

# Southwest Power Pool, Inc.

## Regulatory Status Report

### ***FERC or State Jurisdiction: FERC***

**10-1178 SPP Filing of FERC Report 582 for Computation of FERC Electric Annual Charges Assessed to Public Utilities**

On April 20, 2010, SPP submitted its FERC Reporting Requirement No. 582 for the year 2009, indicating transmission service of 211,717,104 MWh.

**10-1227 SPP Filing of FERC Form 1**

On April 19, 2010, Southwest Power Pool filed FERC Form No. 1, Annual Report of Major Electric Utilities, for the fourth quarter of 2009.

On May 17, 2010, SPP submitted its FERC Form 3-Q, Quarterly Financial Report, for the first quarter of 2010.

**10-1272 SPP's Annual RTO/ISO Market Monitoring Report**

On May 27, 2010, SPP submitted its RTO/ISO Market Monitoring Report for 2009 in Docket No. ZZ10-4. The report was published May 26, 2010.

**10-1273 SPP's CPA Certification Statement**

On May 14, 2010, in Docket No. ZZ10-1, SPP submitted its CPA Certification Statement for its 2010 FERC Form 1 submission.

**10-1285 SPP Filing of FERC Form 714, Annual Electric Balancing Authority Area and Planning Area Report**

On May 27, 2010, SPP submitted its FERC Form 714, Annual Electric Balancing Authority Area and Planning Area Report, for the year ending December 31, 2009.

**AD07-7 Wholesale Competition in Regions with Organized Electric Markets**

On May 20, 2010, the independent Market Monitoring Unit of SPP submitted the Market Monitor Demand Response Barriers Report pursuant to the November 20, 2009 Order issued in Docket No. ER09-1050.

On May 20, 2010, SPP submitted its report on remaining barriers to demand response, pursuant to the November 20, 2009 Order issued in Docket No. ER09-1050.

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

On June 17, 2010, FERC issued the National Action Plan on Demand Response Report, that identifies strategies and activities to achieve the objectives of the Energy Independence and Security Act of 2007.

**AD10-11 Frequency Regulation Compensation in the Organized Wholesale Power Markets**

On April 27, 2010, FERC issued a Notice of Technical Conference to elicit input on issues pertaining to Frequency Regulation Compensation in the ISO/RTO Markets. The technical conference will take place on May 26, 2010, from 9 AM to 1 PM Eastern Time.

On May 19, 2010, FERC issued a Supplemental Notice of Technical Conference. FERC provided the agenda for the conference.

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On May 25, 2010, FERC issued a Further Notice Concerning Technical Conference. The discussions at the conference may address matters at issue in the following proceedings:

Docket No. ER09-1049-000, Midwest Independent Transmission System Operator, Inc;  
Docket No. ER09-1126-000, Midwest Independent Transmission System Operator, Inc.; and  
Docket No. ER07-1372-000, Midwest Independent Transmission System Operator, Inc.

On May 26, 2010, FERC issued the final agenda and speaker materials for the May 26, 2010 Technical Conference.

On May 26, 2010, FERC held a Technical Conference to elicit input on issues pertaining to Frequency Regulation Compensation in the ISO/RTO Markets.

On May 27, 2010, FERC issued a Notice Establishing Date for Comments. Written comments regarding the matters discussed at the May 26, 2010 Technical Conference, are due by June 16, 2010.

On June 16, 2010, numerous entities submitted comments regarding the matters discussed at the May 26, 2010 Technical Conference.

### AD10-12

#### **Increasing Market and Planning Efficiency through Improved Software**

On May 7, 2010, FERC issued a Notice of Technical Conference to discuss increasing market and planning efficiency through improved software.

Three conferences will be held:

- 1) Enhanced day-ahead ISO and RTO unit-commitment market models to be held June 2-3, 2010;
- 2) Enhanced wide-area planning models to be held June 9-10, 2010; and
- 3) Enhanced real-time optimal power flow market models to be held June 23-24, 2010.

On May 20, 2010, FERC issued a Notice of Agenda and Procedures for Staff Technical Conference to be held on June 2-3, 2010.

On May 24, 2010, FERC issued a Notice of Agenda and Procedures for Staff Technical Conference to be held on June 9-10, 2010, to discuss issues related to power system expansion planning models and software.

On June 10, 2010, FERC issued a Notice of Agenda and Procedures for Staff Technical Conference to be held on June 23-24, 2010 to discuss issues related to enhanced optimal power flow models and software.

### AD10-13

#### **Request for Comments Regarding Rates, Accounting and Financial Reporting for New Electric Storage Technologies**

On June 11, 2010, FERC issued a Request for Comments Regarding Rates, Accounting and Financial Reporting for New Electric Storage Technologies.

Comments are due August 9, 2010.

### AD10-14

#### **Reliability Standards Development and NERC and Regional Entity Enforcement**

On June 15, 2010, FERC issued a Notice of Technical Conference. The conference, to be held on July 6, 2010, will focus on the Electric Reliability Organization ("ERO") standards development process; communication and interactions between the Commission, the ERO

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and Regional Entities; and ERO and Regional Entity monitoring and enforcement.

On June 18, 2010, FERC issued a Supplemental Notice of Technical Conference.

Post-technical conference comments are due July 26, 2010.

On June 30, 2010, FERC issued a Further Notice Concerning Technical Conference. The discussions at the public conference on July 6 may address matters related to the following additional proceedings:

- 1) Docket No. RR09-6-000, North American Electric Reliability Corporation (Directed ERO to develop proposed modification to ERO Rules of Procedure);
- 2) Docket No. RR09-7-000, North American Electric Reliability Corporation (NERC's Three-Year Performance Assessment Report); and
- 3) Docket No. RR10-12-000, North American Electric Reliability Corporation (Reliability Standard Processes Manual Revisions)

**CE08-88.003**

### **Eoin Connolly, et al.'s Request for Critical Energy Infrastructure Information - Siemens Energy, Inc. (Additional Requesters)**

On June 17, 2010, Janny Chen provided notice by email that Siemens Energy, Inc. is seeking to add Eoin Connolly, Bo Gong, Jack Henry, Pat Jehring, Sujit Mandal, Ram Nath, and Jeff Varecka to the group request in this docket.

SPP submitted comments on this request June 24, 2010.

**CE08-289**

### **Jay Porter, et al.'s Request for Critical Energy Infrastructure Information - Great River Energy**

On June 2, 2010, Paul Hamel requested that Berhanu Bedada's SPP CEII access be rescinded, as Bedada is no longer employed by Great River Energy. Internal notice was provided to SPP staff on June 3, 2010.

**CE10-27**

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

FERC issued a Notice of Intent to Release April 28, 2010.

**CE10-57**

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

FERC denied this CEII request without prejudice on May 27, 2010.

**CE10-63**

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

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

**CE10-75**

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

FERC issued a Notice of Intent to Release May 3, 2010.

**CE10-79**

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

FERC issued a Notice of Intent to Release on March 28, 2010.

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- CE10-81**      **Michael Kim's Request for Critical Energy Infrastructure Information - Iberdrola Renewables, Inc.**
- 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**
- 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.**
- FERC issued a Notice of Intent to Release on April 8, 2010.
- CE10-89**      **Bobby D. Thomas' Request for Critical Energy Infrastructure Information - Halff Associates, Inc.**
- FERC issued a Notice of Intent to Release April 14, 2010.
- CE10-90**      **Eric Dennison, et al. Request for Critical Energy Infrastructure Information - EDF Trading North America, LLC**
- On March 10, 2010, Eric Dennison, Senior Vice President Secretary and General Counsel for EDF Trading North America, LLC, filed a FERC CEII Request on behalf of himself and three additional employees to obtain a copy of "FERC Form No. 715 Annual Transmission planning and evaluation report for all the markets in the United States", as noticed May 20, 2010.
- SPP submitted comments on this request May 26, 2010.
- FERC issued a Notice of Intent to Release on June 2, 2010.
- CE10-91**      **Roberto Paliza's Request for Critical Energy Infrastructure Information - Paliza Consulting, LLC**
- SPP submitted comments on this request March 26, 2010.
- FERC issued a Notice of Intent to Release on May 20, 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.
- FERC issued a Notice of Intent to Release on April 29, 2010.

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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.

SPP submitted comments on this request April 21, 2010.

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

CE10-102.001

### **Gerald Sheble, et al's Request for Critical Energy Infrastructure Information. - Quanta Technology (Additional Requesters)**

On June 30, 2010, Toyia Johnson provided notice by email that Quanta Technology seeks to add Gerald Sheble, Joel M. Berry, Don Morrow, Tom Gentile, Hamid Maghdan, Xiaohuan Tan, Mike Marshall, Anatoliy Meklin, and Joe Buch to the original FERC CEII request in Docket No. CE10-102.

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.

SPP submitted comments on this request April 20, 2010.

FERC issued a Notice of Intent to Release on June 2, 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.

SPP submitted comments on this request April 21, 2010.

FERC issued a Notice of Intent to Release on May 21, 2010.

CE10-116

### **David Dippold, et al.'s Request for Critical Energy Infrastructure Information - American Electric Power Commercial**

On April 16, 2010, David Dippold filed a FERC CEII request on behalf of himself and five additional American Electric Power, Commercial Operations employees to obtain a copy of the "ERCOT Transmission Case: Form 715 submitted in 2009", as noticed April 23, 2010. This request is not applicable to SPP.

SPP submitted comments on this request April 30, 2010.

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CE10-117

### **Madeline Chen, et al.'s Request for Critical Energy Infrastructure Information - LCG Consulting**

On April 20, 2010, Madeline Chen, Administrator for LCG Consulting, filed a FERC CEII request on behalf of herself and eleven additional employees of LCG Consulting to obtain 2010 FERC Form No. 715 data for all regions, as noticed April 23, 2010.

SPP submitted comments on this request April 30, 2010.

FERC issued a Notice of Intent to Release on May 26, 2010.

CE10-126

### **Gregory Riblett, et al. Request for Critical Energy Infrastructure Information - Coaltrain Energy, LP**

On April 26, 2010, Gregory Riblett, a trader with Coaltrain Energy, LP, filed a group FERC CEII request on behalf of himself and 11 additional employees to obtain a copy of "[a]ll form 715 information, including CEII, within the continental United States" for the purpose of "analyz[ing] potential transmission capacity and constraints to obtain the most competitive energy prices", as noticed May 17, 2010.

SPP submitted comments on this request May 24, 2010.

CE10-127

### **Harini Shah's Request for Critical Energy Infrastructure Information - DTE Energy Trading**

On May 3, 2010, Harini Shah, ERCOT Fundamental Analyst for DTE Energy Trading, filed a FERC CEII request to obtain a copy of FERC Form No. 715 data for all areas, as noticed May 17, 2010.

SPP submitted comments on this request May 24, 2010.

CE10-128

### **Eugene Preston's Request for Critical Energy Infrastructure Information - Transmission Adequacy Consulting**

On May 4, 2010, Dr. Eugene Preston of Transmission Adequacy Consulting filed a FERC CEII request to obtain a copy of 2010 FERC Form 715 filings for all regions in the United States, as noticed May 17, 2010.

SPP submitted comments on this request May 24, 2010.

CE10-129

### **James Jennings' Request for Critical Energy Infrastructure Information - Tri Global Energy**

On May 7, 2010, James Jennings, Vice President Technology for Tri Global Energy, filed a FERC CEII request to obtain a copy of SPP Transmission Maps for New Mexico and the West Texas Panhandle, as noticed May 17, 2010.

SPP submitted comments on this request May 24, 2010.

CE10-136

### **Stephen Bull's Request for Critical Energy Infrastructure Information - Wood Mackenzie Limited**

On May 20, 2010, Stephen Bull, Head of GIS for Wood Mackenzie Limited, filed a FERC CEII request to obtain a copy of the STEP transmission map, as noticed June 3, 2010.

SPP submitted comments on this request June 10, 2010.

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CE10-148

**John Miller, Jr.'s Request for Critical Energy Infrastructure Information - Power Consulting Associates, LLC**

On June 3, 2010, John Miller, Jr., Director of Business Development for Power Consulting Associates, LLC, filed a FERC CEII request to obtain a copy of the SPP Transmission Map and Transmission Atlas, as noticed June 14, 2010.

SPP submitted comments on this request June 21, 2010.

CE10-153

**Melissa Andreo's Request for Critical Energy Infrastructure Information - EquiPower Resources Corporation**

On June 7, 2010, Melissa Andreo, Commercial Analyst for EquiPower Resources Corporation, filed a FERC CEII request to obtain a copy of the Eastern Interconnection Reliability Assessment Group's Multiregional Modeling Working Group power flow models, as noticed June 14, 2010.

SPP submitted comments on this request June 21, 2010.

CE10-154

**Zachary Solomon, et al.'s Request for Critical Energy Infrastructure Information - American Ventus Energy, LLC**

On June 7, 2010, Zachary Solomon, Project Manager for American Ventus Energy, LLC, filed a FERC CEII request on behalf of himself and three additional employees to obtain a copy of the SPP Transmission Map, as noticed June 14, 2010.

SPP submitted comments on this request June 21, 2010.

CE10-155

**Israel Melendez, et al.'s Request for Critical Energy Infrastructure Information - Constellation Energy Resources**

On June 8, 2010, Israel Melendez, Vice President - Grid Optimization for Constellation Energy Resources, filed a FERC CEII Request on behalf of himself and 5 additional employees to obtain a copy of 2010 FERC 715 data for all regions, as noticed June 14, 2010.

SPP submitted comments on this request June 21, 2010.

CE10-156

**Ben Leung's Request for Critical Energy Infrastructure Information - Advanced Power Service (NA), Inc.**

On June 7, 2010, Ben Leung, Financial Analyst for Advanced Power Service (NA), Inc., filed FERC CEII request to obtain 715 data for all regions, as noticed June 14, 2010.

SPP submitted comments on this request June 21, 2010.

CE10-157

**Thomas Ghidossi's Request for Critical Energy Infrastructure Information - Exponential Engineering Company**

On June 8, 2010, Thomas Ghidossi, President of Exponential Engineering Company, filed a FERC CEII request to obtain a copy of "MISO Transmission System maps and PSSE models for years 2010-2015 as available", as noticed June 14, 2010. This request is not applicable to SPP.

SPP submitted comments on this request June 21, 2010.

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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 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."

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 May 3, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion for Leave to Answer and Answer in response to the rehearing request filed by Occidental on April 19, 2010. Golden Spread asked the Commission to deny the rehearing request.

On May 4, 2010, Tres Amigas LLC submitted a Motion for Leave to Answer Requests for Rehearing and Answer in response to the rehearing requests filed by Occidental and TIEC. Tres Amigas asked FERC to deny the rehearing requests and defer ruling on the issue presented until the Commission has a specific application for interconnection or wheeling before it in which the issue has to be addressed.

On May 4, 2010, Oncor Electric Delivery Company LLC filed a Motion for Leave to Answer and Answer in response to Occidental's April 19, 2010 requests for rehearing. Oncor asked the Commission to deny Occidental's rehearing request.

On May 17, 2010, Occidental filed an answer in response to the motions and answers submitted in this proceeding in response to the March 18, 2010 Order.

On May 17, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the March 18, 2010 Order.

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.**



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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, 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.

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

On April 21, 2010, Occidental Chemical Corporation filed a Motion to Intervene Out-of-Time.

On April 30, 2010, the LPSC filed a Motion for Leave to Reply and Reply in response to Entergy's Answer and Motion to Intervene and APSC's Answer and Protest, both of which were filed on April 20, 2010. LPSC asked the Commission to reject the comments by Entergy and APSC.

On May 14, 2010, the Arkansas Public Service Commission submitted its Response to Unauthorized Reply by the Louisiana Public Service Commission to Answer and Protest.

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.

On May 10, 2010, Big Rivers Electric Corporation filed a Motion for Leave to Intervene and Comments.

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On May 10, 2010, E.ON U.S. LLC filed a Motion to Intervene.

**ER05-1065**

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

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.

On May 12, 2010, Occidental submitted comments in response to the ICT's First Quarterly Performance Report for 2010.

On June 30, 2010, SPP submitted the ICT's Second Quarterly Performance Report for 2010.

**ER07-1069**

### **AEP Filing of Revised Pro-forma Tariff Sheets to Update AEP's Transmission Service Rates and Institute a Formula Rate (AEP Formula Rate Case)**

On May 25, 2010, AEP submitted the 2010 Annual Update to its annual transmission revenue requirements.

On June 8, 2010, AEP submitted a supplement to the 2010 Annual Update to its annual transmission revenue requirements.

**ER08-281**

### **Oklahoma Gas & Electric ("OG&E") Formula Rate Case**

On June 1, 2010, Oklahoma Gas and Electric Company submitted an informational filing containing the True-Up Adjustment for the transmission formula rate for the rate year January 1 through December 31, 2009.

**ER08-313**

### **SPS Formula Rate Case**

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, 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 of Chief Judge Denying Request for a Limited Suspension of Procedural Dates.

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 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.

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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.

On April 30, 2010, FERC issued an Order of Chief Judge Holding Procedural Schedule in Abeyance until June 15, 2010.

On April 30, 2010, Xcel Energy Services Inc., on behalf of the Parties, submitted a letter to the Chief Judge and Presiding Judge reporting that the Parties and Commission Trial Staff have reached an agreement in principle resolving all remaining issues set for hearing in this proceeding.

The Parties request an additional time, up to and including June 15, 2010, to draft and obtain final approval and to file the required settlement documents addressing the Attachment AI issues.

On June 15, 2010, Xcel Energy Services, Inc., on behalf of Southwestern Public Service Company and the other Parties, submitted a Report on Status of Settlement and Joint Motion for Extension of Time to File a Settlement.

The Parties requested an additional 15 days, up to and including June 30, 2010, to obtain final approval and to file the required settlement documents addressing the Attachment AI issues.

On June 15, 2010, Southwestern Public Service Company filed a notice of availability of its transmission formula rate annual true-up adjustment.

On June 21, 2010, FERC issued an Order of Chief Judge Continuing Suspension of Procedural Schedule. The procedural schedule continues in suspension until June 30, 2010. If a settlement agreement is not filed by June 30, SPS must file a status report detailing the timetable for such filing.

On June 30, 2010, the parties submitted an Uncontested Offer of Settlement and Settlement Agreement.

**ER08-340**

### **SPP Real-Time Energy Imbalance Service ("EIS") Market (participation of External Resources)**

On April 28, 2010, pursuant to the April 21, 2008 Order, SPP filed an informational report prepared by SPP's Market Monitoring Unit which addressed the following:

- 1) the impact of SPP's dispatch caps on external generator participation in SPP's real-time energy imbalance service market ("EIS Market");
- 2) the impact of external generation in increasing the depth of the EIS Market; and
- 3) the overall effectiveness of SPP's proposal to encourage external generator participation in the EIS Market.

**ER09-35**

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

On May 10, 2010, Tallgrass Transmission, LLC submitted an Offer of Settlement.

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On June 1, 2010, Commission Trial Staff filed initial comments supporting the settlement agreement.

On June 14, 2010, FERC issued a Certification of Uncontested Settlement.

On June 18, 2010, FERC issued an Order of Chief Judge Terminating Settlement Judge Procedures.

**ER09-36**

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

On May 10, 2010, Prairie Wind Transmission, LLC submitted an Offer of Settlement.

On June 1, 2010, Commission Trial Staff filed initial comments supporting the settlement agreement.

On June 14, 2010, FERC issued a Certification of Uncontested Settlement.

On June 18, 2010, FERC issued an Order of Chief Judge Terminating Settlement Judge Procedures.

**ER09-149**

### **SPP Tariff Revisions - Various Improvements to Energy Imbalance Service Market ("EIS Market")**

On May 12, 2010, SPP filed a Notification of Extension of Tariff Provision which mitigates the impact on reliability as well as impacts on price volatility of a flowgate between SPP and Southwestern Public Service Company. The provision allows SPP to activate the flowgate without issues a Transmission Loading Relief Procedure in NERC's Interchange Distribution Calculator.

SPP's Market and Operations Policy Committee ("MOPC") approved an extension of this provision until September 16, 2010. The provision was to expire on June 18, 2010.

**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 June 1, 2010, ITC Great Plains, LLC submitted an informational filing containing its 2009 True-Up Adjustment.

**ER09-555**

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

On April 23, 2010, SPP filed its Supplement to the WPP Quarterly Report for the time period of December 2009 through February 2010. This supplement contains the final February numbers for the actual output of Entergy's legacy oil and gas units.

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

**ER09-748**

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

On May 19, 2010, SPP submitted its compliance filing pursuant to Order Nos. 719 and 719-A, and the Commission's November 20, 2009 Order.

On June 9, 2010, Occidental filed a Request for Clarification or, in the Alternative, Protest of

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one aspect of SPP's May 19, 2010 compliance filing.

Occidental's concern with the May 19 Filing focuses on the requirement that a Market Participant certify the consistency of SPP's proposed Calculated Methodology with the retail tariff or agreement under which it is purchasing energy from its retail provider. Occidental asked for clarification that silence on the measurement and calculation of demand response in retail tariff or agreement does not preclude certification of the Calculated Methodology as "consistent" with that tariff or agreement.

**ER09-1039**

### **SPP Submission of Revisions to Open Access Transmission Tariff to Modify Regional Transmission Cost Allocation Methodology ("Wind Cost Allocation Filing")**

On June 10, 2010, SPP submitted its informational report as required by the June 18, 2009 Order.

SPP submitted the following study reports:

- 1) SPP WITF Wind Integration Study: the unique characteristics of wind resources present challenges to integrating large amounts of such resources into the SPP Transmission System; and
- 2) SPP's Wind Cost Allocation Study: the limitation associated with wind resource designation does not create a competitive disadvantage for smaller load-serving customers as compared to larger load-serving customers.

**ER09-1050**

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

On May 19, 2010, SPP submitted its compliance filing pursuant to Order Nos. 719 and 719-A, and the Commission's November 20, 2009 Order.

On May 20, 2010, SPP submitted its report on remaining barriers to demand response, pursuant to the November 20, 2009 Order issued in Docket No. ER09-1050.

On May 20, 2010, the independent Market Monitoring Unit of SPP submitted the Market Monitor Demand Response Barriers Report pursuant to the November 20, 2009 Order issued in Docket No. ER09-1050.

On June 9, 2010, Occidental filed a Request for Clarification or, in the Alternative, Protest of one aspect of SPP's May 19, 2010 compliance filing.

Occidental's concern with the May 19 Filing focuses on the requirement that a Market Participant certify the consistency of SPP's proposed Calculated Methodology with the retail tariff or agreement under which it is purchasing energy from its retail provider. Occidental asked for clarification that silence on the measurement and calculation of demand response in retail tariff or agreement does not preclude certification of the Calculated Methodology as "consistent" with that tariff or agreement.

**ER09-1192**

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

On May 18, 2010, FERC issued a letter order accepting the revisions to SPP's Bylaws reflecting the September 30, 2009 effective date for all of the bylaw pages, as adopted by the September 17, 2009 Order.

This order constitutes final agency action.

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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.

On April 21, 2010, SPP submitted an answer in response to Wind Farm Bear Creek's Motion to Expedited Action.

SPP stated that any suggestion in the motion that SPP has acted improperly with regard to Bear Creek's interconnection request or in the provision of NRIS is contrary to the July 31, 2009 Order.

SPP asked that if the Commission denies SPP's Rehearing Request, the Commission should confirm that Bear Creek must submit a new NRIS request with a new queue position in order to receive NRIS.

On April 21, 2010, FERC issued an Order on Rehearing and Compliance Filing which denied the rehearing requests of SPP and Wind Farm Bear Creek, LLC ("Bear Creek") and provided clarification concerning FERC's acceptance of an unexecuted Large Generator Interconnection Agreement ("LGIA") between SPP and Bear Creek.

FERC also accepted a compliance filing submitted by SPP in compliance with FERC's order accepting the Bear Creek LGIA. An effective date of April 21, 2010 was granted.

On May 21, 2010, Wind Farm Bear Creek, LLC filed a Request for Rehearing or, in the Alternative, for Reconsideration of the April 21, 2010 Order.

Bear Creek stated:

- 1) the Commission has not shown why SPP may limit NRIS by Control Area when SPP is fully able to provide NRIS throughout its footprint; and
- 2) Bear Creek should be able to maintain its original NRIS request.

On June 7, 2010, SPP filed an Answer to Request for Rehearing or, in the Alternative, Reconsideration of Wind Farm Bear Creek, LLC.

SPP stated:

- 1) the Commission does not permit second requests for rehearing;
- 2) the Commission already responded to Bear Creek's arguments about SPP's proper limitation of NRIS to the control area where a generating facility is located when it acted on the first Bear Creek Rehearing Request; and
- 3) the Commission already responded to Bear Creek's arguments about its need to submit a new request for NRIS when it acted on the first Bear Creek Rehearing Request.

On June 21, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the April 21, 2010 Order.

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**

# Southwest Power Pool, Inc.

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

This order constitutes final agency action.

**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 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.

On April 26, 2010, FERC issued an Order Conditionally Accepting the Unexecuted Transmission Service Agreement and Notices of Cancellation, effective June 1, 2009.

Since SPP states there is no maximum firm import limits, SPP was directed to submit a compliance filing by May 26, 2010, to remove the limitations language from Attachments B and C of the NITSA.

On May 18, 2010, SPP submitted a compliance filing pursuant to the April 26, 2010 Order.

Since SPP states there is no maximum firm import limits, SPP was directed to submit a compliance filing by May 26, 2010, to remove the limitations language from Attachments B and C of the NITSA.

**ER10-191**

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

On April 28, 2010, FERC issued an Order tolling time for action on the Application under the Federal Power Act section 203 until October 25, 2010.

On May 13, 2010, FERC issued a deficiency letter requesting the following additional information:

- (1) In an April 28, 2010, press release, PPL Corporation (PPL) announced that it had reached an agreement under which PPL will acquire E.ON, the parent company of LG&E and KU. Please indicate how this announcement affects the pending filing before the Commission in Docket Nos. EC06-4-003 and ER10-191-000 in which Applicants are requesting that they be allowed to reassign to themselves the Independent Transmission Organization functions that were previously performed by third parties.
- (2) Please explain how this announced merger affects Applicants' analysis of vertical market

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power issues, considering that Applicants' conclusion that the proposal will not adversely affect vertical market power in the pending filing in Docket Nos. EC06-4-003 and ER10-191-000 does not contemplate that Applicants will be merged with PPL.

E.ON's response is due June 14, 2010.

On June 14, 2010, E.ON U.S. LLC submitted its response to the deficiency letter issued on May 13, 2010.

On June 22, 2010, E.ON U.S., LLC submitted a Motion to Withdraw its October 30, 2009 Filing. E.ON and SPP have agreed in principle to a two-year extension of the ITO Agreement, through September 1, 2012.

ER10-230

**Kansas City Power & Light Company ("KCP&L") and KCP&L Greater Missouri Operations Company ("KCPL-GMO") Submission of Proposed Tariff Revisions to Provide for Recovery of an Updated Revenue Requirement**

On June 3, 2010, the Settlement Judge issued a Status Report stating the parties have agreed to meet on June 29, 2010.

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.

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

On May 18, 2010, the Commission accepted for filing a compliance filing (as supplemented) required by the Commission in this proceeding, which established a pro forma interim Generator Interconnection Agreement and associated provisions in SPP's Tariff.

An effective date of December 2, 2009 was granted, 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 April 7, 2010, the Settlement Judge issued an Order scheduling a settlement conference which will convene on May 18, 2010.

On May 11, 2010, AEP submitted a Motion for Adoption of a Protective Order.

On May 12, 2010, FERC issued an Order of Chief Judge Adopting Protective Order.



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On May 19, 2010, FERC issued an Order scheduling a settlement conference to convene on June 15, 2010 at 10 AM Eastern Time.

On May 25, 2010, AEP submitted its 2010 Annual Update to recalculate its annual transmission revenue requirements.

On June 8, 2010, AEP submitted a supplement to the May 25, 2010 Annual Update.

On June 9, 2010, PJM Interconnection, LLC filed a Motion to Intervene.

A settlement conference was held on June 15, 2010.

ER10-396

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

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.

On April 26, 2010, Occidental filed an answer in response to the Motion for Clarification and Request for Expedited Consideration of Tres Amigas submitted on April 16, 2010.

On May 4, 2010, Tres Amigas submitted an answer in response to Occidental's rehearing request.

On May 17, 2010, Occidental filed an answer in response to Tres Amigas' May 4, 2010 answer.

Occidental stated:

- 1) Commission policy does not support Tres Amigas' position regarding assumption of market risk; and
- 2) contrary to Tres Amigas' claims, Occidental explained in detail why the March 18 Order's conclusion regarding Tres Amigas' ability to exercise market power was in error.

On May 17, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the March 18, 2010 Order.

On June 29, 2010, FERC issued an Order in response to Tres Amigas' April 16, 2010 Motion for Clarification of the March 18, 2010 Order. Tres Amigas' request was granted, subject to conditions designed to ensure that Tres Amigas' initial capacity allocation is conducted in a fair, open and non-discriminatory manner.

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**

# Southwest Power Pool, Inc.

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On May 18, 2010, FERC issued a letter order accepting the agreement, effective January 26, 2010 as requested.

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 April 30, 2010, FERC issued an Order Conditionally Accepting Tariff Revisions.

The DPATF tariff revisions were accepted, effective May 1, 2010, subject to a compliance filing to correctly designate the tariff sheets effective May 1, 2010. SPP's compliance filing is due June 1, 2010.

On May 21, 2010, SPP submitted its compliance filing correctly designating the tariff sheets with the correct effective date of May 1, 2010, pursuant to the April 30, 2010 Order.

**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.

**ER10-694**

### **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 May 25, 2010, SPP filed a Motion to Defer Action until August 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 May 25, 2010, SPP filed a Motion to Defer Action until August 1, 2010.

**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")**

# Southwest Power Pool, Inc.

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On May 25, 2010, SPP filed a Motion to Defer Action until August 1, 2010.

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.

ER10-761

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

On April 23, 2010, FERC issued a letter order accepting the new Attachment AR which allows SPP to implement a Transmission Screening Study Process to evaluate potential long-term transmission service requests and delivery point transfer requests.

An effective date of February 17, 2010 was granted.

This order constitutes final agency action.

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.

On May 18, 2010, SPP submitted an Errata to correct the designation of the service agreement. In the February 16, 2010 Filing, the agreement was mistakenly designated as "First Revised Service Agreement No. 1571" rather than "Third Revised Service Agreement No. 1517."

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,

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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 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 Answer.

On April 23, 2010, FERC issued an Order accepting in part and rejecting in part Entergy's proposed tariff revisions.

FERC accepted the proposed Supplemental Curtailment Procedures, as modified, to become effective April 25, 2010 as requested. FERC rejected Entergy's proposed Attachment X, Local Area Procedures.

Entergy's compliance filing is due on May 24, 2010.

On May 24, 2010, Entergy Services, Inc. submitted its compliance filing pursuant to the April 23, 2010 Order.

On May 24, 2010, SPP filed a Motion for Clarification or, in the Alternative, Request for Rehearing of the April 23, 2010 Order.

On May 24, 2010, Entergy Services, Inc. filed a Request for Clarification of the April 23, 2010 Order.

On June 14, 2010, NRG Companies filed a Motion to Intervene.

On June 23, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the April 23, 2010 Order.

**ER10-795**

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

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

On April 26, 2010, FERC issued an order accepting the proposed revision to Attachment AD, the Tariff Administration Agreement between SPP and Southwestern Power Administration. The term of the agreement was extended by one year.

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An effective date of February 1, 2010 was granted.

**ER10-813**                    **SPP Submission of Revisions to OATT to Implement Rate Changes for Southwestern Power Administration ("SPA")**

On April 30, 2010, FERC issued an order accepting the rate change for SPA, subject to refund and the outcome of Docket No. EF10-4. FERC suspended SPP's filing for a nominal period and granted an effective date of January 1, 2010.

**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 April 27, 2010, FERC issued a letter order accepting the agreement, effective January 29, 2010 as requested.

This order constitutes final agency action.

**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.

On May 10, 2010, FERC issued a letter order accepting the agreement, effective February 1, 2010 as requested.

This order constitutes final agency action.

**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.

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**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.

**ER10-829**                    **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 April 29, 2010, FERC issued a letter order accepting the agreement, 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.

**ER10-832**                    **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**

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### Operating Agreement ("NOA")

On April 29, 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 April 28, 2010, FERC issued a letter order conditionally accepting and nominally suspending the filing, effective January 6, 2010, subject to refund and subject to the outcome of Docket No. ER10-230.

**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.

On May 3, 2010, FERC issued a letter order accepting the revisions to Attachment AM. An effective date of May 14, 2010 was granted.

This order constitutes final agency action.

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

On May 3, 2010, FERC issued a letter order accepting the rate changes, effective January 14, 2010 as requested.

This order constitutes final agency action.

**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 31, 2010, Laredo Ridge Wind, LLC filed a Motion to Intervene and comments in support of SPP's March 23, 2010 filing.

On April 23, 2010, FERC issued a letter order accepting the agreement, effective March 5, 2010 as requested.

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This order constitutes final agency action.

ER10-941

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

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

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, 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."

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.

On May 7, 2010, the East Texas Cooperatives submitted comments providing suggestions regarding the AFC/TFC Protocols.

On May 7, 2010, Union Power Partners, L.P. filed a Protest in response to SPP's April 16, 2010 filing.

Union Power stated that the burden to demonstrate that the proposed Seams Letter Agreement is consistent with or superior to the Commission's Open Access Transmission Service Policies and the Pro Forma OATT must remain with SPP and Entergy.

On May 7, 2010, the Lafayette Utilities System and the Empire District Electric Company filed a Protest in response to SPP's March 26 and April 16, 2010 filings.

The parties stated:

- 1) the filed protocols would perpetuate business-as-usual at the SPP-Entergy Seam;



# Southwest Power Pool, Inc.

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- 2) the filed protocols disregard numerous seams issues of importance; and
- 3) if further agreements are contemplated, they, too, must be filed.

On May 26, 2010, AEP submitted reply comments supporting in part the Protest and Comments of The Lafayette Utilities System and The Empire District Electric Company filed on May 7, 2010.

AEP stated it believes FERC should either reject the Coordination Protocol in its entirety or order SPP and Entergy to revise their respective OATT's to eliminate transactional barriers between the two regions.

On June 15, 2010, FERC issued an Order conditionally accepting the Seams Agreement, subject to a compliance filing.

FERC conditionally accepted the Coordination Protocol and the AFC/TFC Protocol. SPP must submit a compliance filing clarifying items discussed in the order.

SPP and Entergy are required to file any subsequent agreements with the Commission.

SPP's compliance filing is due July 15, 2010.

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

This order constitutes final agency action.

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

This order constitutes final agency action.

**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.

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An effective date of June 11, 2010 was requested.

On April 26, 2010, Golden Spread Electric Cooperative, Inc. and Xcel Energy Services, Inc. filed Motions to Intervene.

On May 19, 2010, SPP submitted a request to change the effective date of the tariff revision proposal from June 11, 2010, to August 15, 2010. The deferred effective date is required to enable SPP to finalize the internal processes necessary for it to properly implement the proposed Tariff provisions.

On June 9, 2010, Westar Energy, Inc. and Kansas Gas and Electric Company filed a Motion to Intervene and comments.

Westar urged the Commission to require SPP to develop Congestion Management event ("CME") levels, similar to the NERC TLR levels, and to include that information in an enhanced CME notification process.

On June 24, 2010, SPP filed an answer in response to Westar's Motion to Intervene and comments filed on June 9, 2010.

SPP stated:

- 1) Westar's proposal is beyond the scope of this proceeding; and
- 2) the stakeholder process, not this proceeding, is the proper forum for addressing concerns regarding SPP's EIS Market Protocols and OATT Business Practices.

**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.

On May 3, 2010, SPP submitted an errata filing to request an effective date of June 18, 2010.

SPP requested a shortened comment period and expedited action by the Commission to facilitate the June 18, 2010 effective date.

On May 10, 2010, ITC Great Plains, LLC filed a Motion to Intervene.

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

This order constitutes final agency action.

**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")**

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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.

On June 10, 2010, FERC issued a letter order accepting the agreement, effective April 1, 2010 as requested.

This order constitutes final agency action.

**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.

On April 21, 2010, the Arkansas Public Service Commission filed a Notice of Intervention.

On April 26, 2010, Nebraska Public Power District filed a Motion to Intervene and for Extension of Comment Date. NPPD requested that the comment period be extended from May 10, 2010 to June 1, 2010.

On April 26, 2010, City Utilities of Springfield, Missouri, Empire District Electric Company, Lincoln Electric System, NextEra Energy Resources, LLC, and Omaha Public Power District filed Motions to Intervene.

On April 28, 2010, Jeff Cloud, Commissioner of the Oklahoma Corporation Commission, submitted comments in support of SPP's proposed highway/byway transmission cost allocation methodology.

On April 28, 2010, SPP filed an answer to NPPD's motion for extension of time of the comment date. SPP clarified it did not authorize NPPD to state that SPP does not oppose an extension of the comment date to June 1, 2010. SPP requested that the Commission reject NPPD's motion and retain the current intervention and comment deadline of May 10, 2010.

On April 29, 2010, the Oklahoma Corporation Commission ("OCC") filed a Notice of Intervention and an answer to NPPD's motion for extension of time.

The OCC joined SPP in its opposition to NPPD's motion, and asked the Commission to retain

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the current May 10, 2010 intervention and comment deadline.

On April 30, 2010, the East Texas Cooperatives filed Motion to Intervene and comments in support of NPPD's motion for extension of time. The East Texas Cooperatives requested an extension of the comment period of at least one week.

On May 3, 2010, the Kansas Corporation Commission ("KCC") filed a Motion to Intervene and answer in response to NPPD's Motion for Extension of Time filed on April 26, 2010. The KCC opposes NPPD's motion and concurs with the arguments set forth in SPP's and Oklahoma Corporation Commission's answers, filed on April 28 and April 29, respectively.

On May 3, 2010, Empire District Electric Company, Omaha Public Power District, Lincoln Electric System, and City Utilities of Springfield, Missouri filed an answer in support of NPPD's Motion for Extension of Time filed on April 26, 2010.

On May 4, 2010, FERC issued a Notice of Extension of Time, granting an extension to file comments until May 17, 2010.

Numerous entities filed Motions to Intervene.

On May 17, 2010, the Public Utility Commission of Texas filed a Notice of Intervention.

On May 17, 2010, American Electric Power Service Corporation ("AEP") filed a Motion to Intervene and Comments in support of SPP's proposal.

AEP believes that the proposed cost allocation methodology (1) accurately reflects the cost allocation methodology agreed upon by SPP stakeholders including the Regional State Committee, (2) provides adequate protection for ratepayers; and (3) will facilitate investment in needed transmission.

On May 17, 2010, the East Texas Cooperatives filed a Protest.

The parties state:

- 1) SPP has failed to demonstrate that its proposed cost allocation methodology is just and reasonable;
- 2) the "unintended consequences" provision is deeply flawed and will provide little assurance of an equitable balance of costs and benefits across SPP;
- 3) the proposal must be evaluated in the context of SPP's ITP process;
- 4) no deference should be afforded to the stakeholder process; and
- 5) a full five-month suspension is warranted.

The East Texas Cooperatives requested that FERC (1) suspend SPP's proposed tariff changes for the full five months allowed by law and allow the changes into effect subject to refund and a full evidentiary hearing; or (2) alternatively take no action on this filing pending the filing and initiation of proceedings concerning other related tariff changes as described in the protest.

On May 17, 2010, Commissioners Jarrett and Davis of the Missouri Public Service Commission filed comments. The Commissioners express concern regarding reliability projects, megawatt-mile analysis, cost allocation to generators, and lack of evidence for a 100% regionally allocated highway rate.

On May 17, 2010, the Midwest Independent Transmission System Operator, Inc. filed a Motion to Intervene and comment asking that FERC: (1) continue to recognize that regional differences supporting alternative regional solutions are expected and acceptable; and (2)

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clarify that SPP's solution does not necessarily apply to other RTOs.

On May 17, 2010, Oklahoma Gas and Electric Company ("OG&E") filed a Motion to Intervene and Comments in support of SPP's proposal.

On May 17, 2010, Lincoln Electric System filed a Supplemental Protest.

LES stated:

- 1) SPP's own study shows that LES would be required to bear significant costs of upgrades that provide no benefits to, and in fact harm, LES;
- 2) SPP's proposal lacks meaningful protections against such adverse consequences; and
- 3) the proposed cost allocation would deprive LES of protections it counted on when deciding to join SPP.

On May 17, 2010, NextEra Energy Resources, LLC filed comments in support of SPP's proposal.

On May 17, 2010, the Public Utility Division of the Oklahoma Corporation Commission submitted comments in support of SPP's April 19, 2010 filing.

On May 17, 2010, Western Farmers Electric Cooperative filed a Motion to Intervene and Comments.

WFEC generally supports the tariff modifications. WFEC urged the Commission to accept the proposal only so long as it includes SPP's commitment to undertake a formal "unintended consequences review" at least once every three years after the Highway/Byway methodology is implemented.

On May 17, 2010, CPV Renewable Energy Company, LLC filed a Motion to Intervene and Comments in support of SPP's proposed cost allocation methodology. CPV urges the Commission to accept the proposal as filed.

On May 17, 2010, City Utilities of Springfield, Missouri, the Empire District Electric Company, Lincoln Electric System, Nebraska Public Power District, and Omaha Public Power District ("Joint Protestors") filed a Motion for Rejection of Filing, or, in the Alternative, to Hold Proceeding in Abeyance, Protest, and Conditional Motions for Suspension and Hearing.

On May 17, 2010, Novus Windpower, LLC and Novus Wind II, LLC filed a Motion to Intervene and Limited Protest.

Novus stated:

- 1) EHV facilities provide system benefits and should be included in the Base Plan Upgrades, not allocated to one customer; and
- 2) an option to request a restudy for customers is required to prevent undue discrimination.

On May 17, 2010, Xcel Energy Services, Inc. on behalf of Southwestern Public Service Company filed a Motion to Intervene and Comments in support of SPP's April 19, 2010 Filing.

On May 17, 2010, the majority of the Missouri Public Service Commission filed comments.

The MoPSC stated that while it is satisfied with the fairness of the process and its ability to address Missouri interests and policies, the MoPSC did not get everything for which it advocated during the SPP stakeholder process. However, consistent with its votes in the

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Regional State Committee, the majority of the MoPSC supports SPP's proposal as a compromise that it hopes will lead to the construction of needed transmission within the SPP footprint that is designed to fairly bring balanced benefits to the region.

On May 17, 2010, the American Wind Energy Association and The Wind Coalition filed comments in support of SPP's proposal.

On May 17, 2010, the Nebraska Power Review Board ("NPRB") filed a Motion for Rejection of Filing and Protest.

The NPRB stated it is concerned that SPP's proposal creates a system in which a premium is placed on convenience and expediency, but in doing so does not pay sufficient attention to the equities involved. NPRB believes electric customers in Nebraska will pay a significant amount of the costs necessary to construct some of the most expensive high voltage transmission facilities, while receiving only comparatively insignificant benefits.

On May 17, 2010, International Transmission Company ("ITC") filed a Motion to Intervene and Comments in support of SPP's proposal.

ITC stated the proposed Highway/Byway cost allocation methodology will provide substantial benefits:

- 1) it will promote the construction of regional transmission facilities;
- 2) it will consolidate multiple cost allocation methodologies and simplify cost allocation;
- 3) it will enhance energy market operations in SPP; and
- 4) it is superior, compared to alternative cost allocation methodologies.

On May 17, 2010, the Kansas Corporation Commission filed Comments in support of SPP's proposal.

On May 17, 2010, Omaha Public Power District ("OPPD") filed a Motion for Rejection of Filing, or, in the Alternative, to Hold Proceedings in Abeyance and Protest.

OPPD requested that the Commission reject SPP's filing, or, alternatively, to hold the proceeding in abeyance and issue a deficiency letter, seeking information to complete the filing.

On May 18, 2010, Iberdrola Renewables, Inc. submitted a Motion to Intervene and comments in support of SPP's proposal.

On May 19, 2010, Commissioners Jarrett and Davis filed a Motion for Leave to File Amended Comments.

On May 21, 2010, Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC submitted an answer in response to the protests filed on May 17, 2010 in this proceeding.

On May 21, 2010, the Arkansas Public Service Commission filed a Motion to Submit Comments Out-of-Time and comments in support of SPP's cost allocation proposal. The APSC recommended that FERC accept it without modification.

On May 21, 2010, City Utilities of Springfield, Missouri, the Empire District Electric Company, Lincoln Electric System, Nebraska Public Power District, and Omaha Public Power District

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submitted an exhibit that was omitted from their May 17, 2010 filing.

On May 28, 2010, City Utilities of Springfield, Missouri, the Empire District Electric Company, Lincoln Electric System, Nebraska Public Power District, and Omaha Public Power District filed a Supplement to Joint Protestors' Motion to Reject Filing filed on May 17, 2010. The parties supplemented their Protest in order to bring to the Commission's attention portions of SPP's ITP Filing they say confirm the propriety of rejecting SPP's Highway/Byway proposal.

On May 28, 2010, the Joint Protestors (City Utilities of Springfield, Missouri, the Empire District Electric Company, Lincoln Electric System, Nebraska Public Power District, and Omaha Public Power District) submitted an errata to correct a clerical error in the Supplement to Joint Protestors' Motion to Reject Filing submitted on May 28, 2010.

On June 1, 2010, E.ON Climate & Renewables North America LLC submitted an answer stating:

- 1) the Commission should support SPP's proposal to broadly allocate the cost of transmission upgrades to load;
- 2) SPP has proposed means to monitor the effect of the Highway/Byway proposal, which acts as a safeguard; and
- 3) the Commission should support SPP's proposal to eliminate the artificial distinction between transmission upgrades for reliability and economic purposes.

On June 1, 2010, SPP submitted an answer in response to the motions for rejections, protests and comments submitted in this proceeding.

SPP stated:

- 1) SPP has met obligations under the Federal Power Act;
- 2) Joint protest procedural arguments in favor of rejecting the Highway/Byway filing have no merit;
- 3) SPP provided ample support for the proposed Highway/Byway methodology;
- 4) Other criticisms of the Highway/Byway methodology lack merit;
- 5) SPP conducted a thorough stakeholder process that provided ample opportunity for dissenting views to be heard; and
- 6) Novus I's and II's limited protest raises issues beyond the scope of this proceeding, provides no basis for modifying the Highway/Byway methodology, and should be rejected.

On June 1, 2010, NextEra Energy Resources, LLC submitted an answer in response to Midwest ISO's comments.

NextEra urged the Commission to:

- 1) deny the Midwest ISO's request for assurances regarding the Commission's response to its coming transmission cost allocation proposal; and
- 2) approve SPP's cost allocation proposal.

On June 1, 2010, Arkansas Electric Cooperative Corporation and Golden Spread Electric Cooperative, Inc. submitted an answer in response to the various motions and other filings submitted in this docket on or about May 17, 2010, seeking rejection or suspension of SPP's proposal.

The parties stated:

- 1) the motions to reject or hold the proceeding in abeyance are without merit; and
- 2) the protests fail to raise substantial doubts concerning the justness and reasonableness of

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the Highway/Byway allocation method, and an evidentiary hearing is therefore unnecessary.

On June 1, 2010, International Transmission Company ("ITC") submitted an answer to the protests filed in this proceeding.

ITC stated:

- 1) the highway/byway proposal was developed using an inclusive and extensive stakeholder process;
- 2) without the Highway/Byway cost allocation methodology, new EHV transmission will not be constructed in SPP in a timely manner; and
- 3) consolidation of this proceeding with SPP's proposed integrated transmission plan will needlessly delay the construction of EHV transmission in SPP.

On June 2, 2010, East Texas Cooperatives submitted an answer in response to Sunflower Electric Power Corporation and Mid-Kansas Electric Company.

On June 11, 2010, the Joint Protestors filed Motion to File Limited Reply and Limited Reply to Answers in response to SPP's June 1, 2010 Answer.

On June 11, 2010, the East Texas Cooperatives submitted an answer in response to SPP's June 1, 2010 Answer.

On June 17, 2010, FERC issued an order accepting SPP's proposed Highway/Byway cost allocation methodology, effective June 19, 2010 as requested.

**ER10-1118**

### **SPP Filing of an Executed Meter Agent Services Agreement between Municipal Energy Agency of Nebraska ("MEAN") as both Market Participant and Meter Agent**

On April 28, 2010, SPP submitted an executed Meter Agent Services Agreement between Municipal Energy Agency of Nebraska as both Market Participant and Meter Agent. SPP Service Agreement No. 1986.

An effective date of April 1, 2009 was requested.

On May 18, 2010, FERC issued a letter order accepting the agreement, effective April 1, 2009 as requested.

This order constitutes final agency action.

**ER10-1160**

### **Large Generator Interconnection Agreement ("LGIA") between Flatlands Wind Farm, LLC ("Flatlands") as Interconnection Customer and Southwestern Public Service Company ("SPS") as Transmission Owner**

On April 30, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Flatlands Wind Farm, LLC as Interconnection Customer, and Southwestern Public Service Company as Transmission Owner. SPP Service Agreement No. First Revised 1322.



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An effective date of March 31, 2010 was requested.

On May 26, 2010, SPP submitted a Notice of Cancellation for the Flatlands Wind Farm LGIA. Flatlands notified SPP on April 28, 2010, that it desired to terminate the LGIA because it was no longer feasible to pursue the project.

An effective date of July 28, 2010 was requested.

On June 24, 2010, FERC issued a letter order accepting the agreement, effective March 31, 2010 as requested.

This order constitutes final agency action.

On June 24, 2010, FERC issued a letter order accepting the Notice of Cancellation, effective July 28, 2010 as requested.

ER10-1178

### **SPP Submission of Notices of Cancellation for Four Point-to-Point Transmission Service Agreements Between SPP as Transmission Provider and Kansas Municipal Energy Agency ("KMEA") as Transmission Customer**

On May 3, 2010, SPP submitted notices of cancellation for four Point-to-Point Transmission Service Agreements between SPP as Transmission Provider and Kansas Municipal Energy Agency ("KMEA") as Transmission Customer.

An effective date of June 1, 2009 was requested for SPP Service Agreement No. 1261 and 1265.

An effective date of May 1, 2010 was requested for SPP Service Agreement No. 1824 and 1825.

On June 24, 2010, FERC issued a letter order accepting the Notices of Cancellation, effective June 1, 2009 and May 1, 2010 as requested.

This order constitutes final agency action.

ER10-1219

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

On May 10, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Wichita Wind, LLC as Interconnection Customer, and Sunflower Electric Power Corporation as Transmission Owner. SPP Service Agreement No. 1984.

An effective date of April 9, 2010 was requested.

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ER10-1233

### **SPP Filing of an Unexecuted Large Generator Interconnection Agreement ("LGIA") between Novus Wind II, LLC ("Novus II") as Interconnection Customer and Southwestern Public Service Company ("SPS") as Transmission Owner**

On May 12, 2010, SPP submitted an unexecuted LGIA between SPP as Transmission Provider, Novus Wind II, LLC as Interconnection Customer, and Southwestern Public Service Company as Transmission Owner. SPP Service Agreement No. 1903.

Novus Wind has not executed the LGIA because of a dispute between Novus Wind and SPP concerning certain language Novus Wind proposed to include in Appendix A of the agreement.

An effective date of April 12, 2010 was requested.

On June 1, 2010, GDF SUEZ Energy Marketing NA, Inc. filed a Motion to Intervene.

On June 2, 2010, Novus Windpower, LLC and Novus Wind II, LLC filed a Motion to Intervene and Protest.

Novus stated LGIA was filed unexecuted because SPP would not include language requiring a restudy to account for the effects of network upgrades that are authorized by a SPP Board-approved process to ensure that it is only responsible for costs of extra high voltage facilities that would not be needed "but for" its interconnection. Novus stated that SPP should be ordered to modify the Novus II LGIA to include the language included in Commission-accepted LGIA under Docket No. ER09-1258, and allow restudy.

On June 17, 2010, SPP filed an answer in response to Novus Windpower, LLC's June 2, 2010 Protest.

SPP stated:

- 1) Restudies of interconnection requests that take into account changed system conditions (e.g. subsequent approval of priority projects) would be inconsistent with the SPP Tariff and Commission policy; and
- 2) Restudy of the Novus II interconnection request is not required to prevent undue discrimination.

On June 28, 2010, Novus Windpower, LLC and Novus Wind II, LLC filed an answer in response to SPP's June 17, 2010 answer.

Novus stated that SPP must take into consideration the transmission system as it exists and including upgrades with NTCs at the time of restudy.

ER10-1269

### **SPP Submission of Tariff Revisions to Incorporate a Modified Transmission Planning Process, the Integrated Transmission Plan ("ITP")**

On May 17, 2010, SPP submitted revisions to its OATT to incorporate a modified transmission planning process, the Integrated Transmission Plan, which SPP will use to determine its near- and long-term transmission needs to maintain reliability and provide economic benefits throughout the SPP Region.

An effective date of July 17, 2010 was requested.

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On May 24, 2010, the Arkansas Public Service Commission filed a Notice of Intervention.

On May 26, 2010, City Utilities of Springfield, Missouri, East Texas Cooperatives, Empire District Electric Company, NextEra Energy Resources, LLC, and Omaha Public Power District filed Motions to Intervene.

On June 3, 2010, Westar Energy, Inc. filed Motion to Intervene.

On June 7, 2010, Arkansas Electric Cooperative Corporation, City of Alexandria, Louisiana, Dogwood Energy, LLC, Golden Spread Electric Cooperative, Inc., Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company, NRG Companies, and Occidental Permian Ltd. and Occidental Power Marketing, L.P. filed Motions to Intervene.

On June 7, 2010, American Electric Power Service Corporation filed a Motion to Intervene and comments in support of SPP's May 17, 2010 Filing.

On June 7, 2010, the American Wind Energy Association and the Wind Coalition filed a Motion to Intervene and comments in support of SPP's May 17, 2010 Filing.

On June 7, 2010, E.ON Climate & Renewables North America, LLC filed a Motion to Intervene and comments.

E.ON stated:

- 1) the Commission should require SPP to file the Integrated Transmission Planning Manual with FERC;
- 2) the Commission should require transmission upgrades needed for Generation Interconnection to be determined through the ITP; and
- 3) the Commission should require the cost of dual-voltage equipment to be recovered pursuant to the higher voltage category of the Highway/Byway methodology.

On June 7, 2010, Lincoln Electric System filed a Motion to Intervene and Supplemental Protest. LES stated that this proceeding should be consolidated with SPP's Highway/Byway proposal filed in Docket No. ER10-1069.

On June 7, 2010, City Utilities of Springfield, Missouri, the Empire District Electric Company, Lincoln Electric System, and Omaha Public Power District filed a Protest and Conditional Motions for Suspension and Hearing.

The Parties stated:

- 1) the ITP Filing fails to incorporate clear and meaningful standards for evaluating transmission solutions;
- 2) essential elements of the ITP have been left undefined, in violation of Order No. 890;
- 3) the ITP's lack of standards creates a risk of substantive and procedural irregularities;
- 4) SPP's failure to file essential ITP provisions is not justified on grounds of either "Flexibility" or "Simplicity";
- 5) without explanation, SPP's filing deviates from the ITP process document by disregarding the "Authorization to Plan" mechanism;
- 6) SPP's standardless waiver provision for transformers would undo the cost allocation treatment contemplated by the Highway/Byway Filing; and
- 7) SPP's proposed changes to the "Unintended Consequences" provision do not remedy that provision's shortcomings.

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On June 7, 2010, the Kansas Corporation Commission filed a Motion to Intervene and comments in support of SPP's May 17, 2010 Filing.

On June 7, 2010, Xcel Energy Services Inc., on behalf of Southwestern Public Service Company, filed a Motion to Intervene and comments in support of SPP's May 17, 2010 Filing.

On June 7, 2010, the East Texas Cooperatives filed a Protest and Motion to Consolidate this proceeding with SPP's Highway/Byway proceeding (Docket No. ER10-1069).

The East Texas Cooperatives stated:

- 1) SPP does not adequately explain how the cost-effectiveness of the various transmission projects and other projects developed through the planning process will be evaluated and determined;
- 2) the filing lacks detail on the process that will be used to decide whether to grant a waiver of the proposed cost allocation policy for dual-voltage transformers; and
- 3) the unintended consequences provisions are still too weak to ensure an equitable allocation of costs across SPP.

On June 7, 2010, Western Farmers Electric Cooperative filed a Motion to Intervene and comments generally supporting the tariff modifications proposed by SPP in this proceeding. Although WFEC generally supports the ITP, WFEC stated it is concerned that the benefits of the Plan as calculated by SPP may be overstated or overestimated.

On June 7, 2010, Clean Line Energy Partners, LLC filed a Motion to Intervene and comments in support of SPP's May 17, 2010 Filing.

On June 7, 2010, ITC Great Plains, LLC filed a Motion to Intervene and comments in support of SPP's May 17, 2010 Filing.

ITC stated:

- 1) the proposed planning horizons for the transmission assessments will help enable the best regional and local solutions to be developed; and
- 2) SPP's proposal to use a broad array of planning assumptions and benefits is necessary and appropriate.

On June 7, 2010, Oklahoma Gas and Electric Company filed a Motion to Intervene and comments in support of SPP's May 17, 2010 Filing.

On June 7, 2010, Nebraska Public Power District filed a Motion to Intervene and for Rejection of Filing, or, in the Alternative, Protest and Request for Suspension and Hearing.

NPPD requested the Commission:

- 1) Reject SPP's ITP filing, without prejudice to SPP to attempt to cure the defects in such filing and re-submit the filing as corrected; and
- 2) In the event the Commission does not reject the ITP filing, find that the ITP filing has not been shown to be just and reasonable, suspend it for the statutory five-month period and set it for evidentiary hearing.

On June 9, 2010, the Missouri Public Service Commission ("MoPSC") submitted comments in response to SPP's May 17, 2010 Filing.

The MoPSC was supportive of the ITP Filing, but suggested that during the review of reasonableness of the cost allocation methodology, SPP:

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- 1) Utilize the "annual reliability report" in conjunction with the benefits of reliability projects to demonstrate the separate costs and benefits of the transmission projects "required to meet any regional reliability criteria"; and
- 2) Include in the "analytical methods" for the reasonableness analysis a separate consideration of reliability projects.

On June 22, 2010, SPP filed an answer in response to the comments, protests, and motions for rejection, suspension, and consolidation submitted in this proceeding.

SPP stated:

- 1) the proposed ITP Tariff provisions contain sufficient detail to implement SPP's reformed planning process;
- 2) criticisms relating to the design of the ITP lack merit; and
- 3) the Highway/Byway Order repudiates many of the arguments offered in this proceeding.

ER10-1300

### **SPP Submission of Tariff Revisions to Modify Pro Forma Service Agreement for Network Integration Transmission Service and Network Operating Agreement (Attachments F and G)**

On May 24, 2010, SPP submitted a filing to FERC proposing to revise Attachments F and G of SPP's Tariff to modify SPP's pro forma Agreement for Network Integration Transmission Service and Network Operating Agreement, respectively.

An effective date of July 23, 2010 was requested.

On June 14, 2010, Golden Spread Electric Cooperative, Inc. filed a Motion to Intervene.

ER10-1308

### **SPP Submission of Ministerial Changes to Addendum 1 to Schedule 11 and Attachment V of the SPP Tariff to Incorporate Language Previously Accepted by the Commission**

On May 25, 2010, SPP submitted ministerial changes to Addendum 1 to Schedule 11 and Attachment V of the SPP Tariff to incorporate language previously accepted by the Commission.

SPP requested an effective date of April 21, 2010 for Sheet Nos. 385 and 478, and an effective date of March 31, 2010 for Sheet Nos. 163A, 163C.01, 163C.03, 163F and 163N.

ER10-1309

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

On May 25, 2010, SPP submitted an executed NITSA between SPP as Transmission Provider, City of Mulvane, Kansas, as Network Customer, as well as a NOA with Westar Energy, Inc. as Host Transmission Owner. SPP Service Agreement No. 1997.

An effective date of May 1, 2010 was requested.

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**ER10-1310**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP, Westar Energy, Inc. ("Westar") as both Network Customer and Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**

On May 25, 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. Eighth Revised 607.

An effective date of May 1, 2010 was requested.

**ER10-1311**                    **SPP Submission of an Executed Service Agreement for the Resale, Reassignment or Transfer of Point-to-Point Transmission Service between SPP as Transmission Provider and Kansas Power Pool ("KPP") as Assignee**

On May 25, 2010, SPP submitted an executed Service Agreement for Resale, Reassignment or Transfer of Point-to-Point Transmission Service between SPP as Transmission Provider and Kansas Power Pool as Assignee. SPP Service Agreement No. 2004.

An effective date of May 1, 2010 was requested.

**ER10-1312**                    **SPP Submission of Notice of Cancellation of Service Agreements for the Resale, Reassignment or Transfer of Point-to-Point Transmission Service between SPP as Transmission Provider and J.P. Morgan Ventures Energy Corporation ("J.P. Morgan") as the Assignee**

On May 25, 2010, SPP submitted notices of cancellation for two Service Agreements for Resale, Reassignment or Transfer of Point-to-Point Transmission Service between SPP as Transmission Provider and J.P. Morgan Ventures Energy Corporation as Assignee. SPP Service Agreement Nos. 1671 and 1672 were cancelled and replaced by 1995 and 1994, respectively.

An effective date of June 1, 2010 was requested.

**ER10-1313**                    **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 May 25, 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. First Revised 1882.

An effective date of May 1, 2010 was requested.

**ER10-1316**                    **Large Generator Interconnection Agreement ("LGIA") between Western Farmers Electric Cooperative ("WFEC") as Interconnection Customer and Transmission Owner**

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On May 25, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Western Farmers Electric Cooperative as both Interconnection Customer and Transmission Owner. SPP Service Agreement No. 1996.

SPP also submitted a notice of cancellation for the WFEC Interim LGIA filed in ER09-1716 (SPP Service Agreement No. 1845).

An effective date of May 14, 2010 was requested.

On June 15, 2010, Western Farmers Electric Cooperative filed a Motion to Intervene.

ER10-1317

**Large Generator Interconnection Agreement ("LGIA") between Nemaha Wind Farm, LLC ("Nemaha") as Interconnection Customer and Westar Energy, Inc. ("Westar") as Transmission Owner**

On May 25, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Nemaha Wind Farm, LLC as Interconnection Customer, and Westar Energy, Inc. as Transmission Owner. SPP Service Agreement No. 2005.

An effective date of May 14, 2010 was requested.

ER10-1327

**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"), and a New Redispatch Agreement between SPP, KCPL-GMO, and Oklahoma Gas and Electric Company ("OG&E")**

On May 26, 2010, SPP submitted an executed NITSA and NOA between SPP as Transmission Provider and KCP&L Greater Missouri Operations Company as both Network Customer and Host Transmission Owner, as well as a new redispatch agreement between SPP, KCPL-GMO and Oklahoma Gas & Electric Company. SPP Service Agreement No. Second Revised 1765.

An effective date of June 1, 2010 was requested.

On June 1, 2010, Oklahoma Gas and Electric Company filed a Motion to Intervene.

ER10-1557

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

On June 25, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Minco Wind, LLC as Interconnection Customer, and Oklahoma Gas and Electric Company as

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Transmission Owner. SPP Service Agreement No. 2026.

An effective date of June 10, 2010 was requested.

**ER10-1558**

### **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 June 25, 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. Second Revised 1784.

An effective date of June 2, 2010 was requested.

**ER10-1590**

### **Firm Point-To-Point Transmission Service Agreement between SPP as Transmission Provider and Calpine Energy Services, L.P. ("Calpine") as Transmission Customer**

On June 28, 2010, SPP submitted an executed service agreement for Firm Point-To-Point Transmission Service between SPP as Transmission Provider and Calpine Energy Services, L.P. as Transmission Customer. SPP Service Agreement No. 2027.

An effective date of June 1, 2010 was requested.

**ER10-1591**

### **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 June 28, 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. Third Revised 1382.

An effective date of June 1, 2010 was requested.

**ER10-1664**

### **Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Midwest Energy, Inc. ("Midwest") as Network Customer, and Midwest Energy, Inc. and Sunflower Electric Power Corporation ("Sunflower") as Host Transmission Owners**

On June 30, 2010, SPP submitted an executed NITSA between SPP as Transmission Provider, Midwest Energy, Inc. as Network Customer, as well as a NOA with Midwest Energy, Inc. and Sunflower Electric Power Corporation as Host Transmission Owners. SPP Service Agreement No. 2023.



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SPP also submitted Notices of Cancellation for SPP Service Agreement No. 916 and 1035, which were originally filed in Docket No. ER10-197.

An effective date of June 1, 2010 was requested.

**ER10-1667**

### **Two Executed Firm Point-To-Point Transmission Service Agreement between SPP as Transmission Provider and Kansas City Power & Light Company ("KCPL") as Transmission Customer**

On June 30, 2010, SPP submitted two executed service agreements for Firm Point-To-Point Transmission Service between SPP as Transmission Provider and Kansas City Power & Light Company as Transmission Customer. SPP Service Agreement Nos. 2021 and 2022.

SPP also submitted a Notice of Cancellation for a PTP agreement originally filed in Docket No. ER08-508. SPP Service Agreement No. 1604.

An effective date of June 1, 2010 was requested.

**ER97-4143**

### **AEP Wholesale Market Tariff**

On May 20, 2010, FERC issued an order in Docket Nos. ER97-4143-021 et al. accepting certain Simultaneous Transmission Import Limit ("SIL") values to be used when examining updated market power analyses for the SPP region. The SIL values accepted by FERC, with one exception, were provided by the SPP Transmission Owners with their updated market power analyses.

**ES10-11**

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

On May 6, 2010, SPP submitted a request that the January 15, 2010 Authorization Order be modified to permit SPP to issue Unsecured Notes up to the entire principal amount of \$150 million.

On May 19, 2010, FERC issued a letter order authorizing SPP to issue Unsecured Notes in an aggregate amount not to exceed \$150 million.

**OA08-59**

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

On June 1, 2010, Entergy Services submitted its compliance filing pursuant to the March 31, 2010 Order.

On June 22, 2010, the Lafayette Utilities System, the Louisiana Energy and Power Authority, the Municipal Energy Agency of Mississippi, Union Power Partners, L.P., and the Mississippi Delta Energy Agency and its members the Clarksdale Public Utilities Commission of the City of Clarksdale, Mississippi and the Public Service Commission of Yazoo City, Mississippi submitted comments regarding Entergy's June 1, 2010 Compliance Filing.

# Southwest Power Pool, Inc.

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PL10-4

### **Policy Statement on Penalty Guidelines re Enforcement of Statutes, Orders, Rules, and Regulations**

On April 15, 2010, FERC issued an Order Regarding Policy Statement on Penalty Guidelines issued on March 18, 2010. The Commission suspended the Policy Statement and application of Penalty Guidelines in order to allow interested entities to comment before issuing a final order.

Comments are due June 14, 2010.

On June 14, 2010, the ISO/RTO Council submitted comments concerning the Policy Statement on Penalty Guidelines issued March 18, 2010.

The IRC discussed:

- 1) concerns about tying culpability scores, for purposes of escalating penalty amounts, to size of organization;
- 2) the penalty guidelines should clarify that activities on radial transmission facilities cannot constitute violations of NERC standards; and
- 3) the Commission should add additional clarity that use of the guidelines is discretionary and how the guidelines relate to the NERC Penalty Matrix in the case of violations of reliability standards.

Numerous entities submitted comments concerning the Policy Statement on Penalty Guidelines issued March 18, 2010.

RM01-5

### **Electronic Tariff Filings**

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.

On May 21, 2010, FERC issued a Notice of Posting Regarding Filing Procedures for Electronically Filed Tariffs.

On May 24, 2010, American Gas Association submitted comments to advise FERC of some deficiencies in the functionality of the Commission's Public Viewer for electronic tariffs and tariff-related filings.

On June 28, 2010, FERC issued a notice that the Commission will now display on its electronic filing system the time used by the Commission to mark officially the time that eFilings and eTariff submissions are made with the Commission.

RM04-7

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

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

# Southwest Power Pool, Inc.

## Regulatory Status Report

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.

On April 21, 2010, Edison Electric Institute filed an Expedited Request for Extension of Time to comply with affiliate restriction clarifications.

On May 18, 2010, Edison Electric Institute filed a Motion for Stay or Recision and Request for Rehearing of the April 15, 2010 Order.

On June 8, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the April 15, 2010 Order.

**RM05-5**

### **Standards for Business Practices and Communication Protocols for Public Utilities**

On April 15, 2010, FERC issued Order No. 676-F. FERC amended its regulations at 18 CFR 38.2 to incorporate by reference business practice standards adopted by the Wholesale Electric Quadrant ("WEQ") of the North American Energy Standards Board ("NAESB") to categorize various demand response products and services in wholesale electric energy markets.

This final rule is effective on May 24, 2010.

**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 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.

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 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.

On May 13, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the

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March 18, 2010 Order concerning Reliability Standard BAL-003-0.

Commission staff was directed to convene a technical conference to further explore technical issues regarding the development of a frequency response performance requirement. NERC was directed to submit, within 30 days after the technical conference, a proposed schedule for developing a frequency response requirement. The six month deadline set forth in the March 18 Order was deferred pending further order by the Commission.

On May 17, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the March 18, 2010 Order Setting Deadline for Compliance regarding Reliability Standard TPL-002-0.

On June 1, 2010, in compliance with Paragraph 629 of Order No. 693, NERC submitted a 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 the referenced material pertaining to the first quarter of 2010.

On June 11, 2010, FERC issued an Order Denying Rehearing and Granting Partial Clarification, Denying Request for Stay, and Granting an Extension of Time.

NERC was granted a nine-month extension of time of the compliance deadline, until March 31, 2011.

RM06-22

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

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.

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.

On April 20, 2010, NERC submitted a petition seeking approval for an interpretation of Requirement R1.1 in FERC-approved NERC Reliability Standard CIP-006-2 - Cyber Security - Physical Security of Critical Cyber Assets.

On April 21, 2010, NERC submitted a petition seeking approval for interpretation of Requirement R2 in FERC-approved NERC Reliability Standard CIP-001-1 - Sabotage Reporting, Requirement R2.

On April 21, 2010, NERC submitted a petition seeking approval for interpretation of Section 4.2.2 ("Applicability") and Requirement R1.3 in FERC-approved NERC Reliability Standard CIP-005-2 - Cyber Security - Electric Security Perimeter(s).

On May 17, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the March 18, 2010 Order Addressing Violation Severity Level Assignments for Critical Infrastructure Protection Reliability Standards.

On May 17, 2010, NERC submitted its compliance filing pursuant to the March 18, 2010 Order

# Southwest Power Pool, Inc.

## Regulatory Status Report

on Violation Severity Level Assignments for Critical Infrastructure Protection Reliability Standards.

**RM07-1**

### **Standards of Conduct for Transmission Providers**

On April 16, 2010, FERC issued Order No. 717-C, Order on Rehearing and Clarification.

FERC issued Order No. 717-A to address requests for rehearing and make clearer the Standards of Conduct as implemented by Order No. 717. The Commission issued Order No. 717-B to address expedited requests for rehearing and clarification concerning paragraph 80 of Order No. 717-A and whether an employee who is not making business decisions about contract non-price terms and conditions is considered a "marketing function employee." This order addresses additional requests for rehearing and clarification concerning Order No. 717-A.

This rule becomes effective July 21, 2010.

On April 21, 2010, FERC issued an Errata Notice to correct the first page of the order to state that the rule will become effective 90 days after publication in the Federal Register.

On April 23, 2010, FERC issued an Errata Notice to correct a quote in paragraph 33 of the April 16, 2010 Order.

On May 17, 2010, the Transmission Access Policy Study Group filed a Motion for Clarification and Request for Rehearing of Order No. 717-C issued On April 16, 2010.

On June 15, 2010, FERC issued an Order Granting Rehearing for Further Consideration of Order No. 717-C, issued on April 16, 2010.

**RM07-19**

### **Wholesale Competition in Regions with Organized Electric Markets**

On May 20, 2010, the independent Market Monitoring Unit of SPP submitted the Market Monitor Demand Response Barriers Report pursuant to the November 20, 2009 Order issued in Docket No. ER09-1050.

On May 20, 2010, SPP submitted its report on remaining barriers to demand response, pursuant to the November 20, 2009 Order issued in Docket No. ER09-1050.

**RM08-13**

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

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.

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 Order No. 733, Final Rule for Transmission Relay Loadability Reliability Standard.

On May 17, 2010, FERC issued an Order Granting Rehearing for Further Consideration of Order No. 733, issued on March 18, 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 May 5, 2010, FERC issued Order No. 729-A, an order on clarification which clarifies the timeline for the Reliability Standards as well as certain directed modifications.

This rule is effective on June 10, 2010.

On June 4, 2010, SPP filed a Motion for Clarification or, in the Alternative, Request for Rehearing of Order No. 729-A, issued on May 5, 2010.

SPP requested clarification that the proper effective date of the MOD Reliability Standards approved by the Commission was April 1, 2011 rather than January 1, 2011.

On June 4, 2010, several parties filed Requests for Rehearing of Order No. 729-A, issued on May 5, 2010.

RM09-13

### **Time Error Correction Reliability Standard**

On April 28, 2010, the ISO/RTO Council submitted comments in response to the March 18, 2010 Notice of Proposed Rulemaking.

On April 28, 2010, several entities submitted comments in response to the March 18, 2010 Notice of Proposed Rulemaking.

RM09-18

### **Revision to Electric Reliability Organization ("ERO") Definition of Bulk Electric System**

Several entities filed comments in response to the March 18, 2010 NOPR.

RM10-6

### **Interpretation of Transmission Planning Reliability Standard**

On May 10, 2010, the ISO/RTO Council submitted comments in response to the March 18, 2010 NOPR. The IRC requested that the Commission accept the interpretation of Reliability Standard TPL-002-0 as submitted by NERC, or, if further explanation is warranted, remand the proposed NERC interpretation for additional clarification.

Numerous entities submitted comments in response to the March 18, 2010 NOPR.

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, the ISO RTO Council ("IRC") submitted 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.

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RM10-13

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

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.

On May 5, 2010, FERC issued a Notice of Agenda for the May 11, 2010 Technical Conference to discuss issues related to the NOPR on Credit Reforms in Organized Wholesale Electric Markets.

On May 10, 2010, FERC issued a notice stating that the technical conference on May 11 may address matters at issue in the following proceedings:

- 1) Docket No. ER10-942, ISO New England, Inc., and New England Power Pool;
- 2) Docket No. ER10-1190, ISO New England, Inc., and New England Power Pool; and
- 3) Docket No. ER10-1196, PJM Interconnection, LLC and PJM Settlement, Inc.

A Technical Conference was held on May 11, 2010.

On May 12, 2010 FERC issued a notice establishing June 8, 2010, as the deadline for submitting written comments regarding the counterparty proposal discussed at the technical conference held on May 11, 2010.

On June 8, 2010, New York ISO submitted post-technical conference comments concerning the counterparty proposal discussed at the May 11, 2010 Technical Conference.

NYISO asked the Commission to allow each RTO/ISO to further examine this issue and proposed such measures, if any, that it deems necessary and appropriate for its particular market structure, conditions, and practices.

On June 8, 2010, SPP submitted post-technical conference comments concerning the counterparty proposal discussed at the May 11, 2010 Technical Conference.

SPP stated that SPP and its stakeholders believe that the Commission should not mandate a requirement that each ISO/RTO become the counterparty to market transactions, and that this decision should be left to the individual ISO/RTO and its members and stakeholders.

On June 8, 2010, California ISO submitted post-technical conference comments concerning the counterparty proposal discussed at the May 11, 2010 Technical Conference.

CAISO stated that the evidence in the record does not show that the benefits of the proposed rule in terms of reducing credit risk to market participants outweigh the costs, which ultimately will be borne by those same market participants.

Several entities filed post technical conference comments concerning the counterparty proposal discussed at the May 11, 2010 Technical Conference.

On June 8, 2010, Midwest ISO submitted post-technical conference comments concerning the counterparty proposal discussed at the May 11, 2010 Technical Conference.

MISO stated it believes that the Commission should only require RTOs to take title to transactions, and in effect become the central clearinghouse for all transactions under its tariff,

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after conducting a thorough review of "best practices" for operating a central clearinghouse and requiring RTOs to incorporate such practices into the design and operation of the RTO clearing function.

### **RM10-17 Demand Response Compensation in Organized Wholesale Energy Markets**

On May 13, 2010, SPP submitted comments in response to the March 18, 2010 NOPR. SPP generally supports the comments submitted in the IRC White Paper.

Several entities submitted comments in response to the March 18, 2010 NOPR.

On May 13, 2010, New York ISO on behalf of the ISO RTO Council ("IRC") submitted a white paper by William W. Hogan entitled "Demand Response Pricing in Organized Wholesale Markets."

### **RM10-22 Promoting a Competitive Market for Capacity Reassignments**

On April 29, 2010, FERC issued a Notice of Proposed Rulemaking proposing to lift the price cap for all transmission customers reassigning transmission capacity beyond October 1, 2010. The reforms proposed are intended to facilitate the development of a market for capacity reassignments as a competitive alternative to primary capacity.

Comments are due July 6, 2010.

### **RM10-23 Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities**

On June 17, 2010, FERC issued a Notice of Proposed Rulemaking proposing to amend the transmission planning and cost allocation requirements established in Order No. 890 to ensure the Commission-jurisdictional services are provided on a basis that is just, reasonable and not unduly discriminatory or preferential.

With respect to transmission planning, the proposed rule would:

- (1) provide that local and regional transmission planning processes account for transmission needs driven by public policy requirements established by state or federal laws or regulations;
- (2) improve coordination between neighboring transmission planning regions with respect to interregional facilities; and
- (3) remove from Commission-approved tariffs or agreements a right of first refusal created by those documents that provides an incumbent transmission provider with an undue advantage over a nonincumbent transmission developer. Neither incumbent nor nonincumbent transmission facility developers should, as a result of a Commission-approved tariff or agreement, receive different treatment in a regional transmission planning process. Further, both should share similar benefits and obligations commensurate with that participation, including the right, consistent with state or local laws or regulations, to construct and own a facility that it sponsors in a regional transmission planning process and that is selected for inclusion in the regional transmission plan.

With respect to cost allocation, the proposed rule would establish a closer link between transmission planning processes and cost allocation and would require cost allocation methods for intraregional and interregional transmission facilities to satisfy newly established cost allocation principles.

Comments are due August 30, 2010.



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**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 June 30, 2010, NERC submitted its compliance filing in response to Paragraphs 127 and 128 of the December 19, 2008 Order.

On June 30, 2010, NERC submitted its compliance filing in response to Paragraph 94 of the December 19, 2008 Order.

**RR09-7**                    **NERC Three-Year Electric Reliability Organization Performance Assessment Report**

On May 18, 2010, the Regional Entities submitted comments in support of the motion filed by NERC on May 13, 2010, asking FERC to issue a Staff Preliminary Performance Assessment Report filed by NERC on July 20, 2009 in this proceeding.

**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.

**RR10-11**                    **NERC Petition for Approval of Revised Pro Forma Delegation Agreement, Revised Delegation Agreements with the Eight Regional Entities, Amendments to the NERC Rules of Procedure, and Amendments to the Bylaws of Several of the Regional Entities**

On June 9, 2010, NERC submitted a Petition for Approval of Revised Pro Forma Delegation Agreement, Revised Delegation Agreements with the Eight Regional Entities, and Amendments to the NERC Rules of Procedure. The Petition also requests approval of amendments to the Bylaws of several of the Regional Entities.

The filing includes an Amended and Restated Delegation Agreement between NERC and SPP.

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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 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.

SWEPCO reported a projected savings amount of \$5.5 million in the first three years of the EIS Market.

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.

Empire reported a projected savings amount of \$29 million in the first three years of the EIS Market.

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.

On April 28, 2010, Empire District Electric Company filed a letter revising its projected savings amount from \$29 million to \$23.9 million.

On May 4, 2010, the APSC issued Order No. 8 establishing the following procedural schedule:

- 1) Petitions to intervene are due by noon, May 10, 2010. (Replies to Petitions to Intervene are due within 7 days of the Petition's filing.)
- 2) OG&E/SWEPCO/Empire testimony supplementing their Applications is due by noon, May 10, 2010, as directed. (The Commission also directed that each company immediately provide Staff & Intervenors granted full party status all necessary workpapers if they have not already done so.)
- 3) Staff/Intervenor Reply Testimony is due by noon, May 21, 2010.
- 4) OG&E/SWEPCO/Empire Sur-Reply Testimony is due by noon, May 27, 2010.

The Commission will provide notice should a hearing be required.

Petitions to Intervene are due by noon, May 10, 2010, and replies to Petitions to Intervene are due within 7 days of the Petition's filing (Order No. 8 issued May 4, 2010)

On May 10, 2010, A. Naim Hakimi submitted Direct Testimony on behalf of Southwestern Electric Power Company.

On May 10, 2010, Richard L. McCord submitted Direct Testimony on behalf of the Empire District Electric Company.

On May 10, 2010, Gary D. Clear submitted Direct Testimony on behalf of Oklahoma Gas and Electric Company.

On May 17, 2010, SPP filed a Notice of Change of Service Agent.

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On May 18, 2010, Gary D. Clear submitted Amended Direct Testimony on behalf of Oklahoma Gas and Electric Company in order to correct an error discovered in Exhibit GDC-1.

On May 18, 2010, Richard L. McCord submitted Amended Direct Testimony on behalf of The Empire District Electric Company in order to correct an error discovered in Exhibit RLM-1.

On May 21, 2010, A. Naim Hakimi submitted Supplemental Testimony on behalf of SWEPCO.

On May 21, 2010, Diana K. Brenske submitted Reply Testimony on behalf of the Arkansas Public Service Commission.

On June 2, 2010, the APSC issued Order No. 9. The APSC found that the participation of Empire, OG&E, and SWEPCO in the SPP and EIS market have resulted in net benefits to these companies and that such participation in the SPP and EIS market should continue.

Empire and OG&E were ordered to file numbers that reflect the net benefits of the EIS market for their Arkansas customers no later than July 2, 2010.

Empire, OG&E, and SWEPCO were ordered to continue to track the net benefits or costs to Arkansas ratepayers of continued participation in the SPP EIS market and report these results annually with the Commission in this proceeding.

On June 29, 2010, Oklahoma Gas and Electric Company submitted the estimated net savings or benefits that have accrued to Arkansas ratepayers during the first three years of the SPP EIS market. OG&E estimates that net savings were approximately \$1.7 million on an Arkansas jurisdictional basis.

On June 29, 2010, Empire District Electric Company submitted the estimated net savings or benefits that have accrued to Arkansas ratepayers during the first three years of the SPP EIS market. Empire estimates that net savings were approximately \$565,000 on an Arkansas jurisdictional basis.

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.

06-154-U

### **In the Matter of the Application of Southwestern Electric Power Company ("SWEPCO") for a Certificate of Environmental Compatibility 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 June 24, 2010, the Arkansas Supreme court denied rehearing the case. In addition, Southwestern Electric Power Company's alternative motion to stay the issuance of the mandate was denied.

On June 24, 2010, SWEPCO provided notice to APSC that the construction and operation of the Turk Plant will proceed in accordance with the exemption set forth in Ark. Code Ann. § 23-18-504 (a)(5). Accordingly, SWEPCO will not seek to recover costs of the Turk Plant in

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rates subject to regulation by the APSC.

08-135-R

### **In the Matter of Amendments to the Rules of Practice and Procedure of the Arkansas Public Service Commission**

On April 1, 2010, the APSC issued Order No. 7 which adopted the following procedural schedule:

- 1) Staff shall file proposed Minimum Filing Requirements ("MFRs") no later than Noon on October 1, 2010;
- 2) Simultaneous Initial Comments both on the Drafting Committee's proposed Rules of Practice and Procedure ("RPPs") and Secretary Guidelines as well as Staff's proposed MFRs due by Noon on October 22, 2010;
- 3) Simultaneous Reply Comments due by Noon on December 10, 2010;
- 4) Simultaneous Sur-Reply Comments due by Noon on January 18, 2011; and
- 5) An evidentiary hearing to begin at 9:30 AM on February 1, 2011 for the purpose of considering the proposed revisions to the RPPs, the Secretary's Guidelines and the MFRs.

On June 3, 2010, the Staff of APSC submitted the proposed rules/amendments to the Subcommittee on Administrative Rules and Regulations at the Bureau of Legislative Research.

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 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.

On April 26, 2010, SPP filed its Supplement to the WPP Quarterly Report for December 2009 through February 2010.

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On April 28, 2010, the APSC issued Order No. 24 to correct minor items in Order No. 23. The APSC omitted the word "transmission" in two places within Order No. 23.

On May 19, 2010, SPP filed the April 2010 State of the Market Report pursuant to Order No. 2.

On May 26, 2010, in accordance with Order No. 23, SPP submitted its presentations for the June 3, 2010 Technical Conference.

A Technical Conference was held on June 3, 2010.

On June 16, 2010, SPP filed the WPP Quarterly Report for March 2010 through May 2010.

On June 18, 2010, SPP filed the May 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 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 April 2, 2010, the Arkansas Attorney General, the General Staff of the APSC, and Southwestern Electric Power Company filed Sur-Reply Comments.

On April 26, 2010, the APSC issued Order No. 5 concerning the format of the evidentiary hearing to be held on April 28, 2010.

On April 27, 2010, SWEPCO filed Attachment 1, which was inadvertently omitted from its Initial Comments filed on September 14, 2009.

On April 28, 2010, an evidentiary hearing was held to consider the merits of the parties' proposals.

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 May 7, 2010, SPP submitted an Amended Application for Authority to Issue Indebtedness and Request for an Expedited Order. SPP requested the APSC to permit SPP to issue Unsecured Notes up to the entire principal amount of \$150 million.

On May 19, 2010, SPP filed a Notice of FERC Letter Order. FERC granted SPP's request for authorization to issue Unsecured Notes in an aggregate amount not to exceed \$150 million.

# Southwest Power Pool, Inc.

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On June 2, 2010, Robert Daniel submitted Supplemental Direct Testimony on behalf of APSC regarding SPP's May 7, 2010 Amended Application.

Mr. Daniel recommends that the Commission grant SPP's amended request through January 15, 2012, and require that SPP file a full and complete copy of any lending company agreement within 30 days of the issuance or effective date.

On June 7, 2010, the APSC issued Order No. 2, approving SPP's request for authority to issue non-secured promissory notes up to the entire amount of \$150 million.

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 April 6, 2010, several entities filed reply comments.

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

On April 23, 2010, Arkansas Oklahoma Gas Corporation, Arkansas Western Gas Company, CenterPoint Energy, Empire District Electric Company, Entergy Arkansas, Inc., Oklahoma Gas and Electric Company, and Southwestern Electric Power Company filed comments regarding National Action Plan for Energy Efficiency "Best Practices", as well as Utility EE Resources and Staffing and Training within the Contractor Market and within the Utility, as required by Order No. 1 issued on February 3, 2010.

On April 30, 2010, the APSC issued Order No. 2. The Commission:

- 1) Denied Industrial Consumers' Request for Rehearing in Docket Nos. 07-081-F and 07-085-TF;
- 2) Denied as unnecessary Industrial Consumers' Motion to Suspend Procedural Schedule in Docket No. 10-010-U; and
- 3) Denied Industrial Consumers' Motion to Strike Commission ACEEE Exhibit E from the record of Docket No. 10-010-U.

10-011-U

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

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

Pursuant to Order No. 1, Mr. McDonald is required to file Supplemental Testimony on the first business day of each month detailing (a) Entergy's and EAI's progress toward the development of a new Entergy System Agreement and (b) the progress of the EAI stand-alone study.

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

# Southwest Power Pool, Inc.

## Regulatory Status Report

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 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 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 its response to the APSC's additional requests for information, pursuant to Order No. 10 (Question No. 1-4).

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

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

On April 21, 2010, the APSC issued Order No. 11.

Regarding the addendum "EAI stand alone" cost benefit study:

- 1) The addendum study results be finalized & filed in this Docket within thirty (30) days after the completion by CRA of the broader cost benefit study commissioned by the FERC;
- 2) SPP file in this Docket by May 11, 2010, a detailed schedule for completion of the

# Southwest Power Pool, Inc.

## Regulatory Status Report

addendum study including appropriate study milestones and any risks that are associated with and which could negatively impact the successful and timely completion of the addendum study;

3) SPP file in this Docket on May 1, 2010, and on the first of each month thereafter, a detailed status report reflecting the progress of the addendum Arkansas-only study including any outstanding SPP or CRA data requests submitted to Entergy/EAI for which Entergy/EAI have either failed to submit timely responses or have submitted responses that are either incomplete, inaccurate or non-responsive or have refused to provide the requested response or data; and

4) The initial report to be filed by SPP on May 1 also shall detail all discussions or meetings between SPP and Entergy/EAI personnel prior to and on or after March 12, 2010, regarding the cost and benefits of EAI as a stand alone member of the SPP. Such report shall include the dates of all such discussions or meetings, the identity including employer and official title of all SPP and Entergy/EAI personnel participating in such discussions or meetings and the nature of such discussions or meeting.

Entergy President of Utility Operations and EAI Director Gary Taylor are to file written testimony addressing the Commission's concerns as outlined in this order by noon on May 7, 2010 & appear before the Commission for questioning on such pre-filed testimony.

The first Show Cause Hearing begun on March 11, 2010 and recessed on March 12, 2010 will resume at 9:30 AM, May 17, 2010 (Commission Hearing Room 1) for Commission questioning of EAI Director Taylor.

Beginning on May 1 and continuing on the first of each month thereafter, EAI shall detail all discussions or meetings between MISO and Entergy/EAI personnel, regarding the possibility of including the cost and benefits of EAI as a stand alone member of the MISO-RTO. Such report shall include the dates of all such discussions or meetings, the identity including employer & official title of all MISO and Entergy/EAI personnel participating in such discussions or meetings and the nature of such discussions or meetings.

SPP file in this Docket no later than May 1, 2010, and on the first day of each month thereafter a report detailing the discussions or meetings between SPP and EAI regarding the option of EAI as a stand-alone Op Co becoming a member of SPP. The first report shall cover the period from May 29, 2009 to the present.

EAI is further directed to:

- 1) Include in its internal analysis of its successor arrangement option an additional assumption that the FERC-imposed +/- 11% bandwidth remedy could be continued for either current and/or future assets under any successor agreement approved by FERC or required by the federal courts;
- 2) Fully explore and study the option of EAI as a stand alone Op Co becoming a member of SPP or MISO; and
- 3) Give serious and fair consideration to the option of restructuring EAI as a stand-alone Op Co after EAI exits the Entergy SA in December 2013.

On April 26, 2010, Hugh McDonald filed a letter with the APSC. In this letter to Chairman Paul Suskie, EAI President Hugh McDonald commits that "no Entergy Operating Company will enter voluntarily into Successor Arrangements with other Entergy Operating Companies if its retail regulator finds Successor Arrangements are not in the public interest".

On April 28, 2010, the APSC issued Order No. 12. EAI was directed to file the specific Loss of Load Probability ("LOLP") assessment that was referenced in EAI's response to the first



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## Regulatory Status Report

scenario in its April 14, 2010 filing, which provided the reserve and capacity margin requirements for EAI after December 2013 under four specific scenarios.

On May 3, 2010, in response to Order No. 11, SPP submitted its initial status report detailing:

- 1) the progress of the addendum Arkansas-only study, including any outstanding SPP or Charles River Associates ("CRA") data requests submitted to Entergy Corporation ("Entergy")/Entergy Arkansas, Inc. ("EAI") for which Entergy/EAI have either failed to submit timely responses or have submitted responses that are either incomplete, inaccurate or non-responsive or have refused to provide the requested response or data;
- 2) all discussions or meetings between SPP and Entergy/EAI personnel prior to and on or after March 12, 2010, regarding the assessment of the cost and benefits of EAI as a stand-alone Operating Company member of the SPP Regional Transmission Organization ("RTO"), including the dates of all such discussions or meetings, the identity (including employer and official title) of all SPP and Entergy/EAI personnel participating in such discussions or meetings and the nature of such discussions or meetings; and
- 3) discussions or meetings between SPP and EAI regarding the option of EAI as a stand-alone Operating Company becoming a member of SPP for the period of May 29, 2009, to the present.

On May 3, 2010, Entergy Arkansas and SPP submitted their joint response to Order No. 2 for the month of April. As of March 31, 2010, the Seams Agreement addressed all areas discussed in previous reports filed with the APSC as being targeted for coordination through the seams agreement. Entergy Transmission and SPP are now focused on implementation of the Seams Agreement and integrated coordination of seams-related issues.

On May 3, 2010, Hugh T. McDonald submitted Supplemental Direct Testimony on behalf of Entergy Arkansas, Inc.

Pursuant to Order No. 1, Mr. McDonald is required to file Supplemental Testimony on the first business day of each month detailing (a) Entergy's and EAI's progress toward the development of a new Entergy System Agreement and (b) the progress of the EAI stand-alone study.

On May 5, 2010, Entergy Arkansas, Inc. held a Technical Conference.

On May 6, 2010, the Consumer Utilities Rate Advocacy Division of the Arkansas Attorney General's Office and Arkansas Electric Energy Consumers, Inc. submitted their Second Joint Motion to Amend Procedural Schedule.

The movants requested that the Commission suspend the current procedural schedule, and provide for Staff/Intervenor Rebuttal Testimony, EAI Surrebuttal Testimony and the Second Show Cause Evidentiary Hearing to take place in a reasonable time after the conclusion of the First Show Cause Hearing, including the testimony of Hurstell and Schnitzer.

On May 6, 2010, the APSC issued Order No. 13. The Commission directed EAI President and CEO Hugh McDonald to appear at the May 17, 2010 Show Cause Hearing for questioning from the Commission regarding his April 26, 2010 letter and April 1 and May 3, 2010 Supplemental Direct Testimonies. The Commission also directed EAI Corporate Director Gary Taylor to be prepared to respond to questions regarding Mr. McDonald's letter. The May 17 Show Cause Hearing will be limited to Commission questioning of Mr. McDonald and Mr. Taylor.

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On May 7, 2010, the APSC issued Order No. 14. The Commission sets forth certain data requests and directs that EAI file its responses by noon, Friday, May 14, 2010.

On May 7, 2010, Gary J. Taylor, in response to Order No. 11, submitted Direct Testimony on behalf of Entergy Arkansas, Inc.

On May 10, 2010, the APSC issued Order No. 15. EAI has requested that Charles River Associates evaluate EAI as a stand-alone member of the MISO-RTO as an addendum study. To facilitate EAI's efforts in this regard and provide the public and Commission information regarding the anticipated costs of the MISO addendum study, EAI shall file an update on the costs budgeted and/or expended in order to conduct the MISO addendum study by May 20, 2010.

On May 11, 2010, SPP submitted its response to Order No. 11 including a detailed schedule for completion of the addendum "Entergy Arkansas, Inc. ("EAI") stand-alone" cost-benefit study.

On May 11, 2010, Entergy filed the material presented during the May 5, 2010 technical conference. The materials are also available at the following link:  
[http://entergy-arkansas.com/transition\\_plan](http://entergy-arkansas.com/transition_plan).

On May 11, 2010, Entergy submitted its response concerning the reserve and capacity margin requirements for EAI after December 2013.

On May 14, 2010, Entergy Arkansas, Inc. filed several responses to APSC's data requests (APSC 1-2, 3-1, 3-2, 3-3, 3-4, 3-5 and 4-1).

In response to Order No. 15, EAI responded that it has not yet determined the costs of performing the MISO addendum study, but will provide an estimated cost once it is available.

APSC 1-2, Addendum 4

On May 17, 2010, the First Show Cause Hearing resumed for Commission questioning of EAI Director Gary Taylor and EAI President and CEO Hugh McDonald.

On May 21, 2010, the APSC issued Order No. 16, in which the Commission denied the Joint Motion of the Attorney General and Arkansas Electric Energy Consumers to Amend the Procedural Schedule.

On June 1, 2010, in response to Order No. 11, SPP submitted its status report detailing:

- 1) the progress of the addendum Arkansas-only study, including any outstanding SPP or Charles River Associates ("CRA") data requests submitted to Entergy Corporation ("Entergy")/Entergy Arkansas, Inc. ("EAI") for which Entergy/EAI have either failed to submit timely responses or have submitted responses that are either incomplete, inaccurate or non-responsive or have refused to provide the requested response or data; and
- 2) those discussions or meetings between SPP and EAI regarding the option of EAI as a stand-alone Operating Company becoming a member of SPP.

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

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Pursuant to Order No. 1, Mr. McDonald is required to file Supplemental Testimony on the first business day of each month detailing (a) Entergy's and EAI's progress toward the development of a new Entergy System Agreement and (b) the progress of the EAI stand-alone study.

On June 1, 2010, Entergy Arkansas and SPP submitted their joint response to Order No. 2 for the month of May. As of March 31, 2010, the Seams Agreement addressed all areas targeted for coordination through the ESI/SPP seams agreement. Entergy Transmission and SPP are now actively pursuing implementation of the Seams Agreement.

On June 3, 2010, Entergy submitted a revised Exhibit HTM-5 to the Supplemental Direct Testimony of Hugh T. McDonald filed June 1, 2010 that corrects inadvertent errors in the original exhibit related to the company represented and titles of members of the Successor Arrangements Executive Level Team.

On June 17, 2010, the Attorney General submitted its First Set of Data Requests to Entergy Arkansas, Inc.

Entergy's response is due July 2, 2010.

On June 17, 2010, Entergy submitted a revised EAI Exhibit KWC-1 to the Direct Testimony of Kurtis W. Castleberry with Highly Sensitive Protected Information redacted. The purpose of the filing is to reflect that certain information contained in the exhibit has since been made publicly available and is no longer considered Highly Sensitive Protected Information.

On June 18, 2010, EAI issued its First Data Request to SPP (EAI-01). SPP's response is due July 3, 2010.

On June 18, 2010, EAI issued its First Data Request to AECC, AEEC, the Attorney General, Calpine Corporation, City of Benton, City of Prescott, Conway Corporation, Entegra, Hope Municipal Water & Light, Jonesboro City Water & Light, KGen Power Management, NRG Companies, Osceola Light and Power, APSC Staff, Suez, SWEPCO, and West Memphis Utility Commission. Responses are due July 3, 2010.

On June 22, 2010, SPP submitted its response to Entergy's First Data Request to SPP (EAI-01).

On June 23, 2010, the following parties submitted Rebuttal Testimony: Kip M. Fox on behalf of SWEPCO; Ricky Bittle on behalf of Arkansas Electric Cooperative Corporation; Rebecca E. Turner on behalf Entegra Power Group; and Diana K. Brenske on behalf of the APSC General Staff.

On June 24, 2010, SWEPCO submitted its response to Entergy's First Data Request to SWEPCO (EAI-01).

On June 25, 2010, Entergy Arkansas, Inc. filed a Notice of Technical Conference and Conference Agenda. EAI will conduct a technical conference on Thursday, July 15, 2010, from 1 PM to 5 PM.

The agenda includes:

- 1) Overview and Update - EAI Process and Schedule for Developing its Transition Plan;
- 2) Status Update - Assessment of Strategic Options and "No Regrets" Implementation Plan Activities;
- 3) Overview - EAI Generation Supply Plan Requirements for 2014 Operations and Provisioning

# Southwest Power Pool, Inc.

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Plan Alternatives;

- 4) Discussion of Provisioning Plan Alternatives and Implementation Plan Activities for EAI's Functional Requirements for Balancing Authority/Control Area
- 5) Status Update - Assessment of ICT/RTO Options and Issues; and
- 6) Summary and Next Steps

All materials presented during this conference will be available at:  
[http://entergy-arkansas.com/transition\\_plan](http://entergy-arkansas.com/transition_plan).

10-035-A

### **In the Matter of the Procedures for the Filing of New Tariffs or Revisions to Existing Tariffs by Electric, Gas and Water Utilities**

On April 15, 2010, the APSC issued Order No. 1, an Administrative Order intended to improve the tariff filing process and to ensure that the Commission has adequate information which is supported by substantial evidence upon which an approval decision must be based.

Therefore, effective April 19, 2010:

- 1) sworn testimony explaining and justifying the tariff relief requested must be filed;
- 2) the Secretary of the Commission will not accept filings not accompanied by a properly completed Summary Cover Sheet; and
- 3) within 20 days after a new docket has been initiated, the General Staff shall file appropriate sworn responsive testimony or file a motion requesting suspension of the proposed tariff.

10-036-U

### **In the Matter of the Application of Southwestern Electric Power Company for a Certificate of Public Convenience and Necessity for the Construction, Ownership, Operation and Maintenance of Two Transmission Lines at the Proposed Station to be Constructed at the John W. Turk, JR. Generation Facility Located in Hempstead County, Arkansas and Terminating at the Existing Okay to Hope Transmission Line and Related Facilities**

On April 30, 2010, SWEPCO submitted its Application for a Certificate of Public Convenience and Necessity for the Turk-Okay 138 kV transmission line and the Turk-Hope 115 kV transmission line originating at the proposed Turk Station to be constructed at the John W. Turk, Jr. Generation facility located in Hempstead County, Arkansas, and terminating at the existing Okay-Hope 115 kV transmission line.

On April 30, 2010, George W. Carpenter submitted Direct Testimony on behalf of SWEPCO.

On April 30, 2010, Teresa A. Gallup submitted Direct Testimony on behalf of SWEPCO.

On May 3, 2010, SPP filed a Petition to Intervene.

On May 5, 2010, SWEPCO filed an Amended Application.

On May 12, 2010, the APSC issued Order No. 1 designating Connie C. Griffin as Presiding Officer.

On May 14, 2010, SWEPCO submitted its Response to the Petition to Intervene of Southwest Power Pool.

On May 14, 2010, the APSC issued Order No. 2, granting SPP's Petition to Intervene.

On May 17, 2010, Keith Tynes submitted Direct Testimony on behalf of Southwest Power Pool, Inc.

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The purpose of the testimony was to: (1) establish SPP's compliance with Condition No. 2 of Order No. 11, as amended by Order No. 13 in Docket No. 06-154-U; and (2) describe the specific studies prepared by SPP in conjunction with the proposed Turk Power Plant and related transmission lines.

10-041-U

### **In the Matter of the Application of Plains and Eastern Clean Line LLC for a Certificate of Public Convenience and Necessity to Operate as an Electric Transmission Public Utility in the State of Arkansas**

On May 13, 2010, Plains and Eastern Clean Line, LLC ("Clean Line") submitted an Application for a Certificate of Public Convenience and Necessity for the purpose of operating as a public utility to the extent that it will be developing, constructing or operating electric transmission facilities in the state of Arkansas.

On May 13, 2010, Dr. Wayne Galli submitted Direct Testimony on behalf of Plains and Eastern Clean Line, LLC.

On May 13, 2010, Plains and Eastern Clean Line, LLC filed a Motion for Interim Protective Order.

On May 13, 2010, Jimmy Glotfelty submitted Direct Testimony on behalf of Plains and Eastern Clean Line, LLC.

On May 13, 2010, Michael Skelly submitted Direct Testimony on behalf of Plains and Eastern Clean Line, LLC.

On May 24, 2010, the APSC General Staff filed its Response to Motion for Protective Order.

Staff requested that the Commission issue an interim protective order declaring the information described in the May 13, 2010 Motion to be proprietary, and therefore, subject to non-disclosure to the public, reserving all rights to Staff to contest the right of the Company to protection of this information at a later date, and therein directing the Company to immediately file and/or otherwise provide the protected documents.

On June 2, 2010, the APSC issued an Interim Protective Order.

On June 4, 2010, Judah L. Rose submitted Direct Testimony on behalf of Plains and Eastern Clean Line, LLC.

On June 4, 2010, Bryan Begley submitted Direct Testimony on behalf of Plains and Eastern Clean Line, LLC.

On June 11, 2010, SPP filed a Petition to Intervene.

On June 14, 2010, Entergy Arkansas, Inc. filed a Petition to Intervene.

On June 17, 2010, the APSC General Staff filed its response to the Petitions to Intervene filed by SPP and Entergy Arkansas, Inc.

Staff questioned whether SPP and EAI have shown sufficient reason to intervene in this proceeding.

On June 24, 2010, Entergy Arkansas, Inc. submitted its reply to Staff's response to its Petition to Intervene.

On June 24, 2010, the APSC issued Order No. 2 to request that if SPP or Entergy Arkansas

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still wishes to participate as a full party in this docket each must supplement the petition to intervene with a filing on or before Friday, July 2, 2010, fully explaining the interest each has relating to whether Clean Line should be granted a CCN.

On June 24, 2010, the APSC issued Order No. 3 setting an intervention deadline of July 24, 2010.

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.

On May 13, 2010, the Arkansas Supreme Court issued its ruling reversing and remanding the decision of the Arkansas Public Service Commission.

The court reversed the Commission's CECPN for the construction of the Turk Plant, and also reiterated that electric transmission lines may be considered in a separate proceeding.

On June 1, 2010, the Arkansas Public Service Commission submitted a Petition for Rehearing and Request for Clarification.

On June 1, 2010, SWEPCO filed a Petition for Rehearing.

On June 1, 2010, SWEPCO filed an Alternative Motion to Stay the Issuance of the Mandate Pending Certiorari Proceedings in the United States Supreme Court.

On June 24, 2010, the Arkansas Supreme court denied rehearing the case. In addition, Southwestern Electric Power Company's alternative motion to stay the issuance of the mandate was denied.

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## Regulatory Status Report

*FERC or State Jurisdiction: State of Kentucky*

2009-00427

**Application of Kentucky Utilities Company and Louisville Gas and Electric Company to Transfer Control of Certain Transmission Functions**

On June 14, 2010, Kentucky Utilities Company and Louisville Gas and Electric Company filed a Joint Motion to Rescind Final Order, Withdraw Application, and Issue a Declaratory Order.

The current draft revised contract between the Companies and SPP provides for SPP to continue to serve as the ITO for a term of two years beginning on September 1, 2010.

The Companies requested that KPSC rescind its February 2, 2010 Final Order, to allow the Companies to withdraw their October 30, 2009 Application, and to issue a declaratory order determining that no Commission approval is required for SPP to remain the Companies' ITO.

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*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 Report on Arsenal Hill continues to be filed in this proceeding.

**U-28155 Subdocket A**                    **Investigation of the Continued Participation of Entergy Louisiana, LLC and Entergy Gulf States Louisiana, LLC in the Independent Coordinator of Transmission ("ICT") Arrangement, Potential Enhancements to the ICT, Potential Alternatives to the ICT, the Impact of Alternatives on LPSC Jurisdictional Ratepayers**

On June 8, 2010, Entergy submitted a Motion for Extension of Certain Reporting Deadlines Relating to the Expiration of the Initial Term of the Independent Coordinator of Transmission.



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## Regulatory Status Report

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

**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**

A workshop was held on April 14, 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**

A workshop was held on May 18, 2010.

A workshop is scheduled to be held 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 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.

On April 9, 2010, Union Electric Company d/b/a AmerenUE filed its comments in response to the MoPSC's Order Temporarily Prohibiting the Operation of Aggregators of Retail Customers issued on March 31, 2010.

A workshop was held on May 17-18, 2010, to discuss Aggregator of Retail Customers.

On June 8, 2010, SPP submitted an informational filing containing the Order 719 and 719-A compliance filings recently submitted in SPP's FERC Docket No. ER09-1050.

**EW-2010-0265**            **In the Matter of the Consideration and Implementation of Section 393.1075, the Missouri Energy Efficiency Investment Act**

A workshop was held on April 14, 2010.

On May 13, 2010, Wal-Mart Stores East, LP and Sam's East, Inc. submitted their legal memorandum on the issues being addressed at the May 17, 2010 Workshop.

A workshop was held on May 17-18, 2010.

On May 25, 2010, NRDC, GRELC, MCE, MEEA, MVC and Sierra Club filed a Legal Memorandum to address the legal issues raised in this docket concerning the scope and interpretation of SB 376.

**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

# Southwest Power Pool, Inc.

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electric utility renewable energy standard requirements.

A rulemaking hearing was held on April 6, 2010.

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

On June 2, 2010, an Order of Rulemaking was issued.

4 CSR 240-3.156 was adopted. The rule becomes effective thirty days after publication in the Code of State Regulations.

On June 2, 2010, an Order of Rulemaking was issued.

4 CSR 240-20.100 was adopted. The rule becomes effective thirty days after publication in the Code of State Regulations.

On June 2, 2010, Terry M. Jarrett filed a dissenting opinion.

On June 2, 2010, Jeff Davis filed a dissenting opinion.

# 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 June 21, 2010, SPS submitted its 2010 Annual Report.

**10-00143-UT**                    **In the Matter of the Petition of Lea County Electric Cooperative, Inc. For Approval to Transfer Certain Transmission Assets Under the Southwest Power Pool, Inc. Open Access Transmission Tariff**

On May 17, 2010, Lea County Electric Cooperative, Inc. filed its petition for approval to join the Southwest Power Pool RTO and transfer certain transmission assets under SPP's Open Access Transmission Tariff.

Also in this filing, Gary L. Hurse submitted Direct Testimony to support the Petition of Lea County Electric Cooperative.

On May 26, 2010, NM PRC issued an Order Designating Hearing Examiner.

William J. Herrmann was appointed to preside over this matter.

On June 7, 2010, the NM PRC issued an Order Setting Pre-Hearing Conference. The pre-hearing conference will begin at 3 PM on June 10, 2010.

On June 10, 2010, SPP filed a Motion for Leave to Intervene and Request for Discovery.

On June 14, 2010, NM PRC issued a Procedural Order which established the following schedule:

August 2, 2010: Deadline to intervene  
August 4, 2010: Status Hearing begins at 2 PM Mountain Time  
August 23, 2010: LCEC Supplemental Testimony due  
September 17, 2010: Staff and Intervenor Direct Testimony due  
October 1, 2010: Rebuttal Testimony due  
October 13, 2010: Public Hearing begins at 10 AM Mountain Time

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

201000043

#### **Inquiry of the Oklahoma Corporation Commission ("OCC") to Investigate Issues Arising from the Federal Energy Regulatory Commission's Orders No. 719, 719-A and 719-B**

On April 23, 2010, the Oklahoma Corporation Commission issued a Notice of Inquiry to investigate the issues arising from FERC's issuance of Order Nos. 719, 719-A and 719-B.

The following schedule was established:

Comments due: May 24, 2010.

First Technical conference: June 3, 2010, 9:30 AM - 12:30 PM

Comments due: July 2, 2010

Second Technical conference: July 8, 2010, 9:30 AM - 12:30 PM

Deliberations: July 22, 2010, 9:30 AM

On May 20, 2010, SPP submitted written comments in response to the Notice of Inquiry issued on April 23, 2010. SPP requested that the OCC consider postponing the June 3, 2010 technical conference until such time as SPP receives guidance from FERC that would allow SPP to provide substantive comments.

On May 24, 2010, Oklahoma Gas and Electric Company and Wal-Mart Stores East, LP and Sam's East, Inc. filed comments in response to the April 23, 2010 Notice of Inquiry.

On June 2, 2010, James L. Myles, Deputy General Counsel of the OCC, announced that the Public Utility Division is cancelling the June 3, 2010 technical conference, and will be asking the Commission to suspend the procedural schedule until rulings are handed down by FERC on SPP's Order 719 compliance filings.