



Regulatory Update - Activity in Significant Dockets First Quarter 2012

SPP Tariff/Governing Document Revisions		
Docket Number	Short Description	Summary
ER08-1419	SPP Submission of Tariff Revisions to Adopt a "Balanced Portfolio" Cost Allocation Process for Economic Planning Upgrades	On January 24, 2012, SPP filed a Motion for Extension of Time to request an extension to and including May 14, 2012, to submit the compliance filing required by the Commission's December 16, 2011 Order. FERC granted the extension on January 31, 2012. SPP's Compliance Filing is due May 14, 2012 .
ER09-1050, ER11-121 and ER12-550	SPP Order No. 719 Compliance Filing Pursuant to the Final Rule Issued Concerning Wholesale Competition in Regions with Organized Electric Markets in Docket No. RM07-19	On December 5, 2011, SPP submitted its compliance filing in Docket No. ER12-550 in response to the October 4, 2011 Order on Compliance Filings and Rehearing issued in Docket Nos. ER09-1050, ER09-748 and ER09-1192. An effective date of December 5, 2011 was requested. FERC action is pending.
ER10-1069 and 11-3715 (U.S. Court of Appeals)	SPP Submission of Tariff Revisions to Adopt a "Highway/Byway" Regional Transmission Upgrade Cost Allocation Methodology The Empire District Electric Company, Lincoln Electric System, Nebraska Public Power District, Omaha Public Power District, and City Utilities of Springfield, Missouri ("Petitioners") v. Federal Energy Regulatory Commission	On January 24, 2012, the U.S. Court of Appeals issued an order granting interventions in Case No. 11-3715. Interventions were granted for: Southwest Power Pool, Inc., ITC Great Plains, Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC, Arkansas Electric Cooperative Corporation and Golden Spread Electric Cooperative, Tri-County Electric Cooperative, The American Wind Energy and Wind Coalition, and American Electric Power Service Corporation. On April 2, 2012, the Petitioners' filed their First Status Report in Case No. 11-3715. The Petitioners stated that although there are steps yet to be taken to implement the recommendations set forth by the Regional Allocation Review Task Force ("RARTF"), the Petitioners believe that withdrawal of the Petition for Review is warranted at this time and expects to file a motion for voluntary dismissal of the Petition for Review. On April 4, 2012, the Petitioners' filed a Motion for Voluntary Dismissal of Petition for Review in U.S. Court of Appeals Case No. 11-3715. On April 5, 2012, the U.S. Court of Appeals issued a Judgment granting the Appellant's motion to dismiss appeal in Case No. 11-3715.
ER11-3967	SPP Order No. 741 Compliance Filing Pursuant to the Final Rule Issued Concerning Credit Reforms in Organized Wholesale Electric Markets in Docket No. RM10-13	On March 15, 2012, FERC issued an Order on Compliance Filing. FERC accepted SPP's December 14, 2011 Compliance Filing, as amended January 13, 2012, to be effective October 1, 2011.
ER12-608	SPP Submission of Tariff Revisions to Revise the Minimum Participation Criteria	On January 30, 2012, FERC issued an order accepting the tariff revisions, effective January 1, 2012 as requested.



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	Set Forth in its Credit Policy in Attachment X to Permit Market Participants to Use Certain Parental Guaranties to Meet the Minimum Criteria for Market Participation	This order constitutes final agency action.
ER12-1179	SPP Submission of Tariff Revisions to Implement SPP Integrated Marketplace	<p>On February 29, 2012, SPP submitted revisions to its Open Access Transmission Tariff to implement the SPP Integrated Marketplace. An effective date of March 1, 2014 was requested. SPP requested that the Commission issue an order on this filing by July 31, 2012.</p> <p>Numerous entities filed Motions to Intervene and Comments.</p> <p>Several entities filed Protests.</p>

Other Filings of Interest		
Docket Number	Short Description	Summary
EL11-34 and 12-1158 (U.S. Court of Appeals)	Midwest Independent Transmission System Operator, Inc. ("MISO") Petition for Declaratory Order Seeking Commission Confirmation Regarding Section 5.2 of the Joint Operating Agreement ("JOA") between MISO and SPP Southwest Power Pool, Inc. v. Federal Energy Regulatory Commission	<p>On January 26, 2012, FERC issued an Order on Rehearing. FERC, noting that the process and scope of any potential renegotiation of the JOA is beyond the scope of the Petition and the July 1, 2011 Order, denied the requests for rehearing and/or clarification.</p> <p>On March 23, 2012, SPP filed in Case No. 12-1158, before the U.S. Court of Appeals for the District of Columbia Circuit, a Petition for Review of two orders that FERC issued in Docket No. EL11-34 on July 1, 2011 and January 26, 2012.</p>
ER09-659 and ER12-1401 EL12-2 ER12-1402	SPP Filing of an Executed Letter Agreement Regarding Inter-Regional Planning between SPP and Entergy Services, Inc. ("Entergy") (SPP-Entergy Seams Agreement) Investigation Under Section 206 of the Federal Power Act ("FPA") to Determine the Justness and Reasonableness of Certain Language in Section VII.8(b) of Attachment O of SPP's Tariff SPP Submission of Tariff Revisions to Section VII.8(b) of Attachment O	<p>On February 29, 2012, FERC issued an Order on Compliance Filing, Instituting Section 206 Proceeding, Establishing Refund Effective Date, and Directing Further Compliance Filing.</p> <p>The Commission accepted SPP's August 17, 2009 Compliance Filing in Docket No. ER09-659, effective April 8, 2009, subject to SPP submitting an additional filing in 30 days modifying the seams agreement. FERC directed SPP to revise the definitions of "Approved Expansion Plan" and "Regional Stakeholder Meeting" to conform with Entergy's proposed revisions accepted by FERC in March 2010 in Docket No. OA08-59. FERC also directed SPP to submit revisions to the seams agreement to conform with section VII.7(d) of Attachment O of SPP's Tariff, as modified in the ER08-1419 Balanced Portfolio proceeding.</p> <p>FERC found the language of section VII.8(b) of Attachment O of SPP's Tariff, which directs certain entities to the Commission's website for instructions for access to Critical Energy Infrastructure Information ("CEII"), appears to contradict the Commission's directive that stakeholders are not required to receive authorization from the Commission to access CEII data. Therefore, FERC found section VII to be unjust and unreasonable, and inconsistent with Order No. 890's requirement that transmission providers establish procedures for allowing access to CEII, rather than referring those seeking such information to the Commission. The Commission established Docket No. EL12-2 to open an investigation under FPA section 206 to evaluate the justness and reasonableness of section VII.8(b) of Attachment O of SPP's Tariff. FERC directed SPP to revise section VII.8(b) of Attachment O to remove the language directing individuals that do not belong to a confirmed pre-screened Member or Market Participant to the Commission's website for instructions to access CEII information and to add procedures for how non-</p>



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		<p>Members may gain access to CEII.</p> <p>The refund effective date is March 6, 2012.</p> <p>On March 23, 2012, SPP filed a Motion for Extension of Time and Request for Shortened Comment Period and Expedited Action. SPP requested an extension to May 14, 2012 to file certain revisions to the agreement between SPP and Entergy Services, Inc. in Docket No. ER09-659, and an extension to July 31, 2012 to file certain other revisions to the SPP Tariff as required by the February 29, 2012 Order.</p> <p>On March 30, 2012, in Docket No. ER12-1401, SPP submitted revisions to the SPP-Entergy Seams Agreement, Original Rate Schedule 11, to comply with the February 29, 2012 Order issued in Docket Nos. ER09-659 and EL12-2. An effective date of March 30, 2012 was requested.</p> <p>On March 30, 2012, in Docket No. ER12-1402, SPP submitted revisions to its OATT to revise Section VII.8(b) of Attachment O to delete language indicating that "[i]ndividuals that do not belong to a confirmed pre-screened Member or Market Participant shall be directed to the Commission's website for instructions for access to CEII information" in compliance with the February 29, 2012 Order issued in Docket Nos. ER09-659 and EL12-2. An effective date of March 30, 2012 was requested.</p>
ES12-20	SPP Application Under Section 204 of the Federal Power Act ("FPA") for an Order Authorizing the Issuance of Securities (\$125 Million)	<p>On February 2, 2012, SPP filed an Application Under Section 204 of the FPA for an Order Authorizing the Issuance of Securities in the amount of up to \$125 million in secured or unsecured promissory notes.</p> <p>The Notes will be used to fund capital expenditures and for general corporate purposes of SPP, including, particularly without limitation: 1) fund all or a portion of the acquisition and installation of equipment and furnishings for facilities constructed to house SPP's personnel and operations center; 2) fund the continued development and implementation of SPP's Integrated Marketplace; and 3) complete various other tasks associated with the normal business of the Company and for any other lawful and proper purpose of SPP.</p> <p>On April 2, 2012, FERC issued a letter order granting SPP's application to issue Promissory Notes in an aggregate principal amount not to exceed \$125 million. SPP must file a Report of Securities Issued no later than 30 days after the sale or placement of long-term debt or equity securities. SPP's authorization to issue Promissory Notes expires April 2, 2014.</p>



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State Cases		
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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. SPP submitted its compliance filing on December 5, 2011, in response to FERC’s Order on Compliance Filings and Rehearing issued October 4, 2011.
Arkansas 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, or Any Successor Agreement Thereto, and Regarding the Future Operation and Control of Its Transmission Assets	<p>On January 6, 2012, EAI filed its Responses to Order No. 54.</p> <p>On January 6, 2012, Kurtis Castleberry filed Supplemental Direct Testimony on behalf of EAI pursuant to Order No. 54.</p> <p>On January 11, 2012, Hugh McDonald and Kurtis Castleberry filed Supplemental Direct Testimony. Mr. McDonald provided an overview of the process that EAI will use for generation resource planning and operations after its participation in the System Agreement ends. Mr. Castleberry provided additional details on this process and detailed plans about EAI’s post-System Agreement operation, including how EAI will operate within the Midwest Independent Transmission System Operator, Inc. Regional Transmission Organization (“RTO”).</p> <p>On February 16, 2012, the APSC issued Order No. 60, directing all parties to this proceeding to consider to what extent, if any, the proposed ITC transaction may affect EAI’s membership in an RTO or otherwise may bear upon the proceedings and address those matters in upcoming testimony due during March, April and May.</p> <p>On March 16, 2012, Staff and Intervenor filed Direct Testimony. Carl Monroe and Ralph Luciani filed Direct Testimony on behalf of SPP.</p> <p>EAI continues to file Responses to Order No. 54 at the first of each month.</p> <p>The remainder of the procedural schedule is as follows: April 13, 2012 (by Noon) - EAI Rebuttal Testimony due; April 27, 2012 (by Noon) - Staff and Intervenor Surrebuttal Testimony due; May 11, 2012 (by Noon) - EAI Sur-Surrebuttal Testimony due; May 16, 2012 (by Noon) - Any proposed settlement agreements and/or stipulations and supporting testimonies due;</p>

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State Cases		
Docket Number	Short Description	Summary
		May 30, 2012 - Evidentiary Hearing begins at 9:30 AM.
Louisiana U-32148	Joint Application of Entergy Louisiana, LLC (“ELL”) and Entergy Gulf States Louisiana, L.L.C. (“EGSL”) (collectively “Entergy”) Regarding Transfer of Functional Control of Certain Transmission Assets to the Midwest Independent Transmission System Operator, Inc. (“MISO”) Regional Transmission Organization (“RTO”), For an Accounting Order Deferring Related Implementation Costs and Request for Timely Treatment	<p>On January 6, 2012, Richard Doying, Clair Moeller, and R. Wayne Schug filed Direct Testimony on behalf of MISO.</p> <p>On January 23, 2012, John Hurstell , William Mohl, and Michael Schnitzer and filed Supplemental Direct Testimony on behalf of Entergy.</p> <p>On January 23, 2012, Entergy filed a Notice of Objection and Reservation of Rights in order to memorialize within the record in this proceeding Entergy's continuing objection to the submission of testimony, as well as the conduct of discovery or proceedings, relating to the proposed divestiture and merger of transmission assets.</p> <p>On March 14, 2012, Staff and Intervenors filed Direct Testimony. Carl Monroe filed Direct Testimony on behalf of SPP.</p> <p>On March 26, 2012, Carl Monroe and Ralph Luciani filed Direct Testimony on behalf of SPP regarding Charles River Associates’ assessment of the impact that Energy potentially joining MISO would have on reciprocal coordinated flowgate loadings and congestion.</p> <p>Also on March 26, Kip Fox filed Direct Testimony on behalf of Southwestern Electric Power Company (“SWEPCO”) to discuss the effect of Entergy membership on SWEPCO ratepayers so that the ratepayers are not harmed and are protected as necessary.</p> <p>The remainder of the Procedural Schedule is as follows: April 10, 2012 - Staff and Intervenor Cross-Answering Testimony and work papers April 19, 2012 - Entergy Rebuttal Testimony and work papers April 25, 2012 - Pre-hearing Statements May 2-8, 2012 - Hearing</p>
Louisiana – City of New Orleans UD-11-01	Initiating Investigation of the Potential Costs and Benefits of Entergy New Orleans, Inc. and Entergy Louisiana, LLC Joining a Regional Transmission Organization Versus the Continuation of the Entergy	<p>On March 23, 2012, Intervenors filed Direct Testimony. Carl Monroe filed Direct Testimony on behalf of SPP.</p> <p>The remainder of the Procedural Schedule is as follows: May 7, 2012 - Advisors Direct Testimony June 7, 2012 - Entergy Cross-Answering Testimony August 3, 2012 - Intervenor and Advisors Cross-Answering Testimony</p>



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	Independent Coordinator of Transmission with Enhancements	<p>August 22, 2012 - Entergy Rebuttal Testimony</p> <p>September 18, 2012 - Evidentiary Hearing commences</p> <p>September 28, 2012 - Hearing Officer to certify record of these proceedings</p>
Louisiana – City of New Orleans UD-12-01	Investigation of the Proposed Divestiture of the Transmission Assets of Entergy New Orleans, Inc. ("ENO") and Entergy Louisiana, LLC ("ELL") to ITC Holdings Corp.	On February 16, 2012, the Council of the City of New Orleans adopted Resolution R-12-56, Resolution Establishing Docket and Initiating Investigation of the Proposed Divestiture of the Transmission Assets of Entergy New Orleans, Inc. and Entergy Louisiana, LLC to ITC Holdings Corp.
Mississippi 2011-UA-376	Joint Application of Entergy Mississippi, Inc. ("EMI"), and the Midwest Independent Transmission System Operator, Inc. ("MISO"), for Transfer of Functional Control of Entergy Mississippi's Transmission Facilities to MISO	<p>On January 9, 2012, the MPSC issued an order granting SPP's Petition to Intervene.</p> <p>A Technical Conference was held on February 22, 2012.</p> <p>On March 13, 2012, the MPSC issued a Revised Scheduling Order setting the following procedural schedule:</p> <p>April 23, 2012 - Intervenor Direct Testimony</p> <p>May 11, 2012 - Last day to serve data requests on parties</p> <p>June 11, 2012 - Staff Direct Testimony</p> <p>June 25, 2012 - EMI and MISO Rebuttal Testimony</p> <p>July 16, 2012 - Technical Conference</p> <p>July 17, 2012 - Prehearing Conference</p> <p>July 19-20, 2012 - Hearing</p> <p>August 31, 2012 - Final Order</p>
Missouri EO-2012-0135	In the Matter of the Application of Kansas City Power & Light Company ("KCPL") for Authority to Extend the Transfer of Functional Control of Certain Transmission Assets to the Southwest Power Pool, Inc.	On February 24, 2012, the MoPSC issued an Order Directing Staff to File a Status Update no later than April 30, 2012.
Missouri EO-2012-0136	In the Matter of the Application of KCP&L Greater Missouri Operations Company ("KCPL-GMO") for Authority to Extend the Transfer of Functional	On February 24, 2012, the MoPSC issued an Order Directing Staff to File a Status Update no later than April 30, 2012.



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Docket Number	Short Description	Summary
	Control of Certain Transmission Assets to the Southwest Power Pool, Inc.	
Missouri EO-2012-0269	In the Matter of The Empire District Electric Company's ("Empire") Submission of Its Interim Report Regarding Participation in the Southwest Power Pool, Inc.	<p>On February 3, 2012, Empire filed its Interim Report regarding participation in SPP, pursuant to the Stipulation and Agreement in Case No. EO-2006-0141.</p> <p>Empire estimated that their total company net savings or trade benefits were approximately \$21.6 million between 2007 and 2010. The Interim Report shows a projected net annual benefit for continued participation in SPP of approximately \$12.2 million over the four year study period of 2014 through 2017 for Empire and its customers.</p> <p>Empire requested that the Commission accept the Interim Report and issue an order approving the continued participation in SPP beyond January 31, 2014.</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. SPP submitted its compliance filing on December 5, 2011, in response to FERC's Order on Compliance Filings and Rehearing issued October 4, 2011.
Texas 38877	Application of Southwestern Public Service Company ("SPS") to Amend a Certificate of Convenience and Necessity for a Proposed Tuco to Texas/Oklahoma Interconnection 345-kV Transmission Line Within Hale, Floyd, Motley, Cottle, Briscoe, Hall, Childress, Donley, Collingsworth, and Wheeler Counties	<p>A Hearing on the Merits was held January 3, 2012.</p> <p>On January 4, 2012, Anastacia Santos and Jeffrey Stebbins filed Supplemental Testimony in Support of Settlement on behalf of SPS.</p> <p>On March 7, 2012, SPS filed an Agreed Motion to Admit Evidence and Motion to Remand. SPS filed the Stipulation and moved to admit evidence in this proceeding. SPS requested an order remanding this case to the Commission for consideration of the Stipulation and dismissing this case from the active docket of the State Office of Administrative Hearings.</p> <p>On March 9, 2012, the PUCT issued SOAH Order No. 23, Granting Motion to Admit Evidence and Remand Proceeding; Dismissal of SOAH Docket.</p> <p>On March 14, 2012, the PUCT issued a Proposed Order which will be discussed at the April 12, 2012 Open Meeting. Parties shall file corrections or exceptions to the Proposed Order no later than April 4, 2012.</p>