

Nicholas A. Brown, President & CEO

**VIA ELECTRONIC SUBMISSION AND FIRST CLASS MAIL**

July 19, 2011

Water Docket  
U.S. Environmental Protection Agency  
Mail Code: 4203M  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

EPA Docket Center  
U.S. Environmental Protection Agency  
Mail Code: 2822T  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: National Pollutant Discharge Elimination System – Cooling Water Intake Structures at Existing Facilities and Phase I Facilities; Docket ID No. EPA-HQ-OW-2008-0667

National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units; Docket ID Nos. EPA-HQ-OAR-2009-0234 and EPA-HQ-OAR-2011-0044

Dear Sir or Madam:

Southwest Power Pool, Inc. (SPP) appreciates the opportunity to comment and respectfully submits the attached report entitled, “Review of the Potential Reliability Impacts of Proposed EPA Regulations Impacting Generation in the SPP Footprint”, dated July 19, 2011, in response to the U.S. Environmental Protection Agency’s (EPA) proposed rules issued in the above-captioned dockets. SPP’s preliminary assessment is based on a similar study performed by ERCOT which found comparable results. SPP’s cursory analyses identify substantial reliability and cost impacts under credible scenarios with extremely conservative inputs and assumptions, particularly in light of the recently released EPA Cross-State Air Pollution Rule (CSAPR) which was not considered in this assessment.

SPP is an Arkansas non-profit corporation with its principal place of business at 415 N. McKinley, Suite 140, Little Rock, Arkansas 72205. Currently, SPP has 64 members serving approximately 15 million customers in a 370,000 square mile service territory covering all or part of the following states: Arkansas, Missouri, Kansas, Oklahoma, Louisiana, Mississippi, Nebraska, New Mexico and Texas. SPP’s members include investor-owned utilities, municipals, cooperatives, state authorities, independent power producers, power marketers, independent transmission companies, as well as a contract participant. SPP is a Federal Energy Regulatory Commission (FERC) approved Regional Transmission Organization (RTO) and administers open-access transmission services across the SPP region under the terms of SPP’s Open Access Transmission Tariff. As an RTO, SPP plans for and

functionally controls the transmission infrastructure committed to it and administers a competitive real-time wholesale electricity marketplace.

As outlined in the paragraphs that follow, SPP is concerned that the timeframe for implementation of the proposed rules may not provide generator operators sufficient time to bring their facilities into compliance, and they would be prohibited from operating until compliance activities can be completed. Should this occur, threats to the reliable operation of the grid will occur.

While SPP's initial assessment has focused on coal and gas units and select EPA rules similar to the ERCOT assessment, other pending requirements – carbon dioxide regulations for example – could have major impacts on future resource plans, system reliability, and economics. It is important to note this initial assessment did not consider impacts the reciprocating internal combustion engines (RICE) regulations may have on the potential loss of small units which many municipalities have relied upon. Elimination of those units could create local congestion challenges and require both transmission expansion and local programs to keep the lights on. Similarly, SPP did not consider the impact of Regional Haze requirements and the most recently published Cross-State Air Pollution Rule, which will exacerbate impacts on the system and SPP's ability to maintain adequate generating capability and reserves in the SPP footprint.

Based on this cursory assessment, which seems conservative given recent developments, it appears that EPA regulations could prevent reliable operation of the SPP RTO. Further impacts may occur, including failure to meet the requirements set forth by the North American Electric Reliability Corporation which were approved by FERC. SPP's findings and conclusions are not intended to exaggerate the system impacts, but rather to point out the possible types of adverse outcomes that may result in worst case scenarios as defined in this assessment.

SPP is concerned that the timeframe for compliance with the proposed rules, should they be approved, may be more aggressive than what can be achieved by the industry. Should this be the case it may adversely impact grid reliability due to the sudden required retirements and outages of units. At this point, SPP is aggressively monitoring several areas of its system where temporary mothballing of facilities appears possible and may lead to unstable, and hence unreliable, operating conditions. SPP encourages the EPA to work with generation owners to develop flexible compliance schedules to ensure equipment installation is completed in a timely, safe, reliable and cost-effective manner without an arbitrary deadline. Compliance plans developed in a collaborative manner may lessen the negative impact and/or prevent the unavailability of labor, parts, and other resources that may result from an arbitrary deadline. Such an approach would also ease concerns over grid instability caused by mass outages on generators to install the required equipment.

Furthermore, SPP is concerned that sufficient time will not be available to complete transmission construction activities necessary to mitigate the prohibited operation of certain generators and to complete the construction of replacement resources. As SPP becomes aware of units removed from service due to compliance with these new regulations, it will work diligently to plan and direct the transmission construction necessary to mitigate any resulting reliability issues on the SPP transmission system. However, as Transmission Customers within the region remove units from service and secure new replacement capacity, SPP is concerned as to the uncertainty of being able to identify the needed upgrades and place those new lines in service. SPP is responsible for overseeing the reliable operation of the SPP transmission system and is concerned that, in the event SPP is unable to construct the necessary lines in time and units are unable to operate due to these additional EPA restrictions, the SPP

transmission system may be placed in an unreliable operating state or one that necessitates firm load curtailments/customer outages.

As a result of these concerns, SPP has two specific recommendations:

- First, SPP recommends that the EPA provide a gradual compliance schedule that allows the industry time to meet the proposed requirements in a reliable, safe and economic manner. Working with the industry to institute these changes will help preserve reliable system operations and also allow for a more gradual integration of the costs of compliance that could significantly mitigate reliability issues and sudden increases in consumer electricity prices.
- Second, SPP recommends that the EPA include in its rules a temporary waiver mechanism under which the affected generator owner, could seek an extension to allow for the continued operation of a generator while solutions, such as transmission expansion or demand response programs, can be assessed and approved by SPP and other transmission service providers.

Although these recommendations are based solely upon SPP's initial assessment, they appear to be prudent under any foreseeable conditions that may occur.

Please do not hesitate to contact me should you have questions or would like to request additional information.

Respectfully submitted,

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cc: SPP Board of Directors, Members Committee, Strategic Planning Committee  
State Regulators and Federal Legislators in AR, KS, LA, MO, MS, NE, NM, OK and TX