

Regulatory Update - SPP's Most Notable Dockets Third Quarter 2010

SPP Tariff/Governing Document Revisions		
Docket Number	Short Description	Summary
ER08-1419	SPP Balanced Economic Portfolio Filing	There was no activity in this proceeding during the third quarter of 2010.
ER09-1039	SPP Submission of Revisions to Open Access Transmission Tariff to Modify Regional Transmission Cost Allocation Methodology ("Wind Cost Allocation Filing")	On September 15, 2010, FERC issued an order accepting SPP's June 10, 2010 Informational Report.
ER09-1050	SPP Order 719 Compliance	<p>On September 16, 2010, FERC issued an order accepting in part and rejecting in part SPP's February 18, 2010 compliance filing revising the SPP Tariff and Bylaws to address requirements set forth in Order No. 719.</p> <p>Regarding the Tariff revisions in Attachment AG, FERC stated that "section 3.2 should limit the internal market monitor's referral of suspected market violations, and any notifications pertaining to such referral, only to the Commission's staff." SPP must make the appropriate changes to section 3.2 of its Monitoring Plan in a compliance filing within 30 days of the issuance of this order.</p> <p>An effective date of February 18, 2010 was granted.</p> <p>SPP's compliance filing is due October 18, 2010.</p>
ER09-1192	SPP Submission of Revisions to Bylaws	On September 16, 2010, FERC issued an order accepting in part and rejecting in part SPP's February 18, 2010 compliance filing revising the SPP Tariff and Bylaws to address requirements set forth in Order No. 719. FERC accepted SPP's revisions to Section 3.17 of its Bylaws.
ER09-1254	Reform of 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."
ER10-550	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.

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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	<p>Several entities filed requests for rehearing.</p> <p>On August 3, 2010, SPP submitted its answer in response to the requests for rehearing. SPP stated:</p> <ol style="list-style-type: none"> 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. <p>On August 9, 2010, FERC issued an Order Granting Rehearing of for Further Consideration of the June 17, 2010 Order.</p>
ER10-1269 and ER10-2244	SPP Submission of Tariff Revisions to Incorporate a Modified Transmission Planning Process, the Integrated Transmission Plan ("ITP")	<p>On July 15, 2010, FERC issued an Order Conditionally Accepting Tariff Revisions, effective July 17, 2010. FERC ordered SPP to:</p> <ol style="list-style-type: none"> 1) identify when the ITP Manual will be made available on the website; 2) revise proposed section III of Attachment O to provide the factors to be used to evaluate a request for waiver of cost allocation provisions for a dual-voltage facility; and 3) identify the other the pending FERC proceedings where Tariff language that was included in the ITP Filing is still pending. <p>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. An effective date of July 17, 2010 was requested.</p> <p>Several entities filed requests for rehearing.</p> <p>On August 31, 2010, SPP filed an answer in response to the requests for rehearing filed in this proceeding. SPP stated:</p> <ol style="list-style-type: none"> 1) the Commission correctly applied its rule of reason based on Commission and judicial precedent; 2) protestor assertions that the July 15, 2010 Order is internally inconsistent are inapposite; 3) NPPD's arguments regarding SPP's revised unintended consequences review are unavailing; 4) the Commission was not required to conduct a trial-type evidentiary hearing;

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		<p>5) the ITP does not provide the SPP Board of Directors with undue discretion; and 6) NPPD's extra-record evidence and arguments relying upon it should be rejected.</p> <p>On September 7, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the July 15, 2010 Order.</p>
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)	<p>On July 22, 2010, FERC issued a letter order accepting revisions to Attachments F and G of SPP's Tariff.</p> <p>An effective date of July 23, 2010 was granted.</p>
ER10-1960	SPP Submission of Baseline Electronic Open Access Transmission Tariff	<p>On July 26, 2010, SPP submitted its baseline electronic tariff filing of its Open Access Transmission Tariff to comply with the Commission's requirements established in Order No. 714. An effective date of July 26, 2010 was requested.</p>
ER11-13	SPP Submission of Tariff Revisions to Incorporate Standards Adopted in Order Nos. 676-E, 676-F, 729, and 729-B	<p>On October 1, 2010, SPP submitted revisions to its OATT in order to incorporate standards adopted in Order Nos. 676-E, 676-F, 729, and 729-B.</p> <p>Consistent with Order Nos. 676-E and 729-B, SPP requests that the tariff amendments incorporating by reference the NAESB standards approved in Order No. 676-E become effective as of April 1, 2011.</p> <p>In accordance with Order No. 676-F, SPP requests that the tariff revisions incorporating by reference the NAESB business standard "Measurement and Verification of Wholesale Electricity Demand Response (WEQ-015, 2008 Annual Plan Item 5(a), March 16, 2009)" be effective as of May 24, 2010.</p> <p>Consistent with Order No. 729-B, SPP requests that the amendments to Attachment C filed become effective on April 1, 2011.</p>
OA08-61	SPP Order No. 890 Compliance Filing - Attachment O Revisions for Coordinated and Regional Planning Process	<p>Commission action is still pending regarding SPP's November 2, 2009 and December 30, 2009 filings which included revisions to Attachment O of the OATT pursuant to Order Nos. 890 and 890-A.</p>

Other Filings of Interest		
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ER05-1065 and ER09-555	Entergy Services' New Proposal for an Independent Coordinator of Transmission ("ICT") and Extension of the ICT's Initial Term Entergy's Proposed Revisions to Attachment V of its OATT	On September 15, 2010, SPP submitted the ICT's WPP Quarterly Report. This covers the period of June 2010 through August 2010.
ER10-941	SPP Filing of a Letter Agreement Regarding Comprehensive Seams Agreement Between Entergy Services, Inc. and Southwest Power Pool, Inc.	On July 15, 2010, SPP submitted its compliance filing pursuant to the June 15, 2010 Order. SPP submitted revisions to the Coordination Protocol and the AFC/TFC Protocol to provide additional detail and otherwise clarify the protocols' terms. An effective date of March 31, 2010 was requested. On July 15, 2010, the East Texas Cooperatives filed a Request for Rehearing of the June 15, 2010 Order. On August 16, 2010, FERC issued an Order Granting Rehearing for Further Consideration of the June 15, 2010 Order.
ER10-2157	E.ON U.S. LLC Filing of the Second Amended and Restated Independent Transmission Organization Agreement ("ITO Agreement")	On August 6, 2010, E.ON U.S. LLC submitted the Second Amended and Restated Independent Transmission Organization Agreement. The Amended ITO Agreement reflects the revised terms and conditions pursuant to which SPP will continue to act as the ITO for a fixed additional term of two years. On October 5, 2010, FERC issued an Order accepting the Second Amended and Restated Independent Transmission Organization Agreement, effective September 1, 2010 as requested.
ER10-2748	Entergy Services, Inc. ("ESI") Filing to Extend on an Interim Basis the Independent Coordinator of Transmission ("ICT") Arrangement for a Period of One Year	On September 17, 2010, Entergy Services, Inc. submitted a filing to extend on an interim basis the Independent Coordinator of Transmission arrangement for an additional period of one year. An effective date of November 17, 2010 was requested.

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Arkansas 06-154-U	SWEPSCO's Application to Construct, Own, and Operate the Turk Coal Plant	On June 30, 2010, the APSC issued Order No. 19. On June 24, 2010, the Arkansas Supreme Court issued its mandate in Appeal No. 09-718 finalizing the Court's decision "that the judgment of the Commission is reversed and remanded..." Accordingly, the CECPN granted to SWEPSCO by the Commission in Order No. 11, as clarified and amended on rehearing by final Order No. 13, is hereby reversed and set aside.
Arkansas 08-001-U 08-002-U 08-098-U	SWEPSCO's Applications for the Construction, Ownership, Operation and Maintenance of the SE Texarkana-Turk, Sugar Hill-Turk, and NW Texarkana-Turk Transmission Lines	<p>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.</p> <p>Specifically, the Hempstead County Hunting Club argues that:</p> <ol style="list-style-type: none"> 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. <p>On September 23, 2010, the APSC issued Order No. 16 in 08-001-U, Order No. 19 in 08-002-U, and Order No. 10 in 08-098-U, which established the following procedural schedule:</p> <ol style="list-style-type: none"> 1) October 8, 2010 (by Noon) - Legal briefs due; 2) October 22, 2010 (by Noon) - Reply legal briefs due; 3) October 29, 2010 (by Noon) - SWEPSCO Supplemental Testimony due; 4) November 30, 2010 (by Noon) - Staff and Intervenor Rebuttal Testimony due; 5) December 17, 2010 (by Noon) - SWEPSCO Surrebuttal Testimony due; and 6) January 18, 2011 - Evidentiary Hearing to begin at 9:00 AM in APSC Hearing Room 1.
Arkansas 08-136-U	In the Matter of an Inquiry into Electric Transmission Issues within the Areas Served by the SPP RTO and the Entergy Corporation as such Issues Affect Electric Service within Arkansas	SPP continues to file the Monthly Market Monitoring Report, ICT Quarterly Report, and WPP Quarterly Report.
Arkansas 08-137-U	In the Matter of the Consideration of Innovative Approaches to Ratebase, Rate of	<p>On September 13, 2010, the APSC issued Order No. 12, which directed each party to file by Noon on October 6, 2010, responses regarding the following issues:</p> <ol style="list-style-type: none"> 1) Whether energy efficiency goals or targets for performance should be set;

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	Return Ratemaking Including, but not limited to, Annual Earnings Reviews, Formula Rates, and Incentive Rates for Jurisdictional Electric and Natural Gas Public Utilities	<p>2) If energy efficiency goals or targets are set, whether performance incentives should be tied to meeting or exceeding such goals; and</p> <p>3) What should the structure be if performance incentives are a part of an energy efficiency goal or target?</p> <p>Jurisdictional utilities were also directed to respond regarding the following issues:</p> <p>4) Provide the best estimate of the greatest level of cost-effective energy and demand savings achievable during the next three years under a regulatory scheme that includes recovery of lost contributions to fixed costs, with a detailed explanation of how that estimate is quantified; and</p> <p>5) Whether any additional cost-effective energy savings could be delivered, assuming reasonable provisions to recover lost contributions to fixed costs and fair incentives for performance.</p> <p>On October 1, 2010, SPP submitted notice that it will not be filing comments in response to Order No. 12.</p> <p>Several parties submitted comments in response to Order No. 12.</p> <p>Reply comments are due by Noon on October 20, 2010.</p> <p>An evidentiary hearing is scheduled for November 3, 2010.</p>
Arkansas 08-144-U	In the Matter of a Notice of Inquiry regarding the Expanded Development of Sustainable Energy Resources in Arkansas	<p>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.</p> <p>Numerous entities submitted comments and reply comments in response to Order No. 14.</p> <p>A public hearing was held on September 1, 2010.</p>
Arkansas 09-074-U	In the Matter of an Investigation into Transmission Cost Recovery by Members of the Southwest Power Pool, Inc.	<p>On August 5, 2010, the APSC issued Order No. 6. The Commission found that there will not 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.</p> <p>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.</p>

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		Finally, the APSC declined to establish a rebuttable presumption of recoverability.
Arkansas 09-090-U	In the Matter of the Impact of Federal Energy Regulatory Commission ("FERC") Orders 719 and 719-A in FERC Docket No. RM07-19-001 on the Regulatory Authority of the Arkansas Public Service Commission	Further action in this proceeding is pending SPP's compliance filing and FERC's action in FERC Docket No. ER09-1050.
Arkansas 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 setting public hearings in this proceeding. Pursuant to the order, a public hearing is set to begin at 9:30 AM on October 18, 2010, in APSC Hearing Room No. 1, to consider Issue Nos. 5, Independent Administration, and 6, Commercial and Industrial "Opt Out". A separate public hearing is set to begin at 9:30 AM on October 19, 2010, in APSC Hearing Room No. 1 to consider Issue Nos. 4, Full Fuel Cycle Efficiency, 9, Utility EE Resources and Staffing and Training within the Contractor Market and within the Utility, and 10, EE Benefits. SPP is not a party to this proceeding.
Arkansas 10-011-U	In the Matter of a Show Cause Order Directed to Entergy Arkansas, Inc. Regarding Its Continued Membership in the Current Entergy System Agreement, or Any Successor Agreement Thereto, and Regarding the Future Operation and Control of Its Transmission Assets	The Second Show Cause Evidentiary Hearing was held on August 2-3, 2010. On August 31, 2010, the APSC issued Order No. 20, which established the following procedural schedule in this proceeding: 1) September 16, 2010 (by Noon) - EAI to file a draft of the Entergy System Agreement ("ESA") successor arrangement(s) and supporting Direct Testimony; 2) November 10, 2010 - an on-the-record technical conference to be held beginning at 9:30 AM to discuss the various documents filed by EAI on September 16, 2010; 3) January 11, 2011 - an on-the-record technical conference to be held beginning at 9:30 AM to discuss the CRA studies; 4) January 28, 2011 (by Noon) - Staff and Intervenors to file Direct Testimony on EAI's Post-ESA options; 5) March 4, 2011 (by Noon) - EAI to file Rebuttal Testimony in response to the January 28, 2011 Direct Testimony; 6) April 22, 2011 (by Noon) - EAI to file its final assessment and recommendations regarding each of the viable strategic reorganization options studied by EAI; 7) June 22, 2011 (by Noon) - Staff and Intervenors to file Direct Testimony in response to the various

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		<p>documents filed by EAI on March 4 and April 22, 2011, and offer recommendations on the five strategic reorganization options;</p> <p>8) July 15, 2011 (by Noon) - EAI to file Rebuttal Testimony in response to the June 22, 2011 Staff and Intervenor Direct Testimony;</p> <p>9) July 29, 2011 (by Noon) - Staff and Intervenor to file Surrebuttal Testimony in response to EAI's July 15, 2011 Rebuttal Testimony;</p> <p>10) August 5, 2011 (by Noon) - EAI to file Sur-surrebuttal Testimony in response to the July 29, 2011 Surrebuttal Testimony;</p> <p>11) August 16, 2011 - evidentiary hearing begins at 9:30 AM; and</p> <p>12) October 7, 2011 - the Commission to issue its Final Order.</p> <p>On September 13-14, 2010, a two-day on-the-record technical conference was held as ordered by the Commission on August 18, 2010:</p> <p>On Day 1, SPP was to present "an overview of the steps and timing involved in a new member joining its RTO as well as to give an overview of the types of markets offered by SPP currently and in the future (including the timing of the implementation of future markets) and the cost allocation methodologies employed within SPP".</p> <p>On Day 2, MISO was to present "a primer on MISO, its role as an RTO, the steps and timing involved in integrating a new member in its RTO, and the cost allocation methodologies and markets offered in the MISO RTO".</p> <p>On September 23, 2010, Entergy held a Technical Conference to discuss the Successor Arrangement Strategic Option.</p> <p>On September 16, 2010, John Hurstell submitted Supplemental Direct Testimony on behalf of EAI. Pursuant to Order No. 20, Mr. Hurstell submitted an initial draft of Successor Arrangements as well as supporting testimony.</p> <p>On September 29, 2010, Entergy submitted a Petition for Clarification of Order No. 20.</p> <p>Discovery in this docket is ongoing.</p> <p>Hugh McDonald continues to file Supplemental Direct Testimony on the first day of each month.</p> <p>SPP and Entergy continue to file the Seams Agreement progress report on the first day of each month.</p>

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		Also on the first of each month, SPP continues to file a status report detailing the discussions or meetings between SPP and EAI concerning the option of EAI as a stand-alone operating company becoming a member of SPP, as well as the status of the addendum Arkansas-only study.
Arkansas 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	<p>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.</p> <p>An evidentiary hearing was held on August 31, 2010.</p>
Arkansas 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	<p>On August 16, 2010, SWEPCO filed supporting testimony and its Application for a Certificate of Environmental Compatibility and Public Need.</p> <p>On August 18, 2010, SPP filed a Petition to Intervene. SPP's petition was granted on September 13, 2010.</p> <p>On September 20, 2010, the APSC issued Order No. 3, which established the following procedural schedule:</p> <ol style="list-style-type: none"> 1) November 19, 2010 (by 2:00 PM) - APSC General Staff and Intervenor Direct Testimony due; 2) December 3, 2010 (by 2:00 PM) - SWEPCO Rebuttal Testimony due; 3) December 17, 2010 (by 2:00 PM) - Surrebuttal Testimony due; and 4) February 8, 2011 - Public Hearing begins at 9:30 AM, APSC Hearing Room No. 1. <p>On October 4, 2010, Jennifer Jackson submitted Direct Testimony on behalf of SWEPCO in order to develop a customer impact estimate based on SWEPCO's CECPN Application filed in this proceeding.</p>
Kansas 08-ITCE-936-COC	In the Matter of the Application of ITC Great Plains, LLC to	On June 30, 2010, the Parties submitted the Second Stipulation and Agreement.

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08-PWTE-1022-COC	<p>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)</p> <p>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.</p>	<p>The Parties desire to supplement the First Stipulation with the Second Stipulation. If SPP initially issues a Notification to Construct for the proposed facilities at 765 kV, then, except as provided in paragraph 6.d of the Second Stipulation, only the First Stipulation shall apply and the Second Stipulation shall be disregarded.</p> <p>On July 29, 2010, the KCC issued an Order Granting Joint Motion to Approve Second Stipulation and Agreement.</p>
Kansas 10-GIME-215-GIE	In the Matter of the Investigation into Laws and Regulations Relating to Demand Response and Scarcity Pricing	<p>Further action in this proceeding is pending SPP's compliance filing and FERC's action in FERC Docket No. ER09-1050.</p> <p>SPP has committed to keeping the KCC apprised of developments in Docket No. ER09-1050.</p>
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	An Aggregator of Retail Customers ("ARC")/Regional Transmission Organization ("RTO") workshop was held on August 11, 2010, in order to address specific issues identified in the previous workshops held on May 17-18, 2010.
New Mexico 10-00143-UT	In the Matter of the Petition of Lea County Electric Cooperative, Inc. ("LCEC") for Approval to Transfer Certain Transmission Assets under the Southwest Power Pool, Inc. Open Access Transmission Tariff ("OATT")	<p>On September 1, 2010, Les Dillahunty, Lanny Nickell, Pat Bourne and Heather Starnes conducted an educational presentation about the SPP RTO for the Staff of the New Mexico Public Service Commission ("NMPRC").</p> <p>On September 8, 2010, the NMPRC issued an order amending the procedural schedule as follows:</p> <ol style="list-style-type: none"> 1) October 1, 2010 - Stipulation is due; 2) October 1, 2010 - LCEC and SPP testimony in support of the Stipulation and Supplemental Testimony

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		<p>are due;</p> <p>3) October 15, 2010 - Staff testimony in support of the Stipulation is due; and</p> <p>4) November 3, 2010 - Public hearing begins at 10 AM Mountain Time, 11 AM Central Time.</p> <p>On October 1, 2010, Lea County Electric Cooperative, Inc., the New Mexico Regulation Commission, and SPP filed an Uncontested Stipulation.</p> <p>On October 1, 2010, Pat Bourne, on behalf of SPP, submitted Direct Testimony Supporting Uncontested Stipulation.</p> <p>On October 1, 2010, Gary Hurse, on behalf of LCEC, submitted Supplemental Testimony Supporting Uncontested Stipulation.</p>
Oklahoma PUD 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	Further action in this proceeding is pending SPP's compliance filing and FERC's action in FERC Docket No. ER09-1050.