc.**

SPP submitted comments on this request March 22, 2010.

FERC issued a Notice of Intent to Release on April 8, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

- 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.
- CE10-91**                    **Roberto Paliza's Request for Critical Energy Infrastructure Information - Paliza Consulting, LLC**
- SPP submitted comments on this request March 26, 2010.
- CE10-97**                    **Jenny Mueller's Request for Critical Energy Infrastructure Information - ZGlobal**
- SPP submitted comments on this request April 6, 2010.
- FERC issued a Notice of Intent to Release on April 9, 2010.
- CE10-98**                    **Manos Obessis, et al.'s Request for Critical Energy Infrastructure Information - PowerGEM, LLC**
- On March 31, 2010, Manos Obessis of PowerGEM, LLC filed a FERC CEII request on behalf of himself and 10 additional employees to obtain a copy of "the FERC Form 715 filings for 2009 and 2010, Parts 2 (load flow cases), 3 (maps and diagrams) and 6 (evaluation of system performance)", as noticed April 8, 2010. This group of requesters received approval for 2007 and 2008 data in CE09-76.
- SPP submitted comments on this request April 14, 2010.
- CE10-102**                    **Scott L. Greene's Request for Critical Energy Infrastructure Information - Quanta Technology**
- On April 2, 2010, Scott L. Greene, Executive Advisor - Transmission, for Quanta Technology, filed a FERC CEII request to obtain a copy of 2010 FERC 715 filings including power flow base cases in psse raw data format and transmission maps for NERC reliability regions RFO, MRO, NPCC, WECC, SPP-RE and SERC and including regions operated by PJM, MISO, SPP, NYISO, and ISO-NE, as noticed April 14, 2010.
- CE10-106**                    **W. Howard Phillips' Request for Critical Energy Infrastructure Information - WH Power Consultants**
- On April 6, 2010, W. Howard Phillips, Partner of WH Power Consultants, filed a FERC CEII request to obtain a copy of FERC Form No. 715 data for SPP and the Western Electricity Coordinating Council, as noticed April 13, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

SPP submitted comments on this request April 20, 2010.

**CE10-107**

### **Joshua York's Request for Critical Energy Infrastructure Information - LS Power Development, LLC**

On March 7, 2010, Joshua York, Project Engineer for LS Power Development, LLC, filed a FERC CEII request to obtain a copy of FERC 715 Load Flow Model data, as noticed April 14, 2010.

**EL08-59**

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

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 April 6, 2010, FERC issued a letter order accepting SPP's compliance filing revising SPP's rollover policy to comply with FERC's pro forma OATT. An effective date of January 21, 2010 was granted, as requested.

**EL10-22**

### **Tres Amigas LLC Petition for Disclaimer of Jurisdiction (Pursuant to Rule 207)**

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.

On April 19, 2010, the Texas Industrial Energy Consumers ("TIEC") filed a Request for Rehearing of a portion of the March 18, 2010 Order on Petition for Disclaimer of Jurisdiction.

The TIEC stated that the Commission erred in finding:

(1) Upon the application of an electric utility, the Commission may issue new interconnection orders under Section 210 of the FPA to require the physical connection of the transmission facilities of an ERCOT transmission utility that is not an "electric utility" under the FPA.

On April 19, 2010, Occidental filed a Request for Rehearing of one finding in the March 18, 2010 Order rejecting Tres Amigas' request for a declaratory order granting a blanket disclaimer of jurisdiction over prospective transmission facilities and over entities that would interconnect ERCOT with the proposed Tres Amigas project.

Occidental requested "that the Commission grant rehearing and reverse its conclusion in footnote 66 that it has the authority under the FPA to issue section 210 orders to the transmission and distribution successors of the electric utilities in ERCOT that were previously ordered (prior to the mandatory Texas unbundling) to interconnect and wheel electric energy under sections 210 and 211."

# Southwest Power Pool, Inc.

## Regulatory Status Report

EL10-55

### **Notice of Complaint, Louisiana Public Service Commission ("LPSC") v. Entergy Corporation, Entergy Services, Inc., Entergy Louisiana, LLC, Entergy Arkansas, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Gulf States Louisiana, LLC, and Entergy Texas, Inc.**

On March 31, 2010, Louisiana Public Service Commission filed a formal complaint against Energy Corp., et al., pursuant to Sections 206 and 306 of the Federal Power Act 16 U.S.C. §§ 824e and 825(e) and 18 C.F.R. § 386.206, seeking to change the depreciation and decommissioning data and rates included in the Entergy rough equalization bandwidth formula found in Service Schedule MSS-3 of the Entergy System Agreement.

On April 1, 2010, the Arkansas Public Service Commission filed a Notice of Intervention.

On April 2, 2010, the Mississippi Public Service Commission filed a Notice of Intervention.

On April 5, 2010, the Council of the City of New Orleans, Louisiana filed a Motion to Intervene.

On April 7, 2010, the Arkansas Public Service Commission filed an Unopposed Motion for Extension of Time, which requested that the Commission permit an extension of time so that all responsive pleadings, including answers to the pending motion for summary disposition, be due on the Comment Date of April 20, 2010.

On April 9, 2010, FERC issued a Notice of Extension of Time, granting the APSC's motion for an extension of time to and including April 20, 2010, to answer LPSC's Motion for Summary Disposition.

On April 20, 2010, the Arkansas Public Service Commission filed an answer and protest opposing complaint and Motion for Summary Disposition.

The APSC asked the Commission to deny and dismiss the LPSC Complaint and companion Motion for Summary Disposition, seeking an unspecified revision of the provisions of the existing FERC-filed Service Schedule MSS-3 Tariff for calculating rough production cost equalization annual bandwidth formula payments and receipts pursuant to Commission Opinion Nos. 480 and 480-A.

On April 20, 2010, Arkansas Electric Energy Consumers, Inc. and Louisiana Energy Users Group filed Motions to Intervene.

On April 20, 2010, Entergy Services, Inc. filed a Motion to Intervene and an answer in response to LPSC's Complaint and Motion for Summary Disposition.

On April 20, 2010, Ameren Services Company, as agent for Union Electric Company, filed a Motion to Intervene.

EL10-59

### **Joint Petition of Southwest Power Pool, Inc., E.ON U.S. LLC, and Cash Creek, LLC for Declaratory Order**

On April 9, 2010, SPP, E.ON U.S. LLC, and Cash Creek LLC filed a Joint Petition for Declaratory Order. The parties requested that the Commission decide certain disputed legal, policy and tariff issues related to a generator interconnection request submitted by Cash Creek.

# Southwest Power Pool, Inc.

## Regulatory Status Report

ER05-1065

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

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

On April 1, 2010, the Council of the City of New Orleans filed a Limited Protest to Entergy Services, Inc.'s March 16, 2010 Report of AFC-Related Errors.

On April 12, 2010, Occidental Chemical Corporation filed comments in response to the ICT's Third Annual Performance Report.

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 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.

ER08-313

### **SPS Formula Rate Case**

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 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.

On April 2, 2010, David T. Hudson, Lisa H. Perkett, Bernard D. Lui, and John S. Fulton filed Prepared Rebuttal Testimony on behalf of Southwestern Public Service Company.

On April 6, 2010, the active parties in this proceeding filed a Joint Motion for Four-Week Suspension of the Procedural Schedule.

On April 7, 2010, FERC issued an Order of Chief Judge Denying Request for a Limited Suspension of Procedural Dates.

On April 7, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion for Three-Week Suspension of the Procedural Schedule Set for Responses to and Oral Argument Regarding the Motion for Partial Summary Disposition of Cap Rock Energy Corporation.

On April 7, 2010, FERC issued an Order denying Golden Spread's Motion to delay oral argument and file answers/responses to motion for partial summary disposition.

On April 8, 2010, FERC issued an Order vacating the oral argument set for April 9, 2010. A

# Southwest Power Pool, Inc.

## Regulatory Status Report

settlement has been reached and the parties are to notify FERC by April 16, 2010, as to the status of the settlement.

On April 16, 2010, the Chief Judge issued an order granting SPS' motion to hold procedural schedule in abeyance until April 30, 2010.

On April 16, 2010, Xcel Energy Services, Inc., on behalf of Southwestern Public Service Company, submitted a Report on Status of Settlement Negotiations and Joint Motion to Hold Procedural Schedule in Abeyance.

SPS asked that the procedural schedule be held in abeyance through Friday, April 30, 2010, to allow the parties to focus on concluding a settlement in principle on the remaining issues in this proceeding.

ER09-1255

### **Large Generator Interconnection Agreement ("LGIA") between Wind Farm Bear Creek, LLC ("Bear Creek") as Interconnection Customer and Sunflower Electric Power Corporation ("Sunflower") as Transmission Owner**

On April 9, 2010, Wind Farm Bear Creek, LLC filed a Motion for Expedited Action to urge FERC to act expeditiously on SPP's Request for Rehearing and Bear Creek's Request for Clarification, or in the Alternative, for Rehearing, both which were filed on August 31, 2009.

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

On April 2, 2010, SPP submitted an answer in response to KPP's protest filed on March 18, 2010.

SPP stated:

- 1) Contrary to KPP's claim, SPP did not violate the SPP Tariff in conducting the studies for KPP's network service request;
- 2) Contrary to KPP's assertions, the need for the firm import capability limitations is directly related to KPP's designated resource shortfall;
- 3) SPP used correct assumptions in its study models; and
- 4) Contrary to KPP's assertions, SPP did not permit Westar to unduly influence the processing of network service requests, not was Westar allowed to jump the queue.

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 April 12, 2010, SPP submitted an amended compliance filing which included revisions to Article 5.5.3 of SPP's pro forma GIA and its Interim GIA to indicate that security is to be provided to the transmission provider, rather than transmission owner as Article 5.5.3 currently reads. The proposed revisions are necessary to make Article 5.5.3 consistent with the tariff amendments filed in the compliance filing and other provisions in SPP's pro forma GIA and its Interim GIA.

# Southwest Power Pool, Inc.

## Regulatory Status Report

SPP requested effective dates of December 2, 2009 and March 31, 2010.

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

On April 7, 2010, the Settlement Judge issued an Order scheduling a settlement conference which will convene on May 18, 2010.

ER10-396

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

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.

On April 16, 2010, Tres Amigas submitted a Motion for Clarification concerning one aspect of the March 18, 2010 Order. Tres Amigas requested that FERC clarify that the Rate Order permits it to negotiate a bilateral anchor customer agreement and then offer the same rates, terms and conditions on a one-time basis to others shortly after the Commission approves the agreement.

On March 19, 2010, Occidental filed a Request for Rehearing of the March 18, 2010 Order.

Occidental stated the the Commission erred by:

- 1) finding that Tres Amigas has assumed the full market risk of its project;
- 2) concluding Tres Amigas will lack ability to exercise market power; and
- 3) shifting Tres Amigas' burden of proof to intervenors.

ER10-664

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

On April 15, 2010, FERC issued a letter order accepting the rate changes, effective January 1, 2010 as requested.

This order constitutes final agency action.

ER10-678

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

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.



# Southwest Power Pool, Inc.

## Regulatory Status Report

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 its compliance filing in response to the March 18, 2010 letter order.

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.

**ER10-680**

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

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 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.

**ER10-692**

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

This order constitutes final agency action.

# Southwest Power Pool, Inc.

## Regulatory Status Report

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

This order constitutes final agency action.

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

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

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

# Southwest Power Pool, Inc.

## Regulatory Status Report

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**

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 April 7, 2010, FERC issued a letter order accepting the agreement, effective January 15, 2010 as requested.

FERC also accepted the Notice of Cancellation for the Spearville II Facility's LGIA, effective January 15, 2010.

This order constitutes final agency action.

**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 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 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.

# Southwest Power Pool, Inc.

## Regulatory Status Report

**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 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).

**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 April 8, 2010, FERC issued a letter order accepting the agreement, effective January 14, 2010 as requested.

This order constitutes final agency action.

**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 April 15, 2010, FERC issued a letter order accepting the rate changes, effective October 1, 2009 as requested.

This order constitutes final agency action.

**ER10-794**                    **Entergy Services, Inc. Submission of Revisions to its OATT to Implement Supplemental Curtailment Procedures ("SCP") and Local Area Procedures ("LAP")**

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.

On April 2, 2010, Entergy Services, Inc. filed an answer to protests filed in this proceeding.

On April 14, 2010, NRG Companies filed an answer in response to Entergy's April 2, 2010

# Southwest Power Pool, Inc.

## Regulatory Status Report

Answer.

ER10-795

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

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.

On April 20, 2010, FERC issued a letter order granting the waiver of the notice provisions of section 17.7 of SPP's OATT to permit SPP to grant Westar Energy a five month extension (to August 1, 2010) of the commencement date for its transmission service.

The affected service agreements are SPP Service Agreement Nos. 1856, 1857 and 1858.

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 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 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.

On April 1, 2010, Southwestern Power Administration filed an Answer and Motion to Dismiss American Electric Power Service Corporation's March 18, 2010 Protest.

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 April 6, 2010, SPP submitted an errata to the March 2, 2010 filing. Subsequent to the March 2 filing, the Parties discovered that Article 2.1 and Exhibit A of the agreement contained an incorrect date. The date in these sections have been corrected to reflect February 1, 2010, the effective date of the agreement.

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 April 13, 2010, FERC issued a letter order accepting the agreement, effective February 1, 2010 as requested.

This order constitutes final agency action.

# Southwest Power Pool, Inc.

## Regulatory Status Report

**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 April 19, 2010, FERC issued a letter order accepting the agreements, effective February 1, 2010 as requested.

This order constitutes final agency action.

**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 April 19, 2010, FERC issued a letter order accepting the agreement, effective February 1, 2010 as requested.

This order constitutes final agency action.

**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 Agreement ("NOA")**

On April 19, 2010, FERC issued a letter order accepting the agreement, effective February 1, 2010 as requested.

This order constitutes final agency action.

**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 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 April 5, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion to Intervene.

**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**

# Southwest Power Pool, Inc.

## Regulatory Status Report

On April 6, 2010, Mid-Kansas Electric Company, LLC filed a Motion to Intervene.

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.

On March 31, 2010, Laredo Ridge Wind, LLC 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. 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.

On April 14, 2010, Cleco Power, LLC filed a Motion for Leave to Intervene.

On April 16, 2010, Union Power Partners, L.P. filed a Motion to Intervene and Protest.

Union Power, noting that the Seams Agreement filed on March 26, 2010 is incomplete, asked that the Commission accept the Seams Letter Agreement conditionally upon SPP and Entergy bearing the burden to demonstrate that the Seams Letter Agreement as a whole, as well as any related OATT amendments to implement the Seams Letter Agreement, are "consistent with or superior to" the requirements of Order No. 890.

Union Power also stated, "...neither SPP nor Entergy should be permitted to use the Commission's acceptance of this partial agreement as a means to shift the burden to third parties as to any element of the Seams Letter Agreement once the Seams Letter Agreement is complete and amendments to the OATTs have been filed."

# Southwest Power Pool, Inc.

## Regulatory Status Report

On April 16, 2010, SPP submitted the remaining two protocols to be appended to the Letter Agreement Regarding a Comprehensive Seams Agreement between Entergy Services, Inc. and SPP.

An effective date of March 31, 2010 was requested.

On April 16, 2010, American Electric Power Service Corporation, Cottonwood Energy Company, LP, East Texas Cooperatives, and Westar Energy, Inc. filed Motions to Intervene.

On April 16, 2010, the Lafayette Utilities System and the Empire District Electric Company filed a Motion to Intervene and Reservation of Rights. The parties reserve the right to comment on the full set of seams arrangements after SPP and Entergy submit the full seams agreement to FERC.

On April 19, 2010, Arkansas Electric Cooperative Corporation filed a Motion to Intervene Out of Time.

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 SPP Service Agreement No. 1870 filed in Docket No. ER10-513.

An effective date of March 1, 2010 is requested.

ER10-1014

**SPP Submission of Tariff Revisions to Modify Transmission Loading Relief ("TLR") Provisions of Energy Imbalance Service Market ("EIS Market")**

On April 5, 2010, SPP submitted revisions to its OATT to modify Transmission Loading Relief Provisions of SPP's real-time energy imbalance service market. In this filing, SPP proposed to modify its EIS Market Tariff provisions to conform to SPP's removal from its Market Protocols the requirement that a TLR event be declared for reasons outside those in compliance with NERC requirements.



# Southwest Power Pool, Inc.

## Regulatory Status Report

An effective date of June 11, 2010 is requested.

**ER10-1067**

### **Transmission Interconnection Agreement between Mid-Kansas Electric Company, LLC ("MKEC") and ITC Great Plains, LLC ("ITC")**

On April 19, 2010, SPP submitted an executed Transmission Interconnection Agreement between Mid-Kansas Electric Company, LLC and ITC Great Plains, LLC. SPP Service Agreement No. 1982.

Consistent with Article 13 of the agreement, SPP requested an effective date for the agreement to be the date on which the Commission issues an order accepting the agreement.

**ER10-1068**

### **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 April 19, 2010, SPP submitted an executed NITSA and NOA between SPP as Transmission Provider and Westar Energy, Inc. as both Network Customer and Host Transmission Owner. SPP Service Agreement No. 1978.

An effective date of April 1, 2010 was requested.

**ER10-1069**

### **SPP Submission of Tariff Revisions to Adopt a "Highway/Byway" Regional Transmission Upgrade Cost Allocation Methodology**

On April 19, 2010, SPP submitted tariff revisions to adopt a new "Highway/Byway" regional transmission upgrade cost allocation methodology.

The proposed methodology will allocate the costs of future transmission facilities based on the voltage level of the particular facility:

- 1) EHV facilities (at 300 kV or above) will be allocated 100% to the regional rate;
- 2) mid-tier facilities (above 100 kV to below 300 kV) will be allocated on a one-third/two-thirds, regional to zonal basis; and
- 3) low voltage facilities (at or below 100 kV) will be allocated entirely to the zonal rate.

An effective date of June 19, 2010 was requested.

**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 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.

# Southwest Power Pool, Inc.

## Regulatory Status Report

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 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.

On April 13, 2010, SPP submitted a request which asked to revise the proposed baseline filing date to on or about June 3, 2010.

On April 14, 2010, FERC issued a Notice of Extension of Time, granting SPP an extension of time to and including June 3, 2010 to file its baseline tariff.

**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.

On April 15, 2010, FERC issued an order in response to the Compliance Working Group's March 9, 2009 request for clarification in the Commission's market-based rate rulemaking proceeding regarding which employees can be shared for purposes of compliance with the Commission's affiliate restrictions codified as part of the market-based rate regulations promulgated in Order No. 697.

In this order, FERC provided clarification regarding which employees may not be shared under the market-based rate affiliate restrictions. Concurrently with this order, FERC also issued a Notice of Proposed Rulemaking in Docket No. RM10-20 in which it proposed to revise these affiliate restrictions in order to reflect the clarification provided in this order.

On April 20, 2010, FERC issued a notice of new docket prefix "LA" to be used to file "Land Acquisition Reports", pursuant to Order No. 697-C.

**RM05-17**

### **Preventing Undue Discrimination and Preference in Transmission Service**

#### **Order Nos. 890, 890-A, 890-B, 890-C, 890-D**

On April 19, 2010, FERC issued its Staff Report on Capacity Reassignment.

**RM06-16**

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

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.

# Southwest Power Pool, Inc.

## Regulatory Status Report

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 April 19, 2010, NERC filed a Request for Rehearing of Paragraph 18 of the March 18, 2010 TPL-002 Order, as well as a Motion for Stay of the March 18, 2010 Order which set a deadline for compliance of June 30, 2010. NERC requested the stay so that a public technical conference with opportunity for written comment can be held.

On April 20, 2010, NERC filed an errata to correct a reference to Reliability Standard BAL-003-0 which was inadvertently included on page 2.

On April 19, 2010, the Regional Entities filed a Motion to Intervene and comments in support of the requests for clarification and rehearing submitted by NERC.

Numerous entities requested rehearing of the March 18, 2010 Orders concerning the TPL-002-0 and BAL-003-0 Reliability Standards.

On April 19, 2010, NERC submitted a Request for Clarification and Rehearing of the March 18, 2010 Order Setting Deadline for Compliance to modify the BAL-003-0 standard by September 18, 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 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.

On April 19, 2010, the American Public Power Association, the Edison Electric Institute, and the National Rural Electric Cooperative Association filed a Request for Rehearing of the March 18, 2010 Order Addressing Violation Severity Level Assignments for Critical Infrastructure Protection Reliability Standards.

# Southwest Power Pool, Inc.

## Regulatory Status Report

### **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.

On April 19, 2010, NERC filed a Request for Clarification and, in the Alternative, Rehearing of Order No. 733, Final Rule for Transmission Relay Loadability Reliability Standard.

Numerous entities requested rehearing of Order No. 733, Final Rule for Transmission Relay Loadability Reliability Standard.

### **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")**

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.

Comments are due May 10, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

**RM10-9**                      **Notice of Inquiry Regarding Transmission Loading Relief Reliability Standard and Curtailment Priorities**

Numerous entities filed 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.

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

**RM10-11**                      **Notice of Inquiry Regarding Integration of Variable Energy Resources ("VER")**

On April 8, 2010, New York ISO filed a request for a 10-day extension of time to file comments.

Numerous entities filed comments in response to the January 21, 2010 Notice of Inquiry.

On April 12, 2010, SPP submitted comments in response to the January 21, 2010 Notice of Inquiry. SPP generally supported the ISO RTO Council's VER White Paper and NERC's comments.

On April 12, 2010, the ISO RTO Council ("IRC") submitted comments in response to the January 21, 2010 Notice of Inquiry.

**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)**

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

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.

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

On April 15, 2010, FERC issued a Notice of Technical Conference. On May 11, 2010, beginning at 9 AM Eastern, the Commission staff will convene a technical conference to discuss issues related to the NOPR on Credit Reforms in Organized Wholesale Electric Markets.

**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

# Southwest Power Pool, Inc.

## Regulatory Status Report

organized wholesale energy markets and thus ensure just and reasonable wholesale rates.

Comments are due May 13, 2010.

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 April 1, 2010, the SPP Regional Entity filed a Motion to Intervene.

On April 15, 2010, the Southwest Power Pool Regional Entity filed an answer to Midwest Reliability Organization's protest of NERC's submittal of modifications to agreements between NERC, the SERC Reliability Corporation, and SPP RE.

# Southwest Power Pool, Inc.

## Regulatory Status Report

### *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.

On April 1, 2010, SWEPCO 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. 04-143-U, which granted SWEPCO approval to transfer operational control of its transmission facilities to SPP.

On April 13, 2010, Empire District Electric Company filed its Application for continued participation in the SPP RTO. This filing was made pursuant to Order No. 1 issued in Docket No. 05-132-U, which granted Empire approval to transfer operational control of its transmission facilities to SPP.

This application was originally filed on April 2, 2010, in APSC Docket No. 05-132-U. However, Empire withdrew its application in 05-132-U and re-filed in this proceeding.

#### **05-132-U                    In the Matter of the Empire District Electric Company Application to Transfer Functional Control of Certain Transmission Assets to the Southwest Power Pool, Inc.**

On April 2, 2010, Empire District Electric Company filed its Application for continued participation in the SPP RTO. This filing was made pursuant to Order No. 1 issued in Docket No. 05-132-U, which granted Empire approval to transfer operational control of its transmission facilities to SPP.

This application was withdrawn on April 13, 2010, and re-filed in APSC Docket No. 04-137-U.

#### **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 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**

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,

# Southwest Power Pool, Inc.

## Regulatory Status Report

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

On April 1, 2010, SPP filed the ICT's First Quarterly Performance Report for 2010. This report covers the time period December 1, 2009 through February 28, 2010.

On April 13, 2010, the APSC issued Order No. 23 which scheduled a technical conference on June 3, 2010, from 9 AM to 12 PM.

The purpose of this technical conference is to update the Commission on various issues of great importance to SPP and the Arkansas jurisdictional utilities that are SPP members. SPP was directed to prepare presentations and/or summaries of the following issues on how they affect Arkansas ratepayers' access to and costs for safe and reliable transmission service:

- 1) Regional cost allocation of transmission projects;
- 2) Determination process and decision making authority regarding priority projects;
- 3) Progress on the Integrated Planning Process;
- 4) Status of SPP Tariff and activities of other state commissions in the SPP footprint relating to FERC Order 719 issued on October 17, 2008, addressing "reforms to improve the operation of the wholesale electric power markets;"
- 5) Status of Entergy Region/SPP Seams Agreement Issues;
- 6) Status of future market developments; and
- 7) Any other matters about which SPP would like to brief the Commission and stakeholders.

The summaries and presentations should be filed no later than Noon on May 26, 2010.

On April 16, 2010, SPP filed the March 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 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, Paul Chernick submitted Direct Testimony on behalf of The National Audubon Society, Inc. and Audubon Arkansas.

On March 26, 2010, the Arkansas Attorney General, Arkansas Electric Energy Consumers, Inc. and Arkansas Gas Consumers, Inc., Arkansas Oklahoma Gas Corporation, the Electric



# Southwest Power Pool, Inc.

## Regulatory Status Report

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, 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, 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.

On April 6, 2010, the Arkansas Community Action Agencies Association, Inc. filed Reply Comments.

On April 16, 2010, the Arkansas Attorney General, Entergy Arkansas, Inc., Oklahoma Gas and Electric Company, and Southwestern Electric Power Company filed Reply Comments.

On April 16, 2010, the following individuals filed Reply Testimony: Robert H. Swaim on behalf of the APSC, Paul D. Smith on behalf of Arkansas Western Gas Company, Alan D. Henry and Angela M. Kline on behalf of CenterPoint Energy, Dr. Eric C. Woychik on behalf of Entergy Arkansas, Inc., and Larry Blank on behalf of the Federal Executive Agencies.

09-074-U

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

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.

On April 2, 2010, the Arkansas Attorney General, the General Staff of the APSC, and Southwestern Electric Power Company filed Sur-Reply Comments.

10-010-U

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

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

On April 6, 2010, the Arkansas Community Action Agencies Association, Inc. filed Reply Comments.

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 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.

# Southwest Power Pool, Inc.

## Regulatory Status Report

On April 1, 2010, Hugh T. McDonald submitted Supplemental Direct Testimony on behalf of Entergy Arkansas, Inc.

On April 1, 2010, Entergy Arkansas and SPP submitted their joint response to Order No. 2 for the month of March. This filing includes an updated Seams Agreement which now includes the Protocol Governing Coordination of AFC/TFC Values ("AFC/TFC Protocol") and the Protocol Governing Allocation of Costs of Upgrades ("Cost Allocation Protocol").

Since the Seams Agreement now addresses all areas discussed in the previous compliance reports filed with APSC as being targeted for coordination through the Seams Agreement, Entergy Transmission and SPP requested that the Commission suspend its requirement to submit monthly compliance reports on the progress of the seams agreement with the following exception: Entergy Transmission and SPP would file compliance reports if any further changes of the Seams Agreement are adopted through the Entergy Regional State Committee process or are otherwise required to fulfill regulatory requirements imposed by FERC or any other applicable governmental or regulatory authority. Such filings would be made on the first of the month following modification of the Seams Agreement.

On April 2, 2010, Entergy Arkansas, Inc. submitted Addendum 1 to EAI's response to the Commission's second request for information pursuant to Order No. 1.

On April 5, 2010, City, Water, and Light Plant of Jonesboro, Arkansas filed an acceptance of the conditions allowing CWL's intervention which were provided in Order No. 9.

On April 6, 2010, the APSC issued Order No. 10, which directed Entergy Arkansas, Inc. to file written responses data requests by Noon on April 14, 2010.

Items requested include a listing of corporate directors and officers from 2000 through 2010; for each of the directors and officers, Entergy must also provide additional information such as primary employer and office address; and the reserve and capacity margin requirements for EAI after December 2013 using several scenarios listed in the order.

On April 7, 2010, Entergy Arkansas, Inc. submitted Addendum 2 in response to APSC's First Set of Data Requests (Question No. APSC 1-2).

On April 13, 2010, Entergy Arkansas, Inc. filed a Notice of Technical Conference and agenda. As discussed in the March 1 direct testimony of Hugh McDonald and Kurtis Castleberry, EAI will conduct a technical conference on May 5, 2010.

On April 14, 2010, Entergy submitted the reserve and capacity margin requirements for EAI after December 2013 for specified scenarios (Question No. APSC 2-3).

On April 14, 2010, Entergy submitted a listing of Entergy Corporate Directors and Officers for each of the years 2000 through 2010 (Question No. APSC 2-1).

On April 14, 2010, Entergy submitted additional info regarding the Directors and Officers for each of the years 2000 through 2010 (Question No. APSC 2-2).

On April 14, 2010, Entergy submitted its response to the APSC's additional requests for information, pursuant to Order No. 10 (Question No. 1-4).

On April 15, 2010, Entergy submitted Addendum 1 containing discovery responses filed in LPSC Docket No. U-29764 (Question No. APSC 1-1)..

# **Southwest Power Pool, Inc.**

## **Regulatory Status Report**

On April 16, 2010, Entergy submitted Addendum 3 containing information concerning potential successor agreements to the ESA (Question No. APSC 1-2).

**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**

Oral arguments before the Arkansas Supreme Court were held on April 15, 2010.

# 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 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-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 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.

Workshops are scheduled for April 14, May 17-18, and June 11, 2010.

**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 of 2007**

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.

Workshops are scheduled for May 18 and June 28-29, 2010.

**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 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.

# Southwest Power Pool, Inc.

## Regulatory Status Report

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.

On April 2, 2010, in response to the MoPSC's March 31, 2010 Order Temporarily Prohibiting the Operation of Aggregators of Retail Customers, MoPSC Staff issued a Staff Report Regarding the Revisions to Schedule of Workshops.

A workshop in this proceeding is scheduled for May 17-18, 2010.

**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.

Workshops are scheduled for April 14, May 17-18, and June 11, 2010.

**EX-2010-0169**

### **In the Matter of a Proposed Rulemaking Regarding Electric Utility Renewable Energy Standard Requirements**

On April 5, 2010, MoPSC Staff filed comments concerning the proposed rules regarding electric utility renewable energy standard requirements.

Numerous entities filed comments concerning proposed rule 4 CSR 240-3.156, Electric Utility Renewable Energy Standard Filing Requirements.

# 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 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: 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 March 18, 2010, SPP filed a Motion for Leave to Intervene.

On March 18, 2010, SPP filed a Corporate Disclosure Statement.

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