

2010 for comments and interventions. A week later, on April 26, 2010, NPPD requested a three-week extension of the intervention and comment deadline, indicating (erroneously) that “NPPD is authorized to state that SPP does not oppose an extension of the comment date to June 1, 2010.”³

II. ANSWER

SPP did not authorize NPPD to state that SPP does not oppose a three-week extension of the comment deadline in this proceeding. In fact, SPP opposes extending the intervention and comment date beyond the Commission-established date of May 10, 2010.

Apparently, NPPD misunderstood discussions it had with SPP regarding extensions. SPP told NPPD that it ordinarily does not file responses to interventions and comments, unless a protest or adverse comments are filed, nor does it usually oppose requests for extensions, but only comments on them to clarify misstatements of fact. However, SPP did not agree to accept any extension requested in this particular matter; nor did SPP authorize NPPD to state in its motion any position that SPP might take regarding the extension. In no way did SPP, either through its Board of Directors, its officers, or its employees, authorize NPPD to state that SPP did not oppose the request for extension of the comment period to June 1, 2010.

NPPD’s arguments in favor of an extension are unpersuasive. First, while SPP’s filing was made on April 19, 2010, the cost allocation policy forming the basis for the Highway/Byway Filing has been a topic of discussion in the SPP stakeholder process for many months. NPPD participated in the stakeholder process and has known (or should

³ NPPD Motion at 1, 7.

have known) at least since October 26, 2009, when the SPP Regional State Committee (“RSC”) announced its policy directive to SPP to implement the Highway/Byway cost allocation methodology,⁴ that SPP would begin preparing the necessary Tariff language to make the requisite filing of the RSC-approved cost allocation methodology. NPPD received additional notice of SPP’s intent to implement the Highway/Byway cost allocation methodology when the RSC affirmed its earlier decision approving the Highway/Byway methodology and adopted the RSC Cost Allocation Working Group’s (“CAWG”) recommended Highway/Byway allocations during its January 25, 2010 meeting.⁵ NPPD cannot now claim that it was unfamiliar with the cost allocation methodology proposed in the Highway/Byway Filing until the day it was filed or that it has not had sufficient time to examine the Highway/Byway methodology and the “intricate nature of the questions involved,”⁶ when Highway/Byway cost allocation has been a regular topic of discussion at SPP stakeholder meetings for months.

Furthermore, while NPPD accurately states that the testimony accompanying the Highway/Byway Filing included discussion of two analyses that SPP conducted in developing the Highway/Byway cost allocation methodology, this fact does not warrant a three-week extension of the comment deadline. Contrary to NPPD’s suggestion, the Highway/Byway Filing is not the first time that these analyses have been presented to

⁴ See Highway/Byway Filing at 10 (“On October 26, 2009, the RSC approved the CAWG’s recommendation for a Highway/Byway methodology with one Member voting no.”) (*citing* Southwest Power Pool, Regional State Committee Minutes at 3 (Oct. 26, 2009), *available at* <http://www.spp.org/publications/RSC102609.pdf>).

⁵ Southwest Power Pool, Regional State Committee Minutes at 2-3 (Jan. 25, 2010), *available at* <http://www.spp.org/publications/RSC012510.pdf>.

⁶ NPPD Motion at 5.

SPP stakeholders. In fact, the Transmission Distribution Analysis and Injection Withdrawal Transmission Utilization Analysis were presented to the SPP Cost Allocation Working Group on February 3, 2010 and to the Markets and Operations Policy Committee as part of its meeting materials for its March 2, 2010 meeting when it considered the Highway/Byway methodology. These analyses were posted on SPP's website prior to both meetings, providing NPPD and any other interested party ample time to "identify and assess the assumption(s) underlying"⁷ the analyses.

Finally, contrary to NPPD, an extension of the comment deadline is not warranted by the "uncertain status" of SPP's upcoming Integrated Transmission Planning ("ITP") revisions.⁸ While SPP acknowledged in the Highway/Byway Filing the related nature of the ITP process, the filings are not interdependent and the justness and reasonableness of the Highway/Byway Filing is not dependent upon the ITP or vice versa. While NPPD may wish to assess the filings together, SPP has provided ample justification for the Highway/Byway Filing and has not requested that the Commission evaluate the two proposals in conjunction with each other. SPP is not required to submit revisions to its planning process in order to justify changes to its cost allocation methodology, and the Commission should not postpone its consideration of the justness and reasonableness of the Highway/Byway Filing pending the subsequent filing of related, but not interdependent, Tariff revisions.

⁷ *Id.*

⁸ *Id.* at 6.

III. CONCLUSION

For the foregoing reasons, SPP respectfully requests that the Commission reject the NPPD Motion and retain the current May 10, 2010 intervention and comment deadline in this proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 28th day of April, 2010.

/s/ Matthew J. Binette

Matthew J. Binette

**Attorney for
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