

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

#### **AD11-11 Priority Rights to New Participant-Funded Transmission**

On July 19, 2012, FERC issued a Proposed Policy Statement, which clarifies and refines current policies governing the allocation of capacity for new merchant transmission projects and new nonincumbent, cost-based, participant-funded transmission projects. The Commission proposed to allow developers of such projects to select a subset of customers, based on not unduly discriminatory or preferential criteria, and negotiate directly with those customers to reach agreement on the key terms and conditions for procuring capacity, when the developers 1) broadly solicit interest in the project from potential customers, and 2) file a report with the Commission describing the solicitation, selection and negotiation process.

Comments are due on September 24, 2012.

#### **AD12-9 Allocation of Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded Transmission Projects**

On July 19, 2012, FERC issued a Proposed Policy Statement, which clarifies and refines current policies governing the allocation of capacity for new merchant transmission projects and new nonincumbent, cost-based, participant-funded transmission projects. The Commission proposed to allow developers of such projects to select a subset of customers, based on not unduly discriminatory or preferential criteria, and negotiate directly with those customers to reach agreement on the key terms and conditions for procuring capacity, when the developers 1) broadly solicit interest in the project from potential customers, and 2) file a report with the Commission describing the solicitation, selection and negotiation process.

Comments are due on September 24, 2012.

#### **AD12-12 Coordination between Natural Gas and Electricity Markets**

On July 17, 2012, FERC issued a Supplemental Notice of Technical Conferences.

On July 24, 2012, FERC issued a Supplemental Notice of Technical Conference detailing information regarding the Central region conference to be held on August 6, 2012.

FERC held the Central region technical conference on August 6, 2012.

On August 10, 2012, FERC issued a Supplemental Notice of Technical Conference detailing information regarding the Northeast region conference to be held on August 20, 2012.

On August 15, 2012, FERC issued a Supplemental Notice of Technical Conference detailing information regarding the Southeast region conference to be held on August 23, 2012.

FERC held the Northeast region technical conference on August 20, 2012.

On August 20, 2012, FERC issued a Supplemental Notice of Technical Conference detailing information regarding the West region conference to be held on August 28, 2012.

#### **AD12-17 Review of Small Generator Interconnection Agreements and Procedures**

FERC held a technical conference on July 17, 2012 to discuss issues related to a petition for rulemaking submitted by the Solar Energy Industries Association in Docket No. RM12-10.

On August 15, 2012, Solar Energy Industries Association filed post-technical conference comments.

On August 16, 2012, several entities filed post-technical conference comments.

**CE12-101**      **Yohan Sutjandra, et al.'s Request for Critical Energy Infrastructure Information - The Energy Authority**

FERC issued a Notice of Intent to Release on July 27, 2012.

**CE12-103.002**      **Rodica Donaldson's Request for Critical Energy Infrastructure Information - enXco (Additional Requester)**

SPP submitted comments on this request July 20, 2012.

FERC issued a Notice of Intent to Release on August 3, 2012.

**CE12-116**      **Warren Winter, et al.'s Request for Critical Energy Infrastructure Information - EPIS, Inc.**

FERC issued a release letter on July 27, 2012.

**CE12-116.001**      **Rich Lopez' Request for Critical Energy Infrastructure Information - EPIS, Inc. (Additional Requester)**

On August 7, 2012, Gary Thompson , Controller for enXco, requested to add Rich Lopez, Energy Market Analyst, to the original FERC CEII request for FERC Form No. 715 data in CE12-116.

On August 14, 2012, SPP submitted comments on this request.

**CE12-120**      **Jeff Palermo's Request for Critical Energy Infrastructure Information - KEMA, Inc.**

FERC issued a Notice of Intent to Release on July 17, 2012.

**CE12-122**      **Robert Jackson's Request for Critical Energy Infrastructure Information - Walters Power International**

FERC issued a Notice of Intent to Release on July 27, 2012.

**CE12-123**      **Mohamed M. El-Gassier, et al.'s Request for Critical Energy Infrastructure Information - Atlantic Grid Development Co., LLC**

FERC issued a Notice of Intent to Release on July 27, 2012.

**CE12-126.001**      **John Hanson's Request for Critical Energy Infrastructure Information - Siemens Industry, Inc. (Additional Requester)**

On July 17, 2012, SPP submitted comments on this request.

**CE12-139**      **Julia Sohnen's Request for Critical Energy Infrastructure Information - Graduate Student, University of California Davis**

On July 6, 2012, Julia Sohnen, graduate student at the University of California Davis, filed a FERC CEII request to obtain a copy of all FERC Form No. 715 data, as noticed July 23, 2012.

On July 30, 2012, SPP submitted comments on this request.

- CE12-151**                    **Matthew Gordy's Request for Critical Energy Infrastructure Information - Iowa State University**
- On August 3, 2012, SPP submitted comments on this request.
- CE12-163**                    **Dr. Lona Fowdur's Request for Critical Energy Infrastructure Information - Economists Incorporated**
- On June 6, 2012, Dr. Lona Fowdur of Economists Incorporated filed a FERC CEII request to obtain a copy of all FERC Form No. 715 data, as noticed August 14, 2012.
- On August 21, 2012, SPP submitted comments on this request.
- EL11-34**                    **Midwest Independent Transmission Operator, Inc. ("MISO") Petition for Declaratory Order Seeking Commission Confirmation Regarding Section 5.2 of the Joint Operating Agreement ("JOA") between MISO and SPP**
- On August 20, 2012, the United States Court of Appeals issued an Order establishing the briefing schedule as follows in Case No. 12-1158:
- October 2, 2012 - Petitioner's Brief;  
October 17, 2012 - Intervenors for Petitioner's Brief;  
December 17, 2012 - Respondent's Brief;  
December 31, 2012 - Intervenors for Respondent's Brief;  
January 14, 2013 - Intervenors for Petitioner's Reply Brief;  
January 14, 2013 - Petitioner's Reply Brief;  
January 22, 2013 - Deferred Appendix; and  
February 5, 2013 - Final Briefs.
- EL12-2**                    **Investigation Under Section 206 of the Federal Power Act to Determine the Justness and Reasonableness of Certain Language in Section VII.8(b) of Attachment O of SPP's Tariff**
- On July 31, 2012, SPP submitted revisions to Attachment O, Section VII.8(b) of its OATT in compliance with the February 29, 2012 Order issued in Docket Nos. ER09-659 and EL12-2. SPP modified the language to state that individuals not belonging to a confirmed pre-screened Member or Market Participant shall make application for approval to obtain Critical Energy Infrastructure Information (CEII) used in the transmission planning process in accordance with the procedures posted on the SPP website.
- An effective date of July 31, 2012 was requested.
- EL12-47**                    **Investigation Under Section 206 of the Federal Power Act to Determine the Justness and Reasonableness of the Rate Reduction in the Service Agreement Filed in Docket No. ER12-891**
- On July 24, 2012, FERC issued an Order Scheduling Telephonic Settlement Conference to be held on August 27, 2012.
- On August 21, 2012, FERC issued a Status Report. The Settlement Judge stated another telephone conference is scheduled for August 27, 2012 and recommended that settlement procedures continue.

**EL12-51 Investigation Under Section 206 of the Federal Power Act to Determine the Justness and Reasonableness of the Rate Reduction in the Service Agreement Filed in Docket Nos. ER12-1017 and ER12-1018**

On July 24, 2012, FERC issued an Order Scheduling Telephonic Settlement Conference to be held on August 27, 2012.

On August 21, 2012, FERC issued a Status Report. The Settlement Judge stated another telephone conference is scheduled for August 27, 2012 and recommended that settlement procedures continue.

**EL12-80 Exelon Wind Companies Petition for Enforcement and Declaratory Order Pursuant to Section 210(h) of the Public Utility Regulatory Policies Act of 1978 ("PURPA")**

On July 30, 2012, Xcel Energy Services Inc. filed a Motion to Intervene and Protest.

Xcel Energy stated:

- 1) Exelon has mis-characterized facts in the background section of its Petition;
- 2) the Commission should deny Exelon's Petition because it is an as-applied challenge that can be addressed in Exelon's pending State Court Appeal;
- 3) the Commission should follow its longstanding policy of declining to act on Section 210 claims that are pending before state tribunals;
- 4) the Public Utility Commission of Texas' ("PUCT") Order is consistent with PURPA and this Commission's regulations implementing PURPA; and
- 5) the Commission should deny Exelon's Petition because the PUCT's Order in Docket No. 37361 is consistent with PURPA and Commission regulations.

On July 30, 2012, the Public Utility Commission of Texas ("PUCT") filed a Notice of Intervention and Protest.

The PUCT stated:

- 1) Exelon presents an as-applied challenge to the PUCT's approval of the amended Southwestern Public Service Company ("SPS") Tariff;
- 2) the curtailment and interruptions provision in the PUCT-approved tariff are consistent with PURPA and the Commission's rules;
- 3) the delivery arrangement provisions in the PUCT-approved tariff are consistent with PURPA and the FERC rules;
- 4) the payment determination provision using the Southwest Power Pool market prices to set SPS's avoided costs is consistent with PURPA and the Commission's rules;
- 5) the SPS Tariff does not relieve SPS of its PURPA purchase obligation; and
- 6) the SPS Tariff will not discourage qualified facilities development or the promotion of renewable energy under PURPA.

On July 30, 2012, Entergy Services, Inc. filed a Motion to Intervene.

On July 30, 2012, Golden Spread Electric Cooperative, Inc. filed a Motion to Intervene and Comments.

On July 30, 2012, Occidental Permian Ltd. filed a Motion to Intervene and Protest.

Occidental stated:

- 1) the Commission should not bring an enforcement action;
- 2) the Petition is not ripe for review by the Commission since state proceedings involving the

underlying Public Utility Commission of Texas ("PUC") Order are still ongoing;

- 3) Exelon has failed to demonstrate how the curtailment and interruptions provision of the Southwestern Public Service Company ("SPS") Tariff is in conflict with PURPA;
- 4) the delivery arrangements provision in the SPS Tariff neither requires qualifying facilities ("QFs") to pay for transmission upgrades nor provides SPS with another basis for curtailment;
- 5) SPS's avoided cost calculation is a reasonable and improved methodology for determining SPS's avoided costs but for the purchases from QFs; and
- 6) the PUC does not circumvent the Commission's jurisdiction under Section 210(m) of PURPA to terminate purchase obligations.

On July 30, 2012, American Electric Power Service Corporation and PacifiCorp filed Motions to Intervene.

On July 31, 2012, the Exelon Wind Companies filed an errata to its June 29, 2012 Petition to correct a typographical error in footnote 67.

On August 13, 2012, Gregory and Beverly Swecker filed a Motion to Intervene Out of Time and Comments.

On August 14, 2012, the Exelon Wind Companies filed an answer in response to protests filed in this proceeding.

Exelon stated:

- 1) the Petition is an implementation claim, rather than an "as-applied" challenge, on which the Commission should take prompt action;
- 2) the Exelon Wind Companies will accept the Xcel Energy Services Inc. and the Public Utility Commission of Texas ("PUC") clarifications regarding the interpretation of the "curtailment and interruptions" and "delivery arrangements" provisions of the Southwestern Public Service Company's Tariff, provided that the Commission limits the scope of these provisions in accordance with their clarifications; and
- 3) the "payment determinations" provision is not consistent with PURPA, and the PUC's approval of this provision circumvents the Commission's exclusive jurisdiction to grant PURPA relief under PURPA Section 210(m).

On August 20, 2012, Occidental Permian, Ltd. filed an answer in response to Exelon's August 14, 2012 Answer.

Occidental stated:

- 1) Exelon Wind's Petition only involves "as-applied" challenges to the Public Utility Commission of Texas's ("PUC") Order;
- 2) as Exelon Wind accepts the representations of Xcel Energy Services Inc. and the PUC, a Declaratory Order on the curtailment and interruptions provision and the delivery arrangements provision is not appropriate; and
- 3) Exelon Wind is attempting to impermissibly limit the scope of review and only repeats the arguments made in its Petition.

**ER02-2001**

### **Revised Public Utility Filing Requirements for Electric Quarterly Reports**

On July 27, 2012, FERC issued a Notice of Availability of Draft XML Schema.

**ER09-659**

### **SPP Filing of an Executed Letter Agreement Regarding Inter-Regional Planning between SPP and Entergy Services, Inc. (Entergy Seams Agreement)**

On July 31, 2012, SPP submitted revisions to Attachment O, Section VII.8(b) of its OATT in compliance with the February 29, 2012 Order issued in Docket Nos. ER09-659 and EL12-2. SPP modified the language to state that individuals not belonging to a confirmed pre-screened Member or Market Participant shall make application for approval to obtain Critical Energy Infrastructure Information (CEII) used in the transmission planning process in accordance with the procedures posted on the SPP website.

An effective date of July 31, 2012 was requested.

ER09-1254

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

On July 31, 2012, SPP submitted its Third 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."

ER12-140

**SPP Submission of Tariff Revisions to Incorporate Kansas Power Pool ("KPP") as a Transmission Owner**

On August 2, 2012, Settlement Judge Michael Cianci, Jr. filed a Settlement Status Report stating that the parties reached a settlement and are working on memorializing a settlement agreement. Therefore, the August 8, 2012 settlement conference is vacated.

ER12-891

**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 July 24, 2012, FERC issued an Order Scheduling Telephonic Settlement Conference to be held on August 27, 2012.

On August 21, 2012, FERC issued a Status Report. The Settlement Judge stated another telephone conference is scheduled for August 27, 2012 and recommended that settlement procedures continue.

ER12-909

**Westar Energy, Inc. ("Westar") Submission of Tariff Revisions to Amend Section 15.7 - Real Power Losses and Section 28.5 - Real Power Losses**

On July 24, 2012, FERC issued an Order Scheduling Telephonic Settlement Conference to be held on August 27, 2012.

On August 21, 2012, FERC issued a Status Report. The Settlement Judge stated another telephone conference is scheduled for August 27, 2012 and recommended that settlement procedures continue.

ER12-959

**SPP Submission of Revisions to OATT to Implement a Formula Rate for Transmission Service for Tri-County Electric Cooperative, Inc. ("Tri-County"), a Transmission Owner in the Southwestern Public Service Company ("SPS") Zone**

On July 18, 2012, Xcel Energy Services Inc. filed a Motion for Adoption of a Protective Order.

On July 18, 2012, FERC issued an Order Scheduling Oral Argument for July 19, 2012 in order for Xcel Energy Services Inc. to respond to Tri-County's data requests served on June 28, 2012.

On July 19, 2012, FERC issued an Order Denying in Part and Deferring in Part Motion to

Compel. Xcel Energy Services Inc. will voluntarily comply with one of the contested data requests, TCE-XES-1-12. Tri-County's data request TCE-XES-1-3 was denied as irrelevant and unduly burdensome.

On July 19, 2012, FERC issued an Order Issuing Protective Order.

An oral argument was held on July 19, 2012, in order for Xcel Energy Services Inc. to respond to Tri-County's data requests served on June 28, 2012.

On July 24, 2012, Tri-County Electric Cooperative, Inc. filed Direct Testimony.

On August 20, 2012, Commission Trial Staff submitted an Unanimous Motion to Divide Hearing into Two Phases and Suspend Phase II for 60 Days.

Staff requested that the proceeding be divided into Phase I (Facilities Classification) and Phase II (Formula Rate) and to suspend the Track II schedule for Phase II for 60 days to allow the parties to engage in settlement negotiation, while allowing Phase I to go forward on the current hearing schedule.

On August 22, 2012, FERC issued an Order of Chief Judge Phasing Proceedings, Suspending Phase II for 60 Days, and Waiving Period for Answers.

ER12-1017

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

On July 24, 2012, FERC issued an Order Scheduling Telephonic Settlement Conference to be held on August 27, 2012.

On August 21, 2012, FERC issued a Status Report. The Settlement Judge stated another telephone conference is scheduled for August 27, 2012 and recommended that settlement procedures continue.

ER12-1018

**Unexecuted Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Nemaha-Marshall Electric Cooperative ("Nemaha-Marshall") as Network Customer, and Westar Energy, Inc. ("Westar") as Host Transmission Owner**

On July 24, 2012, FERC issued an Order Scheduling Telephonic Settlement Conference to be held on August 27, 2012.

On August 21, 2012, FERC issued a Status Report. The Settlement Judge stated another telephone conference is scheduled for August 27, 2012 and recommended that settlement procedures continue.

ER12-1282

**SPP Submission of Tariff Revisions to Modify Provisions Governing Reassignment of Transmission Service (Attachment A-1, Section 23)**

On July 27, 2012, the Arkansas Public Service Commission filed a Motion to Intervene Out-of-Time.

ER12-1586

**SPP Submission of an Executed Joint Operating Agreement ("JOA") Between SPP and Western Area Power Administration, Upper Great Plains Region ("Western") (FERC Rate Schedule No. 13)**

On July 19, 2012, SPP submitted its responses to the June 19, 2012 deficiency letter.

On July 20, 2012, SPP filed a Motion to Accept Filing One Day Out of Time. Due to a technical issue with eTariff, SPP's July 19, 2012 filing was not accepted by the Commission until July 19, 2012 at 5:44 PM Eastern Standard Time, which is after the Commission's offices are closed. Therefore, the official filing date for SPP's responses is July 20, 2012.

On August 10, 2012, the Midwest Independent Transmission System Operator, Inc. filed a Supplemental Protest.

MISO stated that SPP's deficiency filing:

- 1) confirms that the proposal effectively modifies Section 5.2 of the MISO-SPP JOA;
- 2) fails to provide any evidence of loop flows and fails to make the requisite showings to justify the proposed loop flow compensation mechanism; and
- 3) confirms that the proposal is inconsistent with SPP's proposed Integrated Marketplace and market-to-market congestion management.

On August 10, 2012, the Midwest ISO Transmission Owners filed a Protest.

The MISO TOs stated:

- 1) Western and SPP fail to respond to the Deficiency Order;
- 2) the deficiency filing does not provide information that could alleviate the concerns raised by the MISO TOs and others;
- 3) the proposed revisions to Sections 5.4 through 5.6 of the JOA do not correct the fundamental shortcomings of the JOA;
- 4) Western and SPP have not answered sufficiency question from the Deficiency Order about loop flows; and
- 5) the assertion by Western and SPP that the JOA will have no impact on third-parties is inconsistent with the Petition in Docket No. EL12-60.

**ER12-1600**

**SPP Filing of an Unexecuted Market Participant Service Agreement between SPP as Transmission Provider and Exelon Generation Company, LLC ("Exelon") as Customer**

On July 20, 2012, SPP submitted its Compliance Filing pursuant to the June 21, 2012 Order Conditionally Accepting Service Agreement.

**ER12-1849**

**SPP Submission of Revision to Attachment AD of its OATT to Amend Tariff Administration Agreement between SPP and Southwestern Power Administration ("SPA")**

On July 19, 2012, FERC issued an order accepting the revisions to Attachment AD of SPP's Tariff, effective May 1, 2012.

This order constitutes final agency action.

**ER12-1974**

**SPP Submission of Tariff Revisions to Make Ministerial Changes to the Tariff's Formula Rate Template as Request by Midwest Energy, Inc. ("Midwest")**

On August 2, 2012, FERC issued an order accepting SPP's revisions to its Tariff to make ministerial changes to the Tariff's formula rate template as requested by SPP member Midwest Energy, Inc., effective February 22, 2012 as requested.

This order constitutes final agency action.



- ER12-2054**                    **Generator Interconnection Agreement ("GIA") between TPW Madison, LLC ("TPW Madison") as Interconnection Customer and Nebraska Public Power District ("NPPD") as Transmission Owner**
- On August 13, 2012, FERC issued a letter order accepting the agreement, effective May 18, 2012 as requested.
- This order constitutes final agency action.
- ER12-2064**                    **Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Kansas Municipal Energy Agency ("KMEA") as Network Customer, and Westar Energy, Inc. ("Westar") as Host Transmission Owner; and Notice of Cancellation of the Firm Point-To-Point Transmission Service Agreement between SPP as Transmission Provider and KMEA as Transmission Customer**
- On August 16, 2012, FERC issued a letter order accepting the agreement, effective June 1, 2012 as requested. FERC also accepted the Notice of Cancellation effective June 1, 2012.
- This order constitutes final agency action.
- ER12-2099**                    **Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreements ("NOA") between SPP, Westar Energy, Inc. ("Westar") as Network Customer, and Oklahoma Gas and Electric Company ("OGE") and Westar as Host Transmission Owners**
- On August 21, 2012, FERC issued a letter order accepting the agreement, effective June 1, 2012 as requested.
- This order constitutes final agency action.
- ER12-2111**                    **Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Oklahoma Gas and Electric Company ("OG&E") as Network Customer, and OG&E, American Electric Power Service Corporation ("AEP"), and Western Farmers Electric Cooperative ("WFEC") as Host Transmission Owners**
- On August 21, 2012, FERC issued a letter order accepting the agreement, effective June 1, 2012 as requested.
- This order constitutes final agency action.
- ER12-2157**                    **Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Kansas Power Pool ("KPP") as Network Customer, and Midwest Energy, Inc. ("Midwest"), Mid-Kansas Electric Company, LLC ("MKEC"), and Westar Energy, Inc. ("Westar") as Host Transmission Owners**
- On July 17, 2012, Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC filed a Motion to Intervene.
- ER12-2166**                    **Notice of Cancellation of the Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Kansas Electric Power Cooperative, Inc. ("KEPCO") as Network Customer, and Mid-Kansas Electric Company, LLC ("MKEC") as Host Transmission Owner**

On July 17, 2012, Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC filed a Motion to Intervene.

ER12-2176

**Unexecuted Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Municipal Energy Agency of Nebraska ("MEAN") as Network Customer, and Nebraska Public Power District ("NPPD") as Host Transmission Owner**

On July 23, 2012, the Municipal Energy Agency of Nebraska filed a Motion to Intervene and Comments.

MEAN stated it has no objection to FERC placing the unexecuted NITSA and NOA into effect for the month of June 2012, until they are superseded by the executed NITSA and NOA that will take effective as of July 1, 2012 and will be reported solely in SPP's Electric Quarterly Report.

ER12-2210

**Westar Energy, Inc. ("Westar") Filing of a Notice of Cancellation of the Generator Interconnection Agreement ("GIA") between SPP as Transmission Provider, Wheat Ridge WindPower, LLC ("Wheat Ridge") as Interconnection Customer and Westar as Transmission Owner**

On July 26, 2012, SPP filed a Motion to Intervene and Comments.

ER12-2289

**SPP Submission of Tariff Revisions to Implement a Cost-Based Transmission Formula Rate for SPP Member, The Empire District Electric Company ("Empire")**

On July 23, 2012, SPP submitted revisions to its OATT to implement a cost-based transmission formula rate for The Empire District Electric Company. The implementation of a cost-based transmission formula rate into the SPP Tariff's Revenue Requirements and Rate File will update Empire's current Commission approved rates for Network Integration Transmission Service and Point-to-Point Transmission Service, and provide a rate for Scheduling, System Control and Dispatch Service pursuant to Schedule 1.

An effective date of August 1, 2012 was requested.

On August 13, 2012, The Empire District Electric Company filed a Motion to Intervene.

On August 13, 2012, the Kansas Corporation Commission filed a Motion to Intervene and Protest.

The KCC stated it opposes SPP's filing on two grounds:

- 1) Empire's proposed formula rate is currently pending in an unresolved contested proceeding in Docket No. ER12-1813; and
- 2) if the Commission accepts SPP's filing, then the KCC respectfully requested that the Commission suspend the effective date of SPP's proposed Tariff revisions until no earlier than January 1, 2013, consistent with the Commission's suspension of Empire's application in Docket No. ER12-1813.

On August 13, 2012, the Cities of Monett, Mount Vernon, and Lockwood, Missouri, and Chetopa, Kansas filed a Motion to Intervene and Limited Protest.

The Cities requested that the Commission accept SPP's filing, suspend it and establish an effective date of January 1, 2013, subject to refund and subject to the outcome of the

proceedings in Docket No. ER12-1813.

ER12-2292

**SPP Submission of Tariff Revisions to Attachment AE to Facilitate the Systematic Rather than Manual Curtailment of Non-Dispatchable Resources in the Energy Imbalance Services Market ("EIS Market") During Period of Congestion**

On July 23, 2012, SPP submitted revisions to Attachment AE of its OATT in order to facilitate the systematic rather than manual curtailment of Non-Dispatchable Resources in the SPP EIS Market during period of congestion.

An effective date of October 15, 2012 was requested. SPP requested that the Commission rule on this filing within 60 days so that SPP can complete the design, development, and testing of necessary software to implement the changes on the effective date.

On July 31, 2012, NextEra Energy Resources, LLC filed a Motion to Intervene.

On August 9, 2012, Exelon Corporation filed a Motion to Intervene.

On August 10, 2012, Westar Energy, Inc. filed a Limited Protest.

Westar stated the tariff changes as written creates an incentive for entities to over-schedule their Non-Dispatchable Resources, including wind generation. Westar requested that the Commission require SPP to look at the firm transmission rights associated with a given wind farm and compare that to the actual output.

On August 13, 2012, the American Wind Energy Association and the Wind Coalition filed a Motion to Intervene and Protest.

The parties stated:

- 1) inclusion of a longer transition period is necessary for non-dispatchable resources;
- 2) non-dispatchable resources should be provided greater ability to adjust their schedules closer to real time; and
- 3) SPP should be required to clarify that the economic dispatch of resources in the Energy Imbalance Services Market is exhausted before other resources are curtailed.

On August 13, 2012, Western Farmers Electric Cooperative filed a Motion to Intervene and Comments.

WFEC stated it generally supports the filing, but disagrees with SPP's characterization that existing non-dispatchable resources in the SPP region require only minimal additional investment to adhere to automated dispatch instructions under the new curtailment rules.

WFEC further stated:

- 1) certain existing non-dispatchable resources should be exempt from the new curtailment rules; and
- 2) SPP should clarify how it plans to implement the amendments to Attachment AE to ensure compliance form non-dispatchable resources.

On August 13, 2012, Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC filed a Joint Motion to Intervene.

On August 13, 2012, Exelon Generation Company, LLC filed Comments and Limited Protest.

## Regulatory Status Report

Exelon stated it supports SPP's proposal regarding curtailment priority and deviation charges for qualifying facilities selling their output under PURPA.

Exelon stated it protests two specific parts of SPP's proposal:

- 1) Exelon Wind's oldest wind units may not be capable of being modified to provide curtailment; SPP should grandfather the three 10 MW units, or, in the alternative, allow Exelon Wind to provide curtailment with another Exelon Wind unit; and
- 2) SPP's proposal provides no transition period beyond October 15, 2012; where fact-specific good cause is shown, SPP should provide older facilities with additional time for retrofitting and compliance with the new requirements.

On August 13, 2012, Xcel Energy Services Inc. filed a Motion to Intervene and Comments.

Xcel stated:

- 1) it is appropriate to automate the curtailment responsibility calculation for non-dispatchable resources;
- 2) SPP's proposal to curtail qualifying facilities ("QFs") on an equivalent basis as firm service is not consistent with the recommendation of SPP's Markets and Operations Policy Committee;
- 3) by proposing to give QFs curtailment priority consistent with firm service, SPP's proposal appears to be inconsistent with the non-discrimination goals of Order Nos. 888 and 890;
- 4) SPP's proposal may be inconsistent with PURPA if QFs receive additional compensation above and beyond avoided cost through Transmission Congestion Rights auction revenue; and
- 5) SPP's proposal creates an incentive for QFs to not register in the Energy Imbalance Services Market.

On August 13, 2012, Acciona Wind Energy USA LLC filed a Motion to Intervene and Protest.

Acciona stated:

- 1) the exceptions to the new curtailment rules should apply equally to qualifying facilities ("QFs") in waiver service areas;
  - 2) all QFs with firm power purchase agreements should enjoy the same protection against curtailment as resources with firm transmission service;
  - 3) Security Constrained Economic Dispatch solutions should apply before curtailment to reinforce appropriate market signals;
  - 4) SPP should offer make whole payments for curtailment of all non-dispatchable resources; and
  - 5) prior to effectiveness of the new curtailment proposals, SPP should permit non-dispatchable resources to submit 15 minute transmission scheduling.
- 4)

ER12-2340

**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 July 27, 2012, 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. Seventeenth Revised 1166.

An effective date of July 1, 2012 was requested.

ER12-2346

**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 July 30, 2012, 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. Seventh Revised 1154.

An effective date of July 1, 2012 was requested.

ER12-2347

**Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Arkansas Electric Cooperative Corporation ("AECC") as Network Customer, and Oklahoma Gas and Electric Company ("OG&E") as Host Transmission Owner**

On July 30, 2012, SPP submitted an executed NITSA between SPP as Transmission Provider, Arkansas Electric Cooperative Corporation as Network Customer, as well as a NOA with Oklahoma Gas and Electric Company as Host Transmission Owner. SPP Service Agreement No. Second Revised 2158.

An effective date of July 1, 2012 was requested.

ER12-2366

On August 20, 2012, Arkansas Electric Cooperative Corporation filed a Motion to Intervene.

**SPP Submission of Tariff Revisions to Modify Section VII.8(b) of Attachment O in Compliance with Order issued in ER09-659 and EL12-2**

On July 31, 2012, SPP submitted revisions to Attachment O, Section VII.8(b) of its OATT in compliance with the February 29, 2012 Order issued in Docket Nos. ER09-659 and EL12-2. SPP modified the language to state that individuals not belonging to a confirmed pre-screened Member or Market Participant shall make application for approval to obtain Critical Energy Infrastructure Information (CEII) used in the transmission planning process in accordance with the procedures posted on the SPP website.

An effective date of July 31, 2012 was requested.

ER12-2387

On August 10, 2012, American Electric Power Service Corporation filed a Motion to Intervene.

**SPP Submission of Tariff Revisions to Implement Balanced Portfolio Transfers**

On August 2, 2012, SPP submitted revisions to its Tariff to update revenue requirements and associated rates in Attachments H and T in order to implement the initial reallocation of revenue requirements pursuant to Attachments J and O of the Tariff (Balanced Portfolio Transfers).

An effective date of October 1, 2012 was requested.

On August 14, 2012, SPP filed a Request for Deferral of Commission Action.

ER12-2390

**Entergy Services, Inc. ("ESI") Request for an Interim Extension of the Independent Coordinator of Transmission ("ICT") Arrangement and the Transfer from SPP to Midwest Independent Transmission System Operator, Inc. ("MISO") as the Provider of ICT Services**

On August 2, 2012, Entergy Services, Inc. requested that the Commission approve 1) an interim extension of the ICT arrangement through and until the earlier of December 31, 2014 or the date of the proposed transfer of functional control of the Operating Companies' transmission assets to the MISO RTO is completed; and 2) the transfer from SPP to MISO as the provider of ICT services, effective December 1, 2012.

An effective date of December 1, 2012 was requested.

On August 15, 2012, Union Power Partners, L.P. filed a Motion to Intervene.

On August 17, 2012, The Empire District Electric Company filed a Motion to Intervene.

On August 20, 2012, Nebraska Public Power District filed a Motion to Intervene.

On August 21, 2012, the Louisiana Public Service Commission filed a Notice of Intervention and Comments.

On August 22, 2012, Lafayette Utilities System filed a Motion to Intervene.

ER12-2420

**Unexecuted Generator Interconnection Agreement ("GIA") between Owl Feather Ware Bonnet, LLC ("Owl Feather") as Interconnection Customer and Nebraska Public Power District ("NPPD") as Transmission Owner**

On August 7, 2012, SPP submitted an unexecuted GIA between SPP as Transmission Provider, Owl Feather War Bonnet, LLC as Interconnection Customer, and Nebraska Public Power District as Transmission Owner. SPP Service Agreement No. 2465.

Owl Feather disputes the language in Article 18.3.9 of the GIA which requires the Interconnection Customer to carry Excess Liability Insurance in the amount of \$20,000,000.

An effective date of July 30, 2012 was requested.

ER12-2479

**SPP Order 760 Compliance Filing**

On August 20, 2012, SPP submitted revisions to its OATT to comply with Commission directives in Order No. 760.

An effective date of August 20, 2012 was requested.

ER12-2487

**Generator Interconnection Agreement ("GIA") between Tulsa LFG, LLC ("Tulsa LFG") as Interconnection Customer and Public Service Company of Oklahoma ("PSO") as Transmission Owner**

On August 20, 2012, SPP submitted an executed GIA between SPP as Transmission Provider, Tulsa LFG, LLC as Interconnection Customer, and Public Service Company of Oklahoma as Transmission Owner.

An effective date of July 20, 2012 was requested.

RM05-5

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

On July 30, 2012, the ISO/RTO Council filed comments in response to the Notice of Proposed Rulemaking issued on April 19, 2012.

The IRC stated:

- 1) the Phase I Demand Response Measurement and Verification ("M&V") Standards have proven useful, and the Phase II Demand Response M&V Standards build effectively on the Phase I Standards;
- 2) the Phase II Demand Response M&V Standards meet the Commission's objectives in requesting more detailed technical standards, and the Commission should not press for additional standardization at this time; and
- 3) the IRC supports incorporation in the Commission's regulations of the Wholesale Energy Efficiency M&V Standards, with a minor adjustment.

On July 30, 2012, several entities filed comments in response to the Notice of Proposed Rulemaking issued on April 19, 2012.

On August 17, 2012, PJM Interconnection, L.L.C. filed Reply Comments in order to clarify that PJM believes its existing demand response measurement and verification methodologies for capacity markets are compatible with the applicable standards developed by the Wholesale Electric Quadrant of the North American Energy Standards Board.

RM06-16

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

On July 25, 2012, FERC issued a Notice of Filing. On March 16, 2012, the North American Electric Reliability Corporation submitted a filing proposing to amend the NERC Glossary Definition by modifying reference to the defined term "Cascading Outages" to "Cascading outages" within the definition of Interconnection Reliability Operating Limit, approved in the Commission's Final Rule issued December 27, 2007 on NERC's Proposed Facilities Design, Connections and Maintenance Reliability Standards.

Comments date is August 15, 2012.

On July 31, 2012, NERC submitted its Quarterly Report on Status of Development of BAL-003.

RM10-5

### **Interpretation of Protection System Reliability Standard**

On July 30, 2012, NERC submitted its Informational Filing in Compliance with Order No. 758.

RM10-11

### **Notice of Proposed Rulemaking Regarding Integration of Variable Energy Resources ("VERs")**

On July 23, 2012, several parties filed Requests for Rehearing and/or Clarification of Order No. 764.

On August 7, 2012, Powerex Corp. filed an answer in response to Bonneville Power Administration's Request for Clarification or in the Alternative Rehearing of the Commission's June 22, 2012 Final Rule.

Powerex stated it submitted its Answer to clarify the record regarding the need for balancing authorities to require transactions originating from their balancing area to be appropriately e-Tagged in order to ensure that sink balancing authorities receive accurate and timely

information regarding the nature of the energy that is coming into their system.

On August 20, 2012, FERC issued an Order Granting Rehearing for Further Consideration of Order No. 764.

**RM10-23**

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

On August 13, 2012, SPP filed a Motion to Intervene in the United States Court of Appeals consolidated review proceedings of Order Nos. 1000 and 1000-A.

On August 17, 2012, Kentucky Utilities Company, et. al submitted a Joint Motion for Extension of Time and Request for Expedited Treatment. The parties requested an extension to February 8, 2013, to submit their Order Nos. 1000 and 1000-A Compliance Filings.

On August 17, 2012, FERC issued a Notice Shortening Answer Period to August 17, 2012 to file comments regarding Kentucky Utilities Company, et. al Joint Motion for Extension of Time.

**RM11-11**

**Version 4 Critical Infrastructure Protection Reliability Standards (CIP-002-4 through CIP-009-4)**

On July 24, 2012, FERC issued a Notice of Extension of Time for NERC to file its quarterly reports.

On August 3, 2012, FERC issued an Order Denying Clarification and Rehearing of Order No. 761.

**RM11-17**

**Enhancement of Electricity Market Surveillance and Analysis through Ongoing Electronic Delivery of Data from Regional Transmission Organizations and Independent System Operators (Order No. 760)**

On July 20, 2012, SPP submitted its Phase 1 dataset documentation pursuant to Order No. 760.

On July 20, 2012, the New York Independent System Operator, Inc. filed a Motion for Extension of Time to Comply with Order No. 760.

On August 7, 2012, FERC issued a Notice of Extension of Time granting New York Independent System Operator, Inc.'s Motion for Extension of Time to Comply with Order No. 760.

On August 17, 2012, SPP submitted its Phase 1 Dataset to FERC.

**RM11-18**

**Transmission Planning Reliability Standards (Order No. 762)**

On August 2, 2012, FERC issued an Order on Reconsideration, granting NERC's Request for Reconsideration of the directive in Paragraph 21 of Order No. 762 to afford NERC time to respond to the order and produce a permanent fix to the standard.

**RM11-20**

**Automatic Underfrequency Load Shedding and Load Shedding Plans Reliability Standards (Order No. 763)**

On August 9, 2012, the North American Electric Reliability Corporation submitted its Compliance Filing in response to Order No. 763.



RM12-1

### **Transmission Planning Reliability Standards**

On July 20, 2012, the Electric Reliability Council of Texas, Inc., ISO New England Inc., Midwest Independent Transmission System Operator, Inc., New York Independent System Operator, Inc., PJM Interconnection, L.L.C. and SPP filed joint comments in response to the April 19, 2012 Notice of Proposed Rulemaking.

The joint commenters provided comments on five of the areas addressed in the NOPR:

- 1) Violation Risk Factors;
- 2) Protection System Failures versus Relay Failures;
- 3) Assessment of Backup or Redundant Protection Systems;
- 4) P5 Single Line to Ground Faults; and
- 5) Order No. 693 Directives.

On July 20, 2012, several parties filed comments in response to the April 19, 2012 Notice of Proposed Rulemaking.

RM12-3

### **Revisions to Electric Quarterly Report ("EQR") Filing Process**

On July 27, 2012, FERC issued a Notice of Availability of Draft XML Schema.

RM12-9

### **Regional Reliability Standard PRC-006-SERC-01 - Automatic Underfrequency Load Shedding Requirements**

On July 19, 2012, FERC issued a Notice of Proposed Rulemaking proposing to approve regional Reliability Standard PRC-006-SERC-01 (Automatic Underfrequency Load Shedding Requirements), which is designed to ensure that automatic underfrequency load shedding protection schemes designed by planning coordinators and implemented by applicable distribution providers and transmission owners in the SERC Reliability Corporation Region are coordinated to effectively mitigate the consequences of an underfrequency event. The Commission also proposed to approve the related violation risk factors, with one modification, and violation severity levels, implementation plan, an effective date proposed by the North American Electric Reliability Corporation.

Comments are due on September 24, 2012.

RM12-10

### **Solar Energy Industries Association ("SEIA") Petition for Rulemaking to Update Small Generator Interconnection Rules and Procedures for Solar Electric Generation**

FERC held a technical conference on July 17, 2012 to discuss issues related to a petition for rulemaking submitted by the Solar Energy Industries Association in Docket No. RM12-10.

On August 15, 2012, Solar Energy Industries Association filed post-technical conference comments.

On August 16, 2012, several entities filed post-technical conference comments.

RR06-1

### **North American Electric Reliability Council and North American Electric Reliability Corporation Filing of Draft Version 5 of the Reliability Standards Development Procedure to Allow NERC to Transition to Become the Electric Reliability Organization ("ERO")**

On July 31, 2012, NERC filed its Analysis of NERC Standards Process Results for the Second Quarter 2012.



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

**08-136-U**                    **In the Matter of an Inquiry into Electric Transmission Issues within the Areas Served by the Southwest Power Pool Regional Transmission Organization and the Entergy Corporation as such Issues Affect Electric Service within Arkansas**

On July 18, 2012, SPP filed the June 2012 State of the Market Report pursuant to Order No. 2.

On August 20, 2012, SPP filed the July 2012 State of the Market Report pursuant to Order No. 2.

**08-137-U**                    **In the Matter of the Consideration of Innovative Approaches to Ratebase, Rate of Return Ratemaking Including, but not limited to, Annual Earnings Reviews, Formula Rates, and Incentive Rates for Jurisdictional Electric and Natural Gas Public Utilities**

On August 14, 2012, the Arkansas Supreme Court issued an order denying Appellants' Petition for Review.

**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 August 1, 2012, Entergy Arkansas, Inc. filed its Responses to Order No. 54.

On August 1, 2012, Kurtis Castleberry filed Supplemental Direct Testimony on behalf of EAI pursuant to Order No. 54.

On August 3, 2012, the APSC issued Order No. 68. The APSC stated it was unable to reach a finding that Entergy Arkansas, Inc.'s Application is in the public interest.

However, if EAI and Midwest Independent Transmission System Operator, Inc. ("MISO") meet the conditions specified in the Order, and upon proper motion and proof of compliance in the form of sworn testimony by EAI and MISO officials who are expressly authorized to commit their respective organizations, the Commission will make a determination whether EAI and MISO have complied with the conditions. Upon finding by the Commission that the conditions are met, the Commission will grant conditional approval of EAI's Application as being in the public interest, and will authorize EAI to sign the MISO Transmission Owners Agreement and move forward with the MISO integration process.

**10-101-R**                    **In the Matter of the Institution of a Rulemaking to Adopt Amendments to the Commission's Rules on Conservation & Energy Efficiency ("C&EE") to Allow Self-Directed Programs for Large Consumers**

On July 30, 2012, several parties filed Initial Testimony or Comments.

On August 6, 2012, several parties filed Reply Comments.

**12-009-U**                    **In the Matter of the Application of Southwest Power Pool, Inc. for Authority to Issue up to \$125,000,000 in Secured or Unsecured Promissory Notes**

On August 20, 2012, the APSC issued Order No. 3 closing this docket.

12-060-R

### **In the Matter of Amendments to the Arkansas Public Service Commission's Rules Concerning Meter Aggregation and Combined Billing for Net-Metering Customers**

On August 8, 2012, the APSC issued Order No. 1 opening this proceeding to consider whether Arkansas statutes authorize the Commission to establish rules under which customers may aggregate metering and/or billing for the purpose of promoting net-metering and whether such meter aggregation is in the public interest.

The procedural schedule was established as follows:

September 10, 2012 (by Noon) - Legal briefs addressing the Commission's legal authority to adopt some form of meter aggregation or combined billing to promote net metering;  
September 10, 2012 (by Noon) - Comments regarding the degree to which the current level of net metering impacts electricity rates; the degree to which expected levels of net metering under meter aggregation might affect electricity rates; whether adoption of meter aggregation to promote net metering would be in the public interest; and any new rules or amendments of existing rules to accomplish meter aggregation if the Commission were to find that such aggregation is in the public interest;  
September 24, 2012 (by Noon) - Reply legal briefs; and  
October 31, 2012 - Public hearing to begin at 9:30 AM.

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

**11-PWTE-600-MIS**

**In the Matter of the Application of Prairie Wind Transmission, LLC for a Siting Permit for the Construction of a Double Circuit 345 kV Transmission Line in Sedgwick, Sumner, Harper, and Barber Counties, Kansas**

On August 1, 2012, Prairie Wind Transmission, LLC submitted its Quarterly Report on the Progress of the Wichita to Woodward 345 kV Transmission Project.

**FERC or State Jurisdiction: State of LA - 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 Independent Coordinator of Transmission with Enhancements**

On August 1, 2012, Charles Rice, Jr. submitted Supplemental Direct Testimony on behalf of Entergy New Orleans, Inc.

On August 3, 2012, the Advisors to the Council of the City of New Orleans filed Cross-Answering Testimony.

On August 3, 2012, the Midwest Independent Transmission System Operator, Inc. filed Cross-Answering Testimony.

On August 3, 2012, Carl Monroe filed Cross-Answering Testimony on behalf of SPP.

**FERC or State Jurisdiction: State of 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**

A pre-hearing conference was held on July 17, 2012.

On July 17, 2012, the South Mississippi Electric Power Association filed a Motion Requesting Amendment to Revised Scheduling Order. SMEPA requested that the hearing set for July 19-20 be postponed for one month so that evaluation of the Bates White Report can be accommodated.

On July 18, 2012, Entergy Mississippi, Inc. filed its Response in Opposition to South Mississippi Electric Power Association's Motion Requesting Amendment to Revised Scheduling Order.

On July 18, 2012, the MPSC issued an Order Canceling Hearing scheduled for July 19-20, 2012.

On July 31, 2012, Entergy Mississippi, Inc. submitted a corrected Exhibit 2 to Dorman Davis' Rebuttal Testimony.

On August 6, 2012, Bates White submitted replacements sheets for certain pages of its report titled "Evaluation of the Entergy Mississippi Proposal to Join MISO."

On August 20, 2012, the MPSC issued a Second Revised Scheduling Order.

The remaining procedural schedule is set as follows:  
September 21 and 28, 2012 - Hearings begin each day at 9 AM;  
October 19, 2012 - Proposed orders and briefing due; and  
November 6, 2012 - Date by which final order issued.

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

**40125                      Southwestern Public Service Company ("SPS") Application to Amend a Certificate of Convenience and Necessity ("CCN") for a Proposed 115-kV Transmission Line within Hale and Swisher Counties, Texas**

On August 1, 2012, SPS filed a Second Motion to Abate Procedural Schedule.

SPS requested an abatement of the procedural schedule and suspension of all discovery until August 17, 2012. On or before August 17, SPS will file either 1) a motion to remand the case to the Commission along with a stipulation and proposed order to effectuate a settlement; or 2) a motion to extend the abatement period if the parties need additional time to finalize settlement documents.

On August 6, 2012, PUCT issued SOAH Order No. 4 Continuing Abatement. On or before August 17, 2012, SPS shall file either a motion to remand the case or extend the abatement period.

On August 16, 2012, SPS filed a Third Motion to Abate Procedural Schedule.

SPS requested an abatement of the procedural schedule and suspension of all discovery until September 7, 2012. On or before September 7, SPS will file either 1) a motion to remand the case to the Commission along with a stipulation and proposed order to effectuate a settlement; or 2) a motion to extend the abatement period if the parties need additional time to finalize settlement documents.

**40346                      Application of Entergy Texas, Inc. ("ETI") for Approval to Transfer Operational Control of its Transmission Assets to the MISO RTO**

On July 18, 2012, Entergy Texas, Inc. filed notice that several items in Staff's July 16, 2012 Testimony should be re-designated as public.

On July 19, 2012, Commission Staff filed Revised Redacted Testimony of Shawn Carraher and Julia Frayer.

On July 20, 2012, Intervenors filed Cross-Rebuttal Testimony.

On July 20, 2012, the State Agencies filed their Statement of Position.

On July 20, 2012, Commission Staff filed Redacted Supplemental Workpapers for the Direct Testimony of Julia Frayer.

On July 20, 2012, Carl Monroe filed Cross-Rebuttal Testimony on behalf of SPP.

On July 20, 2012, SPP filed its Statement of Position.

On July 20, 2012, Commission Staff filed their Statement of Position.

On July 23, 2012, Entergy Texas, Inc. filed Rebuttal Testimony.

On July 24, 2012, Entergy Texas, Inc. filed Errata No. 1, including revised exhibits to Rebuttal Testimony of Hurstell and Rainer.

On July 26, 2012, SPP filed its Objections to the Rebuttal Testimony of John P. Hurstell,



## Regulatory Status Report

Richard C. Riley, and Michael M. Schnitzer.

On July 27, 2012, Entergy Texas, Inc. filed Errata No. 2, including corrected pages to Rebuttal Testimony of Schnitzer.

On July 30, 2012, Entergy Texas, Inc. filed Errata No. 3, including a corrected page to Rebuttal Testimony of Riley.

On July 31, 2012, Commission Staff filed its First Errata to the Direct Testimony of Julia Frayer.

A hearing was held on August 1, 2012.

On August 1, 2012, Commission Staff filed its First Errata to the Direct Testimony of Shawn Carraher.

On August 3, 2012, the PUCT issued SOAH Order No. 5, Setting Procedural Schedule and Notice of Evidentiary Hearing on Nonunanimous Stipulation ("NUS").

The procedural schedule was set as follows:

August 6, 2012 - NUS to be filed;

August 8, 2012 - Testimony to be filed in support of the NUS;

August 10, 2012 - Request for Information ("RFIs") served regarding NUS;

August 16, 2012 - Responses to RFIs due;

August 20, 2012 - Parties opposed to the NUS must request a hearing and file testimony;

August 24, 2012 (9 AM) - Hearing on the NUS; rebuttal to be presented live;

August 31, 2012 - Initial briefs due, with proposed findings of fact, conclusions of law, ordering provisions, a background statement, description of the NUS, and list of issues; and

September 7, 2012 - Reply briefs due.

On August 6, 2012, parties filed the Stipulation and Settlement Agreement.

On August 8, 2012, Entergy Texas, Inc. filed a Motion for Waiver of 3 PM Filing Deadline.

On August 8, 2012, parties filed an Amended Stipulation and Settlement Agreement.

On August 8, 2012, John Hurstell filed Supplemental Direct Testimony in Support of Non-Unanimous Settlement on behalf of Entergy Texas, Inc.

On August 9, 2012, Entergy Texas, Inc. filed Errata No. 4 to correct pages of John Hurstell's Supplemental Direct Testimony in Support of Non-unanimous Settlement.

On August 10, 2012, the PUCT issued notice that this proceeding was placed on the August 17, 2012 Open Meeting Agenda.

On August 13, 2012, Entergy Texas, Inc. filed its Objections to Southwest Power Pool, Inc.'s Second Set of Requests for Information.

On August 14, 2012, SPP filed its Motion to Compel Response to its Second Requests for Information to Entergy Texas, Inc., Requests Nos. 2-2 through 2-5 and Request for Expedited Ruling.

On August 14, 2012, Commissioner Anderson issued a letter to the parties stating he was displeased that the Amended Stipulation and Settlement Agreement filing did not include a cover letter specifying the changes made to the Stipulation and Settlement Agreement.

## Regulatory Status Report

On August 14, 2012, Commissioner Anderson filed a Memorandum attaching Order No. 68 issued by the Arkansas Public Service Commission on August 3, 2012, in order to raise an issue that was included in the Preliminary Order regarding whether or not there is an adequate alternate contract transmission path to the Midwest Independent Transmission System Operator, Inc. that would enable Entergy Texas, Inc. to participate fully and economically in MISO if Entergy Arkansas, Inc. fails to join MISO.

On August 14, 2012, Entergy Texas, Inc. filed a redline to the Amended Stipulation and Settlement Agreement showing how the document has changed from the initial Stipulation and Settlement Agreement filed on August 6, 2012.

On August 15, 2012, Entergy Texas, Inc. filed its Response to SPP's Motion to Compel.

On August 17, 2012, the PUCT issued SOAH Order No. 6 Denying SPP's Motion to Compel.

On August 20, 2012, Carl Monroe filed Pre-Filed Testimony on Non-Unanimous Stipulation on behalf of SPP.

On August 20, 2012, SPP filed a Request for Hearing on the Merits of the Non-Unanimous Stipulation.

**FERC or State Jurisdiction: United States Court of Appeals**

12-1158

**Southwest Power Pool, Inc. v. Federal Energy Regulatory Commission (Petition for Review of Orders Issued in FERC Docket No. EL11-34 Related to SPP-MISO JOA Dispute)**

On August 20, 2012, the United States Court of Appeals issued an Order establishing the briefing schedule as follows in Case No. 12-1158:

October 2, 2012 - Petitioner's Brief;  
October 17, 2012 - Intervenors for Petitioner's Brief;  
December 17, 2012 - Respondent's Brief;  
December 31, 2012 - Intervenors for Respondent's Brief;  
January 14, 2013 - Intervenors for Petitioner's Reply Brief;  
January 14, 2013 - Petitioner's Reply Brief;  
January 22, 2013 - Deferred Appendix; and  
February 5, 2013 - Final Briefs.