

# Southwest Power Pool, Inc.

## Regulatory Status Report

### *FERC or State Jurisdiction: FERC*

**AD10-13 Request for Comments Regarding Rates, Accounting and Financial Reporting for New Electric Storage Technologies**

On August 9, 2010, SPP submitted comments in response to the June 11, 2010 Request for Comments.

SPP believes the value of bulk storage to grid operations and markets ultimately will depend on the magnitude and timing of intermittent resource development, ancillary services offerings, and the existence of effective seams agreements among neighboring regions.

Numerous entities submitted comments in response to the June 11, 2010 Request for Comments.

**CE10-126 Gregory Riblett, et al. Request for Critical Energy Infrastructure Information - Coaltrain Energy, LP**

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

**CE10-146 Frank Bergh, et al.'s Request for Critical Energy Infrastructure Information - Burns & McDonnell**

On June 2, 2010, Frank Bergh, et al., Electrical Engineer at Burns & McDonnell, filed a FERC CEII request to obtain a complete electronic set of most recent FERC Form 715 filing data for all submitting transmission entities, as noticed July 30, 2010. The original notice was dated June 18, 2010, however no notice was received by SPP. A second notice was sent on July 30, 2010.

Comments on this request were filed on August 5, 2010

**CE10-148 John Miller, Jr.'s Request for Critical Energy Infrastructure Information - Power Consulting Associates, LLC**

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

**CE10-155 Israel Melendez, et al.'s Request for Critical Energy Infrastructure Information - Constellation Energy Resources**

FERC issued a Notice of Intent to Release on August 6, 2010.

**CE10-165 Kristen Rodriguez and Teresa Ives's Request for Critical Energy Infrastructure Information - Electric Power Engineers, Inc.**

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

**CE10-172 Chris McKissack's Request for Critical Energy Infrastructure Information - Lincoln Renewable Energy, LLC**

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

**CE10-173 Pavithra Rajagopalan, et al.'s Request for Critical Energy Infrastructure Information - PwrSolutions, Inc.**

Comments on this request were submitted July 27, 2010.

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- CE10-178**      **Edmundo O. Toro's Request for Critical Energy Infrastructure Information - PNE WIND USA, Inc.**
- On July 30, 2010, Edmundo O. Toro, Transmission Manager of PNE WIND USA, Inc., filed a FERC CEII request to obtain a copy of all FERC Form No. 715 data, specifically, "access to transmission information protected by CEII, including models and maps, to aid in the development of renewable energy projects in North America", as noticed August 6, 2010.
- Comments on this request were submitted August 10, 2010
- 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.**
- A settlement conference was held on August 17, 2010.
- EL10-59**      **Joint Petition of Southwest Power Pool, Inc., E.ON U.S. LLC, and Cash Creek, LLC for Declaratory Order**
- On August 16, 2010, FERC issued an Order Addressing Petition for Declaratory Order.
- The Commission found that only the Daviess Co. Alternative meets this definition of a valid interconnection request under E.ON's OATT because it is the only configuration of the three presented that proposes an interconnection solely to facilities owned and operated by E.ON at the time of Cash Creek's interconnection request.
- ER05-1065**      **Entergy Services' New Proposal for an Independent Coordinator of Transmission ("ICT") and Extension of the ICT's Initial Term**
- On August 10, 2010, Occidental filed comments in response to the ICT's Second Quarterly Performance Report for 2010.
- ER08-313**      **SPS Formula Rate Case**
- On August 3, 2010, FERC issued an order accepting SPS' compliance refund report filed on February 19, 2010.
- ER08-1206**      **SPP Filing of an Unexecuted Network Integration Transmission Service Agreement ("NITSA") between SPP and the Oklahoma Municipal Power Authority ("OMPA"), as well as a Network Operating Agreement ("NOA")**
- On August 11, 2010, FERC issued an Order Dismissing Request for Rehearing and Suspension. Because SPP and the network customer resolved the matter in a settlement agreement that was accepted by FERC, FERC determined that SPP's May 26, 2009 rehearing request was moot.
- ER09-35**      **Tallgrass Transmission, LLC ("Tallgrass") Formula and Incentive Rate Case**
- On August 9, 2010, FERC issued an order accepting the Settlement Agreement filed on May 10, 2010.
- ER09-36**      **Prairie Wind Transmission, LLC ("Prairie Wind") Formula and Incentive Rate Case**
- On August 9, 2010, FERC issued an order accepting the Settlement Agreement filed on May

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10, 2010.

**ER09-342**      **SPP Filing of an Executed Network Integration Transmission Service Agreement ("NITSA") between SPP and American Electric Power Service Corporation ("AEP"), as well as a Network Operating Agreement ("NOA")**

On August 11, 2010, FERC issued an Order Dismissing Request for Rehearing and Suspension. Because SPP and the network customer resolved the matter in a settlement agreement that was accepted by FERC, FERC determined that SPP's May 26, 2009 rehearing request was moot.

**ER09-1254**      **SPP Submission of Revisions to Open Access Transmission Tariff to Reform Generation Interconnection Procedures ("Queue Reform Filing")**

On July 30, 2010, SPP submitted its First Status Report pursuant to the July 31, 2009 Order. FERC required SPP to submit an annual informational report on "its experience under its reformed interconnection procedures, as well as on the status of its interconnection queues."

**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**

A settlement conference was held on August 10, 2010.

**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 July 30, 2010, FERC issued an order accepting SPP's May 21, 2010 Compliance Filing, effective May 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 August 13, 2010, SPP submitted a Motion to Withdraw the service agreements filed in Docket Nos. ER10-694 and ER10-698.

The updated service agreements for Tex-La Electric Cooperative of Texas, Inc. and East Texas Electric Cooperative, Inc. were executed and filed in Docket Nos. ER10-2227 and ER10-2225 on August 13, 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 August 13, 2010, SPP filed with FERC a motion requesting FERC to defer action until

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October 15, 2010 to allow SPP additional time to file the finalized agreement through the eTariff system.

ER10-698

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

On August 13, 2010, SPP submitted a Motion to Withdraw the service agreements filed in Docket Nos. ER10-694 and ER10-698.

The updated service agreements for Tex-La Electric Cooperative of Texas, Inc. and East Texas Electric Cooperative, Inc. were executed and filed in Docket Nos. ER10-2227 and ER10-2225 on August 13, 2010.

ER10-941

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

On August 5, 2010, East Texas Cooperatives filed a protest in response to SPP's July 15, 2010 compliance filing.

On August 16, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the June 15, 2010 Order.

ER10-1014

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

On August 13, 2010, FERC issued a letter order accepting the tariff revisions, effective August 15, 2010 as requested.

ER10-1069

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

On August 3, 2010, SPP submitted its answer in response to the requests for rehearing.

SPP stated:

- 1) the Commission correctly applied its cost causation analysis in accord with relevant statutes and judicial precedent;
- 2) the Commission based its decision on substantial evidence and exhibited reason decision making; and
- 3) the Commission was not required to conduct a trial-type evidentiary hearing.

On August 9, 2010, FERC issued an Order granting SPP's rehearing request of the June 17, 2010 Order.

ER10-1269

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

On August 5, 2010, Nebraska Public Power District filed a Request for Rehearing of the July 15, 2010 Order.

On August 13, 2010, Empire District Electric Company, Omaha Public Power District, City Utilities of Springfield, Missouri, and Lincoln Electric System filed a Request for Rehearing of

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the July 15, 2010 Order.

On August 16, 2010, SPP submitted its Compliance Filing pursuant to the July 15, 2010 Order issued in Docket No. ER10-1269.

SPP has posted a working draft of the ITP manual on its website at:  
<http://www.spp.org/publications/Draft%20Integrated%20Transmission%20Planning%20Manual%208-10%20v4.pdf>.

An effective date of July 17, 2010 was requested.

On August 16, 2010, the East Texas Cooperatives filed a Request for Rehearing and Motion for Clarification of the July 15, 2010 Order.

The parties stated:

- 1) the Commission erred by determining that the information in the ITP Manual will not significantly affect transmission service even though the manual has not been completed; and
- 2) the Commission approved the ITP proposal despite the lack of critical information on how cost effectiveness of transmission facilities will be determined.

**ER10-2064**

### **SPP's Submittal of Baseline Electronic Service Agreements Tariff**

On July 30, 2010, SPP submitted its baseline electronic tariff filing of its Service Agreements Tariff, compliant with Order 714. This filing was made to create the filing database at FERC in which service agreements will be filed in the future. No service agreements were filed for review.

**ER10-2094**

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

On August 2, 2010, SPP submitted an executed NITSA between SPP as Transmission Provider, Oklahoma Municipal Power Authority as Network Customer, as well as a NOA with American Electric Power Service Corporation, Oklahoma Gas and Electric Company, and Western Farmers Electric Cooperative as Host Transmission Owners. SPP Service Agreement No. Eleventh Revised 1166.

An effective date of July 1, 2010 was requested.

**ER10-2095**

### **Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Associated Electric Cooperative, Inc. ("AECI") as Network Customer, and Oklahoma Gas and Electric Company ("OG&E") as Host Transmission Owner**

On August 2, 2010, SPP submitted an executed NITSA between SPP as Transmission Provider, Associated Electric Cooperative, Inc. as Network Customer, as well as a NOA with Oklahoma Gas and Electric Company as Host Transmission Owner. SPP Service Agreement No. Fifth Revised 1154.

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An effective date of July 1, 2010 was requested.

ER10-2096

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

On August 2, 2010, SPP submitted an executed NITSA between SPP as Transmission Provider and Westar Energy, Inc. as both Network Customer and Host Transmission Owner. SPP Service Agreement No. Tenth Revised 607.

An effective date of July 1, 2010 was requested.

ER10-2123

### **Submission to Correct Designation of 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 August 5, 2010, in order to correct the designation, 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. The agreement was mistakenly designated SPP Service Agreement No. 1908 instead of 1903 in the filing submitted in Docket No. ER10-1233.

An effective date of April 12, 2010 was requested.

ER10-2145

### **SPP's Submittal of Baseline Electronic Governing Documents Tariff (Bylaws and Membership Agreement)**

On August 5, 2010, SPP submitted its Baseline Electronic Governing Documents Tariff. The filing included SPP's Bylaws and Membership Agreement.

An effective date of August 5, 2010 was requested.

ER10-2166

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

On August 9, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Taloga Wind, LLC as Interconnection Customer, and Oklahoma Gas & Electric Company as Transmission Owner. SPP Service Agreement No. Second Revised 1677.

An effective date of July 8, 2010 was requested.

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ER10-2225

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

On August 13, 2010, SPP submitted an executed NITSA between SPP as Transmission Provider, East Texas Electric Cooperative, Inc. as Network Customer, as well as a NOA with American Electric Power Company as Host Transmission Owner. SPP Service Agreement No. Substitute First Revised 1067.

This agreement replaced SPP Service Agreement No. First Revised 1067 filed in Docket No. ER10-698.

An effective date of January 1, 2010 was requested.

ER10-2227

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

On August 13, 2010, SPP submitted an executed NITSA between SPP as Transmission Provider, Tex-La Electric Cooperative of Texas, Inc. as Network Customer, as well as a NOA with American Electric Power Company as Host Transmission Owner. SPP Service Agreement No. Substitute First Revised 1065.

This agreement replaces SPP Service Agreement No. First Revised 1065 filed in Docket No. ER10-694.

An effective date of January 1, 2010 was requested.

ER10-2243

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

On August 16, 2010, SPP submitted an executed LGIA between SPP as Transmission Provider, Wildorado Wind, LLC as Interconnection Customer, and Southwestern Public Service Company as Transmission Owner. SPP Service Agreement No. First Revised 1164.

SPP also included the Original Wildorado LGIA because it includes some provisions that the Commission may consider non-conforming with the pro forma LGIA. SPP requested effective dates of July 15, 2010 for the Revised Wildorado LGIA, and December 22, 2005 for the Original Wildorado LGIA.

ER10-2244

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

On August 16, 2010, SPP submitted its Compliance Filing pursuant to the July 15, 2010 Order issued in Docket No. ER10-1269.

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SPP has posted a working draft of the ITP manual on its website at:  
<http://www.spp.org/publications/Draft%20Integrated%20Transmission%20Planning%20Manual%208-10%20v4.pdf>.

An effective date of July 17, 2010 was requested.

**RM06-16**

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

On August 2, 2010, NERC submitted an informational filing the 2010 Special Reliability Scenario Assessment Report: Potential Reliability Impacts of Swift Demand Growth after a Long-Term Recession.

**RM10-17**

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

On August 2, 2010, FERC issued a Supplemental Notice of Proposed Rulemaking and Notice of Technical Conference.

The technical conference will be held no later than 45 days following the publication in the Federal Register.

The Supplemental NOPR seeks comment on whether the Commission should adopt requirements related to two issues addressed in comments: (1) if the Commission were to adopt a net benefits test for determining when to compensate demand response providers, what, if any, requirements should apply to the methods for determining net benefits; and (2) what, if any, requirements should apply to how the costs of demand response are allocated.

Comments on the NOPR will be due 30 days following the technical conference.

**RM10-23**

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

On August 5, 2010, the Administrative Committee of the Consolidated Transmission Owners Agreement of PJM Interconnection, LLC submitted a motion to extend the comment period to October 14, 2010.

On August 10, 2010, FERC issued a notice extending the comment period to and including September 29, 2010.

**RR10-7**

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

On August 6, 2010, NERC filed a motion requesting the Commission modify the deadline for the compliance filing required by the July 12, 2010 Order, from 90 days following the date of the July 10 Order, to 15 days following the date that the Commission issues its order on the Request for Reconsideration, or in the Alternative Rehearing filed on August 6, 2010.

On August 6, 2010, NERC, SERC, FRCC and the SPP Regional Entity submitted a Request for Reconsideration, on in the Alternative Rehearing of Paragraph 25 of the July 12, 2010 Order.

On August 12, 2010, FERC issued a Notice of Extension of Time which granted an extension



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of time to and including January 10, 2011 to comply with the July 12, 2010 Order.

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

**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 August 5, 2010, the APSC issued Order No. 20 closing this docket.

**08-001-U**                    **In the Matter of the Application of Southwestern Electric Power Company ("SWEPCO") for a Certificate of Environmental Capability and Public Need ("CECPN") for the Construction, Ownership, Operation and Maintenance of a 138 kV Transmission Line Originating at the Southeast Texarkana Station Located in Texarkana, Arkansas and Terminating at a Proposed Station to be Constructed at the John W. Turk, Jr. Generation Facility Located in Hempstead County, Arkansas and for the Proposed Turk Station and Related Facilities**

On August 6, 2010, the Hempstead County Hunting Club filed a Memorandum Brief in Turk transmission line Docket Nos. 08-001-U (SE Texarkana), 08-002-U (Sugar Hill), and 08-098-U (NW Texarkana) requesting an order nullifying the CECPNs granted in these dockets.

Specifically, the Hempstead County Hunting Club argues that:

- 1) the "Hempstead Decision" (Hempstead County Hunting Club, Inc. v. Arkansas Public Service Commission, 2010 Ark. 221 (2010)) requires a determination of need for additional power in every proceeding for any "major utility facility" and prohibits the reliance upon findings from other dockets;
- 2) the "basis of the need" for the transmission lines was not established in the transmission line dockets; and
- 3) the APSC is limited to the record of the CECPNs and the issues identified by the Arkansas Court of Appeals.

On August 16, 2010, SWEPCO filed its response to the August 6, 2010 Hempstead County Hunting Club Memorandum in Brief.

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

On August 6, 2010, the Hempstead County Hunting Club filed a Memorandum Brief in Turk transmission line Docket Nos. 08-001-U (SE Texarkana), 08-002-U (Sugar Hill), and 08-098-U (NW Texarkana) requesting an order nullifying the CECPNs granted in these dockets.

Specifically, the Hempstead County Hunting Club argues that:

- 1) the "Hempstead Decision" (Hempstead County Hunting Club, Inc. v. Arkansas Public Service Commission, 2010 Ark. 221 (2010)) requires a determination of need for additional power in every proceeding for any "major utility facility" and prohibits the reliance upon findings from other dockets;
- 2) the "basis of the need" for the transmission lines was not established in the transmission

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line dockets; and

3) the APSC is limited to the record of the CECPNs and the issues identified by the Arkansas Court of Appeals.

On August 16, 2010, SWEPCO filed its response to the August 6, 2010 Hempstead County Hunting Club Memorandum in Brief.

08-098-U

**In the Matter of the Application of Southwestern Electric Power Company ("SWEPCO") for a Certificate of Environmental Capability and Public Need ("CECPN") for the Construction, Ownership, Operation and Maintenance of a 345 kV Transmission Line Originating at the NW Texarkana Station Located Near Leary, Bowie County, Texas and Terminating at a Proposed Station to be Constructed at the John W. Turk, Jr. Generation Facility Located in Hempstead County, Arkansas**

On August 6, 2010, the Hempstead County Hunting Club filed a Memorandum Brief in Turk transmission line Docket Nos. 08-001-U (SE Texarkana), 08-002-U (Sugar Hill), and 08-098-U (NW Texarkana) requesting an order nullifying the CECPNs granted in these dockets.

Specifically, the Hempstead County Hunting Club argues that:

- 1) the "Hempstead Decision" (Hempstead County Hunting Club, Inc. v. Arkansas Public Service Commission, 2010 Ark. 221 (2010)) requires a determination of need for additional power in every proceeding for any "major utility facility" and prohibits the reliance upon findings from other dockets;
- 2) the "basis of the need" for the transmission lines was not established in the transmission line dockets; and
- 3) the APSC is limited to the record of the CECPNs and the issues identified by the Arkansas Court of Appeals.

On August 16, 2010, SWEPCO filed its response to the August 6, 2010 Hempstead County Hunting Club Memorandum in Brief.

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 August 6, 2010, the APSC issued Order No. 9, setting a public hearing for October 6, 2010 beginning at 9:30 AM.

On August 6, 2010, the APSC issued Order No. 10, an Errata Order to Order No. 9. The public hearing is set for November 2, 2010, instead of October 6, 2010.

08-144-U

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

On August 6, 2010, the APSC issued Order No. 14, setting a public hearing for September 1, 2010 (to begin at 9:30 AM) to consider the comments and testimony filed to date and, further, directing that the parties file Initial Comments on or before noon, August 20, 2010, in response to questions posed at pages 2-3 of the order. Reply comments are due on or before noon, August 27, 2010.

09-074-U

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

On August 5, 2010, the APSC issued Order No. 6. The Commission found that there will not

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be a loss of its retail ratemaking jurisdiction if it were to approve a rider for the recovery of transmission costs for SPP members and also that retail rate recovery of transmission costs through a rider is in the public interest so long as it is designed to fairly balance the interests of SPP members and their customers.

Additionally, the APSC agreed with staff that approval for a company-specific transmission cost recovery rider should be sought in an Arkansas SPP member's next general rate case and, further, directed that the companies work collaboratively with staff and other parties on any transmission cost recovery rider that may be proposed.

Finally, the APSC declined to establish a rebuttable presumption of recoverability.

10-010-U

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

On August 6, 2010, the APSC issued Order No. 6. A public hearing is set to begin at 9:30 AM on October 18, 2010, in APSC Hearing Room No. 1. Issue Nos. 5, Independent Administration, and 6, Commercial and Industrial "Opt Out" will be discussed.

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 July 28, 2010, the APSC issued Order No. 17, granting Entergy's Motion, excusing Gary Taylor for the August 2, 2010, Show Cause Hearing, but reserving the right to recall Mr. Taylor at a later date.

On August 2, 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 August 2, 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.

The Second Show Cause Evidentiary Hearing was held on August 2-3, 2010.

On August 2, 2010, Entergy Arkansas and SPP submitted their joint response to Order No. 2 for the month of July. 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 actively working towards completion of action items necessary for the implementation of the Seams Agreement.

SPP and Entergy reported progress in FERC Docket ER10-941, in which SPP filed the Seams

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Agreement. On July 15, 2010, SPP submitted a compliance filing pursuant to the June 15, 2010 Order.

On August 10, 2010, the APSC General Staff filed a motion for an extension to noon, August 18, 2010, to file a proposed procedural schedule.

On August 11, 2010, the APSC General Staff submitted its Status Report on Development of Joint Procedural Schedule and Submission of Proposed Procedural Schedule.

On August 13, 2010, the APSC issued Order No. 18 which granted the APSC General Staff an extension until noon, August 18, 2010, to file a proposed procedural schedule.

On August 18, 2010, the APSC General Staff filed an updated status report on the development of a joint procedural schedule. Staff noted that it did not receive any additional comments on the proposed schedule filed August 11, 2010.

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 July 29, 2010, the APSC issued Order No. 3 establishing the following procedural schedule:

- 1) Direct Testimony, exhibits or documentary evidence to be filed by APSC General Staff and any additional testimony from Intervenors is due July 30, 2010 (no later than 2:00 PM);
- 2) SWEPCO rebuttal testimony, exhibits or documentary evidence is due August 13, 2010 (no later than 2:00 PM);
- 3) Staff and Intervenor sur-rebuttal testimony, exhibit or documentary evidence is due August 20, 2010 (no later than 2:00 PM);
- 4) Hearing to be held August 31, 2010 (9:30 AM, APSC Hearing Room No. 1)

On July 30, 2010, Clark D. Cotten submitted Prepared Testimony on behalf of the APSC General Staff. He recommended that the APSC grant SWEPCO a CCN to construct the new Turk-Okay and Turk-Hope transmission line segments and to connect these to the existing Okay-Hope transmission line.

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 August 13, 2010, the APSC issued Order No. 5 which denied Arkansas Electric Energy Consumers, Inc.'s Petition to Intervene.

10-074-U

**In the Matter of the Application of Southwestern Electric Power Company for a Certificate of Environmental Compatibility and Public Need for the Construction, Ownership, Operation and Maintenance of the Proposed Flint Creek to Shipe Road Project and Associated Facilities to be Located in Benton County, Arkansas**

On August 10, 2010, SWEPCO filed a Motion to Open Docket and Statement of Intention to File Application for Certificate of Environmental Compatibility and Public Need.

On August 16, 2010, SWEPCO filed its Application for a Certificate of Environmental

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Compatibility and Public Need.

On August 16, 2010, Ashley N. Beasley, Jr. submitted Direct Testimony on behalf of SWEPCO.

On August 16, 2010, Joseph Paul Hassink submitted Direct Testimony on behalf of SWEPCO.

On August 16, 2010, Stephen G. Thornhill, Associate Project Manager at Burns & McDonnell Engineering Company, Inc., submitted Direct Testimony on behalf of SWEPCO.

CA09-283

**Donald R. Johnson, Mary D. Johnson and Charles Michael Turner v. Arkansas Public Service Commission (before the Arkansas Court of Appeals)**

On July 18, 2010, the Court of Appeals issued a formal order. Appellants' emergency motion to stay CECPN, motion of separate appellants, Donald Johnson and Mary Johnson to withdraw from emergency motion to stay CECPN, appellants' motion to consolidate appears CA08-128 and CA09-283, and appellants' motion to withdraw motion to consolidate with CA08-128 were remanded to the Commission.

On July 28, 2010, the Court of Appeals issued an opinion remanding several motions and the orders granting the CECPNs that are being appealed in CA09-283, CA09-304, and CA09-385 to the APSC for determination of whether the Hempstead decision nullifies the CECPNs granted in these appears for such further orders as the Commission deems necessary.

CA09-304

**Willis B. Smith and Patty F. Smith v. Arkansas Public Service Commission (before the Arkansas Court of Appeals)**

On July 28, 2010, the Court of Appeals issued an opinion remanding several motions and the orders granting the CECPNs that are being appealed in CA09-283, CA09-304, and CA09-385 to the APSC for determination of whether the Hempstead decision nullifies the CECPNs granted in these appears for such further orders as the Commission deems necessary.

On July 28, 2010, the Court of Appeals issued a formal order. Appellants' motion to consolidate CA09-304 with CA09-283 and CA08-128 was remanded to the Commission.

CA09-385

**Hempstead County Hunting Club, Inc. and Shultz Family Management Company v. Arkansas Public Service Commission (before the Arkansas Court of Appeals)**

On July 28, 2010, the Court of Appeals issued an opinion remanding several motions and the orders granting the CECPNs that are being appealed in CA09-283, CA09-304, and CA09-385 to the APSC for determination of whether the Hempstead decision nullifies the CECPNs granted in these appears for such further orders as the Commission deems necessary.

On July 28, 2010, the Court of Appeals issued a formal order finding that:

Appellants' emergency motion to stay CECPN, Appellants' motion to file reply to appellees' response, and appellees' joint motion to separate APSC dockets filed jointly on appeal were remanded to the Commission.

Alternative motion of separate appellee SWEPCO for leave to file response to appellants' reply to appellees' response is moot.

Appellants' motion for expedited briefing schedule is moot.

**Southwest Power Pool, Inc.  
Regulatory Status Report**

# Southwest Power Pool, Inc.

## Regulatory Status Report

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

**08-ITCE-936-COC**

**In the Matter of the Application of ITC Great Plains, LLC to Amend its Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas (Ford, Kiowa, Clark and Comanche Counties)**

On July 29, 2010, the KCC issued an Order Granting Joint Motion to Approve Second Stipulation and Agreement.

**08-PWTE-1022-COC**

**In the Matter of the Application of Prairie Wind Transmission, LLC for a Certificate of Public Convenience to Transact the Business of an Electric Public Utility in Ford, Kiowa, Clark, Comanche, Barber, Pratt, Harper, Kingman, Sumner and Sedgwick Counties, Kansas.**

On July 29, 2010, the KCC issued an Order Granting Joint Motion to Approve Second Stipulation and Agreement.



# Southwest Power Pool, Inc.

## Regulatory Status Report

*FERC or State Jurisdiction: State of Missouri*

**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**

A workshop was held on August 11, 2010, in order to address specific issues identified in the previous workshops held on May 17-18, 2010.

# Southwest Power Pool, Inc.

## Regulatory Status Report

*FERC or State Jurisdiction: State of New Mexico*

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 July 30, 2010, Lea County Electric Cooperative, Inc. submitted Advice Notice 53 containing proposed rates.

On August 11, 2010, the NMPRC issued an Order Amending Procedural Schedule.

LCEC and SPP shall file supplemental testimony by August 23, 2010.

A status conference is scheduled for September 2, 2010 at 9 AM Mountain, 10 AM Central.