

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

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

On January 17, 2013, FERC issued its final policy statement to clarify and refine its policies governing the allocation of capacity for new merchant transmission projects and new nonincumbent, cost-based, participant-funded transmission projects.

Under this policy statement, the Commission will 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 rates, terms, and conditions for procuring up to the full amount of transmission capacity, when the developers (1) broadly solicit interest in the project from potential customers, and (2) demonstrate to the Commission that the developer has satisfied the solicitation, selection and negotiation process criteria set forth herein.

These policies become effective January 17, 2013.

#### **AD12-8 Non-RTO/ISO Performance Metrics**

On January 25, 2013, Louisville Gas and Electric Company and Kentucky Utilities Company filed their 2012 Performance Metrics.

On January 28, 2013, Southern Company Services, Inc. filed its Performance Metrics Report for the 2006-2010 period.

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

On January 17, 2013, FERC issued its final policy statement to clarify and refine its policies governing the allocation of capacity for new merchant transmission projects and new nonincumbent, cost-based, participant-funded transmission projects.

Under this policy statement, the Commission will 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 rates, terms, and conditions for procuring up to the full amount of transmission capacity, when the developers (1) broadly solicit interest in the project from potential customers, and (2) demonstrate to the Commission that the developer has satisfied the solicitation, selection and negotiation process criteria set forth herein.

These policies become effective January 17, 2013.

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

On January 7, 2013, SPP filed comments regarding certain issues to be addressed at the Commission's February 13, 2013 Technical Conference, in response to FERC's Notice of Request for Comments and Technical Conference issued on December 7, 2012.

Numerous entities filed comments in response to FERC's Notice of Request for Comments and Technical Conference issued on December 7, 2012.

On January 29, 2013, FERC issued a Supplemental Notice of Technical Conference, including

the agenda for the February 13, 2013 conference.

**CE12-106.001 Denise Benoit, et al.'s Request for Critical Energy Infrastructure Information - General Electric International, Inc.**

On January 28, 2013, Denise Benoit, Senior Contract Manager for GE Energy Consulting, requested that four additional requesters be added to the original request in CE12-106.

**CE12-152.001 Ines Limes Azevedo, et al.'s Request for Critical Energy Infrastructure Information. - Carnegie Mellon University (Additional Requesters)**

On January 4, 2013, Paulina Jaramillo, Assistant Research Professor - Engineering and Public Policy at Carnegie Mellon University, requested that six additional requesters be added to the original CEII request in CE12-152.

On January 10, 2013, SPP submitted comments on this request.

**CE13-11 Rajat Deb, et al.'s Request for Critical Energy Infrastructure Information - LCG Consulting**

FERC issued a Notice of Intent to Release on January 15, 2013.

**CE13-29 Barclay Gibbs & Michael Kline's Request for Critical Energy Infrastructure Information - Berkeley Research Group**

FERC issued a Notice of Intent to Release on January 25, 2013.

**CE13-31.001 Hongyan Li, et al.'s Request for Critical Energy Infrastructure Information - ABB Inc. (Additional Requesters)**

Comments on this request were due January 3, 2013.

**CE13-32 Kevin Thundiyl, et al.'s Request for Critical Energy Infrastructure Information - Exelon Corporation**

FERC issued a Notice of Intent to Release on January 25, 2013.

**CE13-38 Dr. Qiming Chen's Request for Critical Energy Infrastructure Information - Self**

On November 13, 2012, Dr. Qiming Chen filed a FERC CEII request to obtain a copy of all FERC Form No. 715 data, as noticed January 9, 2013.

On January 16, 2013, SPP submitted comments on this request.

**CE13-39.001 Bruce Tsuchida, et al.'s Request for Critical Energy Infrastructure Information - The Brattle Group (Additional Requesters)**

On January 16, 2013, Pablo Ruiz, Senior Associate of The Brattle Group, requested that twenty-one additional requesters be considered and included with the original request in CE13-39 for all FERC Form No. 715 data.

On January 24, 2013, SPP submitted comments on this request.

**CE13-40 Kenney Kam's Request for Critical Energy Infrastructure Information - Vitol, Inc.**

On January 4, 2013, Kenney Kam, Compliance for Vitol, Inc., filed a FERC CEII request to

obtain a copy of all FERC Form No. 715 data, as noticed January 9, 2013.

On January 16, 2013, SPP submitted comments on this request.

**CE13-41**

**Adilson Motter, et al.'s Request for Critical Energy Infrastructure Information - Northwestern University**

On January 9, 2013, Adilson Motter, Professor at Northwestern University, filed a FERC CEII request on behalf of himself and four additional requesters to obtain a copy of all FERC Form No. 715 data, as noticed January 28, 2013.

**CE13-50**

**Kaiyan Jin's Request for Critical Energy Infrastructure Information - IDIS, LLC**

On January 14, 2013, Kaiyan Jin, Partner of IDIS, LLC, filed a FERC CEII request to obtain a copy of all FERC Form No. 715 data, as noticed January 30, 2013.

**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 January 14, 2013, Intervenors for Petitioner filed their Joint Reply Brief in U.S. Court of Appeals Case No. 12-1158.

The Parties stated they respectfully support SPP's request that the Court vacate and remand the challenged FERC Orders.

On January 14, 2013, SPP filed its Reply Brief in U.S. Court of Appeals Case No. 12-1158.

SPP stated:

- 1) having determined Section 5.2 to be ambiguous, FERC cannot defend its refusal to consider probative extrinsic evidence offered by SPP;
- 2) the evidence that FERC selectively considered does not support, and in fact undercuts, FERC's interpretation of Section 5.2; and
- 3) FERC was required to initiate formal proceedings to investigate and develop a record on the issue of contractual intent.

On January 22, 2013, the Parties filed the Joint Appendix in U.S. Court of Appeals Case No. 12-1158.

**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**

A settlement conference was held on January 8, 2013.

**EL13-35**

**Southwestern Public Service Company ("SPS") Complaint Requesting Establishment of a January 1, 2013 Refund Effective Date and a Finding from the Commission that SPP has Violated the Federal Power Act by Implementing a 40% Increase in the Tri-County Electric Cooperative, Inc. ("Tri-County") Annual Transmission Revenue Requirement**

On January 4, 2013, Exelon Corporation filed a Motion to Intervene.

On January 22, 2013, SPP filed an answer in response to the Complaint filed by SPS on December 31, 2012.

SPP stated:

- 1) the Commission should dismiss the Complaint because SPP followed its Tariff, including the Tri-County protocols; and
- 2) to the extent that the Commission does not dismiss the Complaint, SPP does not oppose the Commission consolidating the Complaint with the ER12-959 proceedings.

On January 22, 2013, Central Valley Electric Cooperative, Inc., Farmers Electric Cooperative, Inc., Lea County Electric Cooperative, Inc. and Roosevelt Electric Cooperative, Inc. filed a Motion to Intervene.

On January 22, 2013, Tri-County Electric Cooperative, Inc. filed a Motion to Intervene and Comments.

Tri-County stated the Commission should carefully consider SPS' allegations in this docket in light of its repeated past efforts to undo the March 30, 2012 Order issued in Docket No. ER12-959, and reject as improper any collateral attack against that order. Tri-County also stated the Commission should avoid taking action on SPS' Complaint that could be disruptive to the progress of the advanced Phase II settlement discussions underway in ER12-959.

On January 22, 2013, Western Farmers Electric Cooperative filed a Motion to Intervene and Comments.

WFEC stated the Commission should take such action as necessary to ensure that SPP charges only just and reasonable rates in accordance with the Federal Power Act, Commission regulations, and the terms of the SPP Tariff. WFEC stated it urges the Commission to require SPP to implement appropriate refund procedures for excessive rates and charges and provide resulting refunds accordingly.

On January 22, 2013, Occidental Permian, Ltd. and Occidental Power Marketing, L.P. filed a Motion to Intervene and Supporting Comments.

Occidental requested that the Commission grant Xcel's complaint against SPP and find that Tri-County's Annual Update is in violation of SPP's Tariff and order refunds.

### ER05-652

#### **SPP Filing of Transmission Cost Allocation Tariff Revisions**

On January 2, 2013, SPP filed an informational report. The report discusses: (a) SPP's assessment of the average costs of all new network upgrades identified through SPP's regional transmission cost allocation plan ("Cost Allocation Plan") and SPP's efforts to work with its stakeholders and the Regional State Committee ("RSC") to evaluate the effectiveness and accuracy of the \$180,000/MW Safe Harbor threshold for Base Plan Upgrades; (b) information concerning the recent changes to the process regarding the unintended consequence reports required by the April 22, 2005 Order; and (c) information concerning SPP's disposition of all requests for waiver of the Base Plan criteria.

### ER05-1065

#### **Entergy Services' New Proposal for an Independent Coordinator of Transmission ("ICT") and Extension of the ICT's Initial Term**

On January 30, 2013, Entergy Services, Inc. and the Midwest Independent Transmission System Operator, Inc. filed a report of differences between the 2013 ICT Base Plan, developed by SPP as the ICT, and the 2013-2017 Entergy Construction Plan.

ER11-4105

**SPP Order No. 745 Compliance Filing Pursuant to the Final Rule Issued Concerning Demand Response Compensation in Organized Wholesale Energy Markets in Docket No. RM10-17**

On January 14, 2013, SPP filed a Motion for Extension of Time to File Response to Request for Additional Information issued on December 13, 2012. SPP requested an extension until January 18, 2013.

On January 16, 2013, FERC issued a Notice of Extension of Time granting an extension to and including January 18, 2013 for SPP to submit its response to the request for additional information issued on December 13, 2012.

On January 18, 2013, SPP submitted its response to the December 13, 2012 Deficiency Letter.

ER12-480

**Midwest Independent Transmission System Operator, Inc. ("MISO") and the MISO Transmission Owners ("MISO TOs") Filing to Amend Open Access Transmission, Energy and Operating Reserve Markets Tariff Provisions on Allocation of Network Upgrade Costs in Connection with Transition and Integration of Entergy Corporation and its Operating Companies**

On January 4, 2013, FERC issued a Notice of Extension of Time to and including January 21, 2013 for filing comments in response to the December 17, 2012 Compliance Filing.

On January 14, 2013, FERC issued an Order Granting Rehearing for Further Consideration of the November 15, 2012 Order.

On January 18, 2013, the Midwest Independent Transmission System Operator, Inc. submitted an errata filing to its December 17, 2012 Compliance Filing in order to correct inadvertent changes in Attachment FF-6.

On January 22, 2013, certain members of the Organization of MISO states filed comments in response to MISO's December 17, 2012 Request for Clarification.

The members stated:

- 1) MISO must clarify which benefits MISO will use to justify Multi-Value Project ("MVP") portfolios in the First and Second Planning Areas;
- 2) MISO must clarify how it intends to determine payments for MVPs and the conditions under which those payments will be made;
- 3) MISO should clarify the difference between the terms "MVP Portfolio 2" as described in the Request for Clarification and a potential "Portfolio 2" that would satisfy the FF-6 benefit-cost test; and
- 4) the issues surrounding the cost allocation of MVP Projects and the First and Second Planning Areas are not urgent and the Request for Clarification could be rejected without disrupting the MISO MVP planning process.

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 January 7, 2013, parties filed Initial Post-Hearing Briefs.

On January 28, 2013, parties filed Reply Briefs.

On January 30, 2013, Commission Trial Staff submitted a status report on behalf of the participants regarding the status of the negotiations of the Phase II (Formula Rate) issues.

Participants have continued to engage in settlement discussions and have scheduled the next settlement discussion in Phase II for February 6, 2013. Because the suspension of the procedural schedule expires January 31, 2013, the participants requested that the suspension be extended for 15 days to allow them to continue to work towards a resolution of the issues. Participants will file a progress report at the end of the 15-day period.

On January 31, 2013, FERC issued an Order of Chief Judge Continuing Suspension of Phase II Proceedings for an Additional 15 Days. Staff was directed to file a progress report on or before February 15, 2013.

ER12-1179

### **SPP Submission of Tariff Revisions to Implement SPP Integrated Marketplace**

On January 16, 2013, SPP filed its Status Report concerning its efforts to identify the grandfathered agreements ("GFAs") for which integration into the Integrated Marketplace has not been resolved, and on SPP's negotiations with the parties to these remaining GFAs regarding integrating the agreements into the market.

SPP committed to provide a further update on or before March 15, 2013, and will promptly notify the Commission if the negotiations with respect to any of the identified GFAs become hopelessly gridlocked.

ER12-1813

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

A settlement conference was held on January 29, 2013.

On January 30, 2013, Settlement Judge Cianci issued a Settlement Status Report. A telephonic conference will be held on February 11, 2013. A formal settlement conference will be held on February 20, 2013.

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 January 2, 2013, FERC issued a Notice of Extension of Time to and including March 1, 2013 for SPP to submit its Compliance Filing pursuant to the September 20, 2012 Order.

ER12-2525

### **SPP Submission of Tariff Revisions to Revise Schedule 11 for Through and Out Transmission Service**

On January 10, 2013, SPP filed a Motion for Leave to File Answer and Answer to Protests filed on December 21, 2012 in this proceeding.

SPP stated:

- 1) an average zonal rate for through-and-out transmission service is just and reasonable;
- 2) the SPP stakeholder process fully vetted the changes to Schedule 11;
- 3) Flat Ridge is incorrect in its allegations that the Balanced Portfolio was not a factor in the stakeholder process; and
- 4) Flat Ridge's proposed revisions should be rejected.

On January 29, 2013, FERC issued an Order Accepting Tariff Revisions, effective November 1,

2012 as requested.

ER12-2681

**Joint Application of ITC Holdings Corp. ("ITC") and Entergy Corporation ("Entergy") for Authorization of Acquisition and Disposition of Jurisdictional Transmission Facilities, Approval of Transmission Service Formula Rate and Certain Jurisdictional Agreements, and Petition for Declaratory Order on Application of Section 305(a) of the Federal Power Act (Docket Nos. ER12-2681, EC12-145, and EL12-107)**

On January 4, 2013, City Utilities of Springfield, Missouri, Lincoln Electric System, Nebraska Public Power District filed Motions to Intervene.

On January 8, 2013, the Missouri Joint Municipal Electric Utility Commission filed a Motion to Intervene.

On January 11, 2013, the SPP Transmission Owners filed a Protest, Motion for Consolidation and Request for Evidentiary Hearing.

The SPP TOs requested that the following Dockets be consolidated: EC12-145, ER12-2681, EL12-107, ER12-2682, ER12-2693, and ER12-2683.

The SPP TOs stated the Applicants have not yet met their burden of proof to show that the proposed Transactions will meet the requirements for approval under Sections 203 and 205 of the Federal Power Act.

The SPP TOs stated that a hearing is needed to develop more fully 1) the record on when Entergy's load and generation will join the Midwest Independent Transmission System Operator, Inc. ("MISO") and how Applicants intend to utilize the Entergy transmission assets and load and generation assets in the interim; 2) how Applicants intend to address studies showing that significant transmission is needed for energy transfers between Entergy and MISO; and 3) congestion management and seams issues that could have an adverse effect on reliability.

The SPP TOs stated there are material facts that must be addressed in an evidentiary hearing in order to form the basis for a renegotiated SPP-MISO Joint Operating Agreement ("JOA"), including the appropriate revisions to market flow calculations, revisions to firm flow entitlements, revisions to Section 5.2 of the JOA concerning contract paths, revisions to MISO's market-to-market calculations, and revisions or upgrades to address uncompensated loop flows and expected increases in other flow across the SPP transmission system.

On January 18, 2013, Tenaska Frontier Partners, Ltd. filed a Motion for Leave to Intervene Out-of-Time.

On January 18, 2013, Louisiana Energy and Power Authority and Municipal Energy Agency of Nebraska filed Motions to Intervene.

On January 22, 2013, SPP filed a Motion to Intervene and Comments.

SPP stated:

- 1) the Commission should confirm that this is the proper proceeding for consideration of the impacts of the Entergy/MISO integration;
- 2) the Commission should investigate and determine the extent to which ITC/Entergy/MISO must "hold harmless" SPP and its members from the adverse impacts of the Entergy integration; and

3) the Commission should order settlement and hearing procedures to investigate the harm of the proposed transfers and should direct that impacts on SPP be addressed in appropriate Joint Operating Agreement revisions.

On January 22, 2013, the Municipal Energy Agency of Mississippi filed a Comment and Protest.

MEAM stated it protests two elements of the rate construct proposed by ITC:

- 1) the proposal to adopt a 12.38% rate of return on common equity in the formula rates of the new ITC operating companies; and
- 2) the proposal to base the rates of the new ITC operating companies on a capital structure that incorporates a hypothetical 60-40% equity-to-debt ratio.

MEAM stated it endorses and adopts the arguments concerning these two specific elements of the proposed rate construct set forth in the Protest filed by Arkansas Electric Cooperative Corporation, et al. filed on January 2, 2013.

On January 22, 2013, KCP&L Greater Missouri Operations Company filed Comments

KCPL GMO urged the Commission to require, as part of any approval, that Entergy and MISO agree to hold KCPL GMO harmless for any increased Crossroads transmission service costs and any quantifiable transmission flow/congestion costs to be caused by such Entergy/MISO integration.

KCPL GMO stated it supports the SPP Transmission Owners' request for the establishment of hearing procedures.

On January 22, 2013, the NRG Companies filed a Motion to Intervene and Protest.

NRG stated:

- 1) reliance on the Midwest Independent Transmission System Operator, Inc.'s Tariff during the interim period is unjust and unreasonable; and
- 2) the Commission should condition the transfer of transmission facilities to ITC on the requirement that the transaction not be consummated until on or after Entergy's integration into MISO.

On January 22, 2013, the City of North Little Rock, Arkansas, Dairyland Power Cooperative, National Rural Electric Cooperative Association, Nebraska Power Review Board, Occidental Chemical Corporation, and Western Farmers Electric Cooperative filed Motions to Intervene.

On January 22, 2013, the Arkansas Public Service Commission filed a Protest and Initial Comment Regarding the Proposed Formula Rate and Related Protocols of the ITC.

The APSC requested modifications related to the following:

- 1) the effective requested return on common equity appears excessive;
- 2) earlier date for providing Annual Update rate information to retail regulators, transmission service customers, and other stakeholders;
- 3) sufficient data to be supplied in Annual Rate update informational filings by new ITC OpCos;
- 4) sufficient time for discovery regarding the annual updated data.

On January 22, 2013, the Arkansas Electric Energy Consumers, Inc. filed Comments.



## Regulatory Status Report

AEEC stated that the Application filings do not furnish AEEC or the Commission information sufficient to enable a determination of the extent of which opposition to the proposals is necessary to protect the interests or to ensure compliance with the Commission's policies. AEEC provided a list of issues with the filings.

On January 22, 2013, Xcel Energy Services Inc. filed a Motion to Intervene and Comments.

Xcel recommended that the Commission order SPP and the Midwest Independent Transmission System Operator, Inc. to:

- 1) jointly issue a timeline for renegotiation of the MISO-SPP Joint Operating Agreement to address the numerous issues previously identified in Commission orders;
- 2) jointly issue guidelines regarding the process for receipt and consideration of stakeholder input on issues under negotiation; and
- 3) publish joint monthly progress reports regarding the status of negotiations on the issues.

Xcel recommended that the following issues be addressed in the MISO-SPP JOA:

- 1) increase in congestion;
- 2) use of SPP interconnection capacity for energy transfers;
- 3) market-to-market coordination and congestion management; and
- 4) develop a coordinated process for the sale of transmission with rollover rights.

On January 22, 2013, Texas Industrial Energy Consumers filed Comments.

TIEC stated the Application contains insufficient information to determine that the standard for approval under Sections 203 and 205 of the Federal Power Act have been met. TIEC listed several concerns it has regarding the Application.

On January 22, 2013, the Kansas Corporation Commission filed a Notice of Intervention and Comment in support of the SPP Transmission Owners January 11, 2013 Filing.

On January 22, 2013, Tennessee Valley Authority filed a Motion to Intervene and Protest in Docket Nos. EC12-145, EL12-268 and EL12-107.

TVA stated it does not oppose Energy's proposed disposition of its jurisdictional transmission assets to six new "wires only" subsidiaries that ultimately will become four new operating subsidiaries of ITC. Nor does TVA oppose Energy's plan to join the Midwest Independent Transmission System Operator, Inc. However, TVA stated it is very concerned about how operations will be conducted post-integration of Entergy into MISO and the potential for significant adverse impacts on TVA's system, operations, and ratepayers.

On January 22, 2013, the Council of the City of New Orleans filed a Protest and Request for Hearing.

The Council stated:

- 1) Applicants have not carried their burden under Federal Power Act Sections 203 and 205; and
- 2) the ITC Applicants have not demonstrated that their proposed rate structure is just and reasonable.

On January 22, 2013, the Dow Chemical Company filed a Motion for Leave to Intervene.

On January 22, 2013, the Lafayette Utilities System and the Louisiana Energy and Power Authority filed a Limited Protest.

The Parties requested:

- 1) consistent with its precedent, the Commission should prohibit the division of the Energy transmission system into four state-based zones; and
- 2) request for clarification that neither ITC Applicants nor the Entergy Applicants will have the market-based rate authority within the former Entergy balancing area if the transaction is approved.

On January 22, 2013, the Louisiana Public Service Commission filed a Protest.

The LPSC stated:

- 1) Applicants have not demonstrated that the purported benefits of the transaction are not exceeded by the detriments; and
- 2) Applicants have not demonstrated that requested rate changes under Section 205 are just and reasonable.

On January 22, 2013, Associated Electric Cooperative, Inc. filed Comments and Protest.

AECI stated:

- 1) the Commission should confirm that the proposed transaction will not affect the rights and obligations under the amended and restated interchange agreement among AECI, Entergy and Ameren;
- 2) the Commission should require MISO and ITC to extend Entergy's transition plan submitted in Docket No. ER12-480 to AECI's point-to-point transmission service;
- 3) ITC's proposed transmission rates should be set for hearing; and
- 4) the Joint Applicants should ensure that the proposed transaction will not result in adverse loop flows that will impede AECI's ability to economically and reliably serve its load.

On January 22, 2013, the Public Utilities Commission of Texas filed a Protest and Request for Hearing.

The PUCT stated:

- 1) Joint Applicants' merger request is premature;
- 2) Joint Applicants' proposed unpopulated formula rate template is premature, unsupported, and does not establish that the resulting rates will be just and reasonable; and
- 3) the Commission should reject Applicants' request for a 12.38% Return on Equity.

On January 22, 2013, Arkansas Electric Cooperative Corporation, Arkansas Cities, Mississippi Delta Energy Agency, Clarksdale Public Utilities Commission, the Public Service Commission of Yazoo City, and South Mississippi Electric Power Association filed a Protest and Motion to Consolidate Docket Nos. EC12-145, ER12-2681, and EL12-107.

The Parties stated:

- 1) applicable provisions of the Federal Power Act require that the Commission condition any approval of the proposed transaction in order to mitigate its adverse effects; and
- 2) the requested rate construct should not be approved.

On January 22, 2013, the Louisiana Public Service Commission filed a Notice of Intervention.

On January 23, 2013, the American Antitrust Institute filed Comments.

AAI stated:

- 1) the merger of ITC's and Entergy's transmission systems does not qualify for expedited

review under Commission policy because the Entergy transmission system is not under the functional control of a Regional Transmission Organization ("RTO");

2) Applicants' analysis of the projected merger benefits suggests broad efficiencies that are general the result of independent transmission ownership, not the merger itself; and  
3) the proposed merger tests the limits of Commission policy on transmission market power and RTOs.

On January 30, 2013, Exelon Corporation filed a Request for Leave to File Out of Time and Comments. Exelon requested that FERC make all necessary findings to ensure that the PJM Interconnection, L.L.C. market and customers within that market are not harmed by the Entergy integration into the Midwest Independent Transmission System Operator, Inc.

ER12-2702

**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 January 9, 2013, FERC issued a letter order accepting the agreement, effective September 1, 2012 as requested.

This order constitutes final agency action.

ER13-179

**Notice of Cancellation of the Large Generator Interconnection Agreement ("LGIA") between Novus Wind II, LLC ("Novus") as Interconnection Customer and Southwestern Public Service Company ("SPS") as Transmission Owner**

On January 2, 2013, FERC issued a letter order accepting the agreement, effective January 8, 2013 as requested.

This order constitutes final agency action.

On January 9, 2013, FERC issued an errata to correct the effective date to January 8, 2013 in the January 2, 2013 Letter Order.

ER13-366

**SPP Submission of Tariff Revisions to Comply with Order No. 1000 Regional Planning and Cost Allocation Requirements**

On January 18, 2013, the Public Interest Organizations filed a Motion to Amend and Comments. The PIOs requested to amend their intervention to include comments.

The PIOs requested that the Commission require SPP to make changes to its public policy requirements. The PIOs also disagree with SPP that its current tariff assures comparable treatment of all resources in the planning process.

ER13-367

**SPP Submission of Revisions to its Membership Agreement to Comply with Order No. 1000**

On January 18, 2013, the Public Interest Organizations filed a Motion to Amend and Comments. The PIOs requested to amend their intervention to include comments.

The PIOs requested that the Commission require SPP to make changes to its public policy requirements. The PIOs also disagree with SPP that its current tariff assures comparable treatment of all resources in the planning process.

- ER13-382**                    **Affected Systems' Facilities Construction Agreement ("FCA") Between SPP as Transmission Provider, Osage Wind, LLC ("Osage Wind") as Interconnection Customer, and Public Service Company of Oklahoma ("PSO") as Transmission Owner**
- On January 9, 2013, FERC issued a letter order accepting the agreement, effective October 18, 2012 as requested.
- This order constitutes final agency action.
- ER13-386**                    **Generator Interconnection Agreement ("GIA") between Steele Flats Wind Project, LLC ("Steele Flats") as Interconnection Customer and Nebraska Public Power District ("NPPD") as Transmission Owner**
- On January 9, 2013, FERC issued a letter order accepting the agreement, effective October 30, 2012 as requested.
- This order constitutes final agency action.
- ER13-401**                    **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 January 9, 2013, FERC issued a letter order accepting the agreement, effective November 1, 2012 as requested.
- This order constitutes final agency action.
- ER13-406**                    **SPP Submission of Tariff Revisions to Reflect Address Change**
- On January 10, 2013, FERC issued an order accepting SPP's tariff revisions to reflect a change to SPP's official address due to SPP's move to its new corporate headquarters. An effective date of January 15, 2013 was granted.
- This order constitutes final agency action.
- ER13-459**                    **Large Generator Interconnection Agreement ("LGIA") between Kansas City Power & Light Company ("KCPL") as Interconnection Customer and Mid-Kansas Electric Power Company, LLC ("MKEC") as Transmission Owner**
- On January 23, 2013, FERC issued a letter order accepting the agreement, effective October 29, 2012 as requested.
- This order constitutes final agency action.
- ER13-469**                    **Unexecuted Generator Interconnection Agreement ("GIA") between Waverly Wind Farm, LLC ("Waverly Wind") as Interconnection Customer and Westar Energy, Inc. ("Westar") as Transmission Owner**
- On January 7, 2013, Westar Energy, Inc. filed an answer in response to Waverly Wind's December 19, 2012 Comments.
- Westar stated that the Commission should approve the language related to outage costs in Appendix A, Section 2(j) as proposed in the GIA because it requires Waverly Wind to pay for

costs Waverly Wind will cause when connecting to Westar's transmission system.

On January 25, 2013, FERC issued a deficiency letter requiring additional information in order to process the filing.

SPP's response is due on February 25, 2013.

ER13-476

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

On January 24, 2013, FERC issued a letter order accepting the agreement, effective November 1, 2012 as requested.

This order constitutes final agency action.

ER13-498

**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 January 28, 2013, FERC issued a letter order accepting the agreement, effective November 1, 2012 as requested.

This order constitutes final agency action.

ER13-515

**Submission of Tariff Revisions to Attachment J, Section IV.(A)(2) to Clarify the Transfer True-up of the Approved Balanced Portfolios**

On January 30, 2013, FERC issued an order accepting the tariff revisions, effective February 4, 2013.

This order constitutes final agency action.

ER13-528

**Submission of Tariff Revisions to Incorporate a Limitation on Claims**

On January 30, 2013, FERC issued an order accepting the tariff revisions, effective February 5, 2013.

This order constitutes final agency action.

ER13-601

**Generator Interconnection Agreement ("GIA") between Ensign Wind, LLC ("Ensign") as Interconnection Customer and Mid-Kansas Electric Company, LLC ("MKEC") as Transmission Owner**

On January 3, 2013, NextEra Energy Resources, LLC filed a Motion to Intervene.

ER13-661

**SPP Submission of Tariff Revisions to Comply with Commission Directives Regarding the Ability to Net and Offset Market Obligations in Bankruptcy Pursuant to Order No. 741**

On January 10, 2013, Exelon Corporation filed a Motion to Intervene.

On January 18, 2013, the East Texas Cooperatives filed a Motion to Intervene.

- ER13-662**                    **Network Integration Transmission Service Agreement ("NITSA") and Network Operating Agreement ("NOA") between SPP, Northeast Texas Electric Cooperative, Inc. ("NTEC") as Network Customer, and American Electric Power Company ("AEP") as Host Transmission Owner**
- On January 18, 2013, North Texas Electric Cooperative, Inc. filed a Motion to Intervene.
- ER13-664**                    **Network Integration Transmission Service Agreement ("NITSA") between SPP, Arkansas Electric Cooperative Corporation ("AECC") as Network Customer, and American Electric Power Service Corporation ("AEP") as Host Transmission Owner, as well as a Network Operating Agreement ("NOA")**
- On January 18, 2013, Arkansas Electric Cooperative Corporation filed a Motion to Intervene.
- ER13-665**                    **Midwest Independent Transmission System Operator, Inc. Submission of Tariff Revisions to Revise Provisions on Long-Term Transmission Rights ("LTTRs") and Auction Revenue Rights ("ARRs") to Address Integration of Second Planning Area**
- On January 11, 2013, DTE Electric Company filed a Motion to Intervene.
- On January 15, 2013, the Illinois Commerce Commission filed a Notice of Intervention.
- On January 18, 2013, Consumers Energy Company filed a Motion to Intervene.
- On January 18, 2013, Xcel Energy Services Inc. filed a Motion to Intervene and Comments.
- On January 23, 2013, Wisconsin Public Service Corp. and Upper Peninsula Power Co. filed a Motion to Intervene.
- ER13-708**                    **Midwest Independent Transmission System Operator, Inc. ("MISO") and MISO Transmission Owners ("MISO TOs") Filing of a Settlement Agreement and Revisions to Transmission Owners Agreement ("TOA")**
- On January 4, 2013, the Midwest Independent Transmission System Operator, Inc. and MISO Transmission Owners filed a Settlement Agreement Between the Transmission Owners and the Midwest Independent Transmission System Operator, Inc. Regarding Modified Filing Rights and related revisions to the Agreement of Transmission Facilities Owners to Organize the Midwest Independent Transmission System Operator, Inc., a Delaware Non-Stock Corporation (Transmission Owners Agreement or TOA). The Settlement Agreement and proposed revisions to the TOA provide the Organization of MISO States, Inc. enhanced authority for determining transmission cost allocation methodologies to be filed pursuant to section 205 of the Federal Power Act.
- The parties requested that the Commission act on the proposed revisions no later than April 1, 2013. The parties requested the effective date be the date of FERC's Final Order.
- On January 7, 2013, the Coalition of the Midwest Transmission Owners filed a Motion to Intervene.
- On January 9, 2013, Dairyland Power Cooperative filed a Motion to Intervene.
- On January 10, 2013, Duke Energy Corporation filed a Motion to Intervene.
- On January 17, 2013, Exelon Corporation filed a Motion to Intervene.

On January 22, 2013, the Arkansas Public Service Commission filed a Notice of Intervention.

On January 22, 2013, Wisconsin Electric Power Company filed a Motion to Intervene.

On January 23, 2013, E.ON Climate & Renewables North America, LLC and Exelon Corporation filed Motions to Intervene.

On January 24, 2013, the Organization of MISO States filed a Motion for Extension of Time. The OMS requested the Commission establish a revised comment date of February 8, 2013.

On January 24, 2013, FERC issued a Notice of Extension of Time to and including February 8, 2013 to file comments and protests.

On January 24, 2013, Consumers Energy Company and Entergy Services, Inc. filed Motions to Intervene.

On January 25, 2013, American Municipal Power, Inc., ITC Holdings Corp. and Madison Gas & Electric Co. and WPPI Energy filed Motions to Intervene.

On January 29, 2013, American Electric Power Service Corporation filed a Motion to Intervene.

On January 31, 2013, Wisconsin Public Service Corp. and Upper Peninsula Power Co. filed a Motion to Intervene Out-of-Time.

ER13-719

**Generator Interconnection Agreement ("GIA") between EVA WIND, LLC ("EVA Wind") as Interconnection Customer and Tri-County Electric Cooperative, Inc. ("Tri-County") as Transmission Owner**

On January 7, 2013, SPP submitted an executed GIA between SPP as Transmission Provider, EVA WIND, LLC as Interconnection Customer, and Tri-County Electric Cooperative, Inc. as Transmission Owner. SPP Service Agreement No. 2509.

An effective date of December 6, 2012 was requested.

On January 28, 2013, Tri-County Electric Cooperative, Inc. filed a Motion to Intervene and Comments in support of SPP's January 7, 2013 Filing.

ER13-725

**Generator Interconnection Agreement ("GIA") between Broken Bow Wind II, LLC ("Broken Bow") as Interconnection Customer and Nebraska Public Power District ("NPPD") as Transmission Owner**

On January 7, 2013, SPP submitted an executed GIA between SPP as Transmission Provider, Broken Bow Wind II, LLC as Interconnection Customer, and Nebraska Public Power District as Transmission Owner. SPP Service Agreement No. First Revised 2220.

An effective date of December 6, 2012 was requested.

ER13-742

**Generator Interconnection Agreement ("GIA") between Generation Energy, Inc. ("Generation Energy") as Interconnection Customer and Tri-County Electric Cooperative, Inc. ("Tri-County") as Transmission Owner**

On January 10, 2013, SPP submitted an executed GIA between SPP as Transmission Provider, Generation Energy, Inc. as Interconnection Customer, and Tri-County Electric Cooperative, Inc. as Transmission Owner. SPP Service Agreement No. 2513.

An effective date of December 14, 2012 was requested.

On January 30, 2013, Tri-County Electric Cooperative, Inc. filed a Motion to Intervene and Comments in support of SPP's January 10, 2013 Filing.

ER13-744

**Notice of Cancellation of the Generator Interconnection Agreement ("GIA") between TPW Madison, LLC ("TPW") as Interconnection Customer and Nebraska Public Power District ("NPPD") as Transmission Owner**

On January 10, 2013, SPP submitted a Notice of Cancellation of the GIA between SPP as Transmission Provider, TPW Madison, LLC as Interconnection Customer, and Nebraska Public Power District as Transmission Owner. SPP Service Agreement No. 2432.

An effective date of December 6, 2012 was requested.

ER13-745

**Generator Interconnection Agreement ("GIA") between Rattlesnake Creek Wind Project, LLC ("Rattlesnake") as Interconnection Customer and Nebraska Public Power District ("NPPD") as Transmission Owner**

On January 10, 2013, SPP submitted an executed GIA between SPP as Transmission Provider, Rattlesnake Creek Wind Project, LLC as Interconnection Customer, and Nebraska Public Power District as Transmission Owner. SPP Service Agreement No. First Revised 2299.

An effective date of December 12, 2012 was requested.

ER13-755

**Affected Systems' Facilities Construction Agreement ("FCA") Between SPP as Transmission Provider, Osage Wind, LLC ("Osage Wind") as Interconnection Customer, and Oklahoma Gas and Electric Company ("OGE") as Transmission Owner**

On January 14, 2013, SPP submitted an executed Affected Systems' Facilities Construction Agreement between SPP as Transmission Provider, Osage Wind, LLC as Interconnection Customer and Oklahoma Gas and Electric Company as Transmission Owner. SPP Service Agreement No. 2502.

An effective date of December 14, 2012 was requested.

ER13-756

**Interconnection and Interchange Agreement between Kansas City Power & Light Company ("KCPL") and Westar Energy, Inc. ("Westar"), with SPP as a Signatory**

On January 14, 2013, SPP submitted an executed Interconnection and Interchange Agreement between Kansas City Power & Light Company and Westar Energy, Inc. and its subsidiary Kansas Gas & Electric Company, with SPP as signatory. SPP Service Agreement No. 2482.

An effective date of December 1, 2012 was requested.

ER13-774

**Affected Systems' Facilities Construction Agreement ("FCA") Between SPP as Transmission Provider, Osage Wind, LLC ("Osage Wind") as Interconnection Customer, and Grand River Dam Authority ("GRDA") as Transmission Owner**

On January 17, 2013, SPP submitted an executed Affected Systems' Facilities Construction Agreement between SPP as Transmission Provider, Osage Wind, LLC as Interconnection Customer and Grand River Dam Authority as Transmission Owner. SPP Service Agreement



No. First Revised 2233.

An effective date of December 18, 2012 was requested.

ER13-775

**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 January 17, 2013, SPP submitted an executed NITSA between SPP as Transmission Provider, Westar Energy, Inc. as Network Customer, as well as a two NOAs with Oklahoma Gas and Electric Company and Westar as Host Transmission Owners. SPP Service Agreement No. Eighteenth Revised 607.

An effective date of January 1, 2013 was requested.

ER13-820

**SPP Submission of Tariff Revisions to Attachment AO to Allow non-Eastern Interconnection Generators to Participate in the SPP Energy Imbalance Service ("EIS") Market**

On January 29, 2013, SPP submitted revisions to Attachment AO of its Tariff to allow non-Eastern Interconnection generators to participate in the SPP EIS Market.

An effective date of March 30, 2013 was requested.

ER13-824

**SPP Submission of Tariff Revisions to Modify Section 3.1.1.6 and the Standard Annual Risk Management Certification Form Set Forth in Appendix E to Attachment X**

On January 29, 2013, SPP submitted revisions to Attachment X of its Tariff to modify Section 3.1.1.6 and the standard Annual Risk Management Certification Form set forth in Appendix E.

An effective date of March 30, 2013 was requested.

On January 31, 2013, Exelon Corporation filed a Motion to Intervene.

ER13-829

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

On January 30, 2013, SPP submitted an executed 1) NITSA between SPP as Transmission Provider and Western Farmers Electric Cooperative as Network Customer; 2) a NOA with American Electric Power as Host Transmission Owner; and 3) a NOA with Western Farmers Electric Cooperative and Oklahoma Gas and Electric Company as Host Transmission Owners. SPP Service Agreement No. Fourth Revised 1628.

An effective date of January 1, 2013 was requested.

ER13-834

**SPP Submission of Tariff Revisions to Implement Temporary Freeze on Registration for Participation in SPP Markets**

On January 30, 2013, SPP submitted tariff revisions to implement a temporary freeze on the process of registering new Market Participants in SPP's Integrated Marketplace and to

terminate registration of new Market Participants in SPP's Energy Imbalance Service ("EIS") Market.

SPP proposed to:

- 1) cease registration of new Market Participants in the existing EIS Market and adopt a deadline to make changes to existing EIS Market registrations;
- 2) adopt a temporary registration freeze for new Market Participants in the Integrated Marketplace to commence on February 1, 2013 for any new Market Participant that desires to participate in the Integrated Marketplace when it commences on March 1, 2014, except that participants only in virtual trading and/or Transmission Congestion Rights trading would be permitted to register until June 1, 2013; and
- 3) implement a temporary freeze on an existing Market Participant's ability to submit modifications to its registered assets in the Integrated Marketplace after June 15, 2013.

An effective date of February 1, 2013 was requested.

ER13-845

**Agreement Establishing External Generation Non-Physical Electrical Interconnection Point between SPP, Public Service Company of Colorado ("PSCO") as Source Balancing Authority, and Southwestern Public Service Company ("SPS") as Sink Balancing Authority and Market Participant**

On January 31, 2013, SPP submitted an executed Agreement Establishing External Generation Non-Physical Electrical Interconnection Point between SPP, Public Service Company of Colorado as Source Balancing Authority, and Southwestern Public Service Company as Sink Balancing Authority and Market Participant. SPP Service Agreement No. 2472.

An effective date of January 1, 2013 was requested.

RM05-5

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

On January 30, 2013, the North American Energy Standards Board ("NAESB") submitted its report regarding modifications to the NAESB Public Key Infrastructure standards and other related standards to support WEQ-012.

RM06-16

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

On January 23, 2013, NERC submitted its Quarterly Report on Status of Development of BAL-003.

RM10-11

**Notice of Proposed Rulemaking Regarding Integration of Variable Energy Resources ("VERs") (Order No. 764)**

On January 22, 2013, entities filed Requests for Clarification of Order No. 764.

RM10-23

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

On January 8, 2013, Kentucky Utilities Company, Louisville Gas and Electric Company, Ohio Valley Electric Corporation, and Southern Company Services, Inc. filed a Status Report on the progress of the potential expansion of the planning region and Order No. 1000 compliance.

On January 24, 2013, SPP and the Midwest Independent Transmission System Operator, Inc.

filed a Motion for Extension of Time. SPP requested as extension to May 13, 2013 to file revisions to its Tariff and develop or modify its joint operating agreements, as appropriate, to comply with the requirements of Order No. 1000 related to interregional transmission planning and cost allocation of interregional projects. MISO joins this request as it pertains only to their respective Order No. 1000 compliance obligations with SPP.

The parties asked that the Commission act on this motion by February 15, 2013.

**RM11-12**

### **Availability of E-Tag Information to Commission Staff (Order No. 771)**

On January 18, 2013, FERC issued a Notice Specifying Webregistry Code. Although the Commission has not completed the registration process, the Commission intends to facilitate the continued development of compliance software and processes by issuing this notice to specify that "FERC" will be the likely entity and tag codes registered in the Purchasing-Seller Entity section of OATI webRegistry. This code should be used to designate the Commission as an addressee to comply with 18 CFR 366.2(d) of the Commission's regulations.

On January 22, 2013, several entities filed Requests for Rehearing and/or Clarification of Order No. 771.

**RM12-6**

### **Petition of the North American Electric Reliability Corporation ("NERC") for Approval of a Revised Definition of "Bulk Electric System" in the NERC Glossary of Terms Used in Reliability Standards (Order No. 773)**

On January 22, 2013, several entities filed Requests for Rehearing and/or Clarification of Order No. 773.

**RM12-7**

### **Petition of the North American Electric Reliability Corporation ("NERC") for Approval of Revisions to its Rules of Procedure to Adopt a Bulk Electric System Exception Procedure (Order No. 773)**

On January 22, 2013, several entities filed Requests for Rehearing and/or Clarification of Order No. 773.

**RM12-22**

### **Reliability Standards for Geomagnetic Disturbances ("GMDs")**

On January 10, 2013, NERC filed Reply Comments.

On January 14, 2013, the Foundation for Resilient Societies filed Reply Comments in response to NERC's Reply Comments.

**RM13-2**

### **Small Generator Interconnection Agreements and Procedures**

On January 17, 2013, FERC issued a Notice of Proposed Rulemaking proposing to revise the pro forma Small Generator Interconnection Procedures (SGIP) and pro forma Small Generator Interconnection Agreement (SGIA) originally set forth in Order No. 2006.

FERC proposed to modify the pro forma SGIA to:

- 1) incorporate provisions that would provide an Interconnection Customer with the option of requesting from the Transmission Provider a pre-application report providing existing information about system conditions at a possible Point of Interconnection;
- 2) revise the 2 MW threshold for participation in the Fast Track Process included in section 2 of the pro forma SGIP;
- 3) revise the customer options meeting and the supplemental review following failure of the

Fast Track screens so that the supplemental review is performed at the discretion of the Interconnection Customer and includes minimum load and other screens to determine if a Small Generating Facility may be interconnected safely and reliably; and  
4) revise the pro forma SGIP Facilities Study Agreement to allow the Interconnection Customer the opportunity to provide written comments to the Transmission Provider on the upgrades required for interconnection.

FERC also proposed to clarify or correct certain sections of the pro forma SGIP and SGIA. The reforms are intended to ensure that the time and cost to process small generator interconnect requests will be just and reasonable and not unduly discriminatory.

Comments are due on June 3, 2013.

**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 January 31, 2013, NERC submitted its Analysis of NERC Standards Process Results for the Fourth Quarter 2012.

**RR09-7**

**NERC Three-Year Electric Reliability Organization Performance Assessment Report**

On January 31, 2013, NERC submitted its Analysis of NERC Standards Process Results for the Fourth 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 January 18, 2013, SPP filed the December 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 January 2, 2013, the APSC issued Order No. 19, inviting applications in any electric utility case filed during 2013 or 2014 that would ensure that the utility recovers all utility costs approved by the Commission independently of the utility's volume of sales, thereby further aligning utility and ratepayer interests in both utility and non-utility energy efficiency efforts and promoting utility pursuit of least-cost service over the long term. Proposed cost-recovery mechanisms should be symmetrical, in the sense that revenues below or in excess of the approved revenue requirement would be periodically adjusted in order to equal the revenue requirements.

The Commission also invited such rate case proposals that include a list of features as outlined in the Order; and stated that any responsive rate case application should also address issues as discussed in the Order.

**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 January 2, 2013, Hugh McDonald filed Supplemental Direct Testimony on behalf of EAI.

On January 2, 2013, Kurtis Castleberry filed Supplemental Direct Testimony on behalf of EAI pursuant to Order No. 54.

On January 2, 2013, Entergy Arkansas, Inc. filed its Responses to Order Nos. 54.

On January 7, 2013, the Midwest Independent Transmission System Operator, Inc. filed a Motion for Finding of Compliance with the Requirements of Order No. 74.

MISO stated that on January 4, 2013, MISO and a majority of its Transmission Owners jointly filed with FERC, in Docket No. ER13-708, revisions to Appendix K of the Agreement of Transmission Facilities Owners to Organize the Midwest Independent Transmission System Operator, Inc., a Delaware Non-Stock Corporation (Transmission Owners Agreement) as a result of a settlement among MISO and a majority of its Transmission Owners to incorporate the terms of the Governance Proposal into the Transmission Owners Agreement.

On January 7, 2013, Clair Moeller filed Compliance Testimony on behalf of the Midwest Independent Transmission System Operator, Inc., in order to provide additional evidence of MISO's compliance with Commission Order Nos. 72 and 74.

On January 14, 2013, KGen Power Management, Inc. submitted a letter withdrawing as an

intervenor in this proceeding.

On January 23, 2013, Entergy Arkansas, Inc. filed a Motion to Discontinue Activities Necessary to Operate as a True Stand-Alone Electric Utility.

On January 23, 2013, Hugh McDonald filed Supplemental Direct Testimony on behalf of Entergy Arkansas, Inc. in support of EAI's Motion to Discontinue Activities Necessary to Operate as a True Stand-Alone Electric Utility.

On January 23, 2013, Kurtis Castleberry filed Supplemental Direct Testimony on behalf of Entergy Arkansas, Inc. in order to certify that the Commission's conditions have been met and request that the Commission grant EAI's Motion to Discontinue Activities Necessary to Operate as a True Stand-Alone Electric Utility.

On January 23, 2013, Tom Reagan filed Supplemental Direct Testimony on behalf of Entergy Arkansas, Inc. in order to support the report titled "MISO Integration Risk Evaluation Report."

10-074-U

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

On January 4, 2013, Rogers Group, Inc. filed its Reply to General Staff's Response to Petition for Leave to Intervene.

On January 8, 2013, APSC General Staff filed its response to Rogers Group, Inc.'s Petition to Intervene. Staff requested that the Petition be denied.

On January 9, 2013, Southwestern Electric Power Company filed its response to Rogers Group, Inc.'s Reply to General Staff's Response to Petition for Leave to Intervene.

On January 9, 2013, Darren and Karen Horton filed their Response to Rogers Group, Inc.'s Petition to Intervene and to Rogers Group, Inc.'s Reply to General Staff's Response.

On January 11, 2013, Darren Horton filed Direct Testimony on behalf of Darren L. Horton and Karen A. Horton, Intervenors.

On January 14, 2013, Coughlin Family, LLC filed a Petition for Rehearing/Reconsideration of Order No. 13, denying the Coughlin Family, LLC's Petition to Intervene.

On January 14, 2013, Clark Cotten filed Prepared Testimony on behalf of APSC General Staff.

On January 14, 2013, John Aden filed Direct Testimony on behalf of Twelve Stones, LLC.

On January 14, 2013, Lewis Wiles, P.E. filed Prepared Testimony on behalf of Twelve Stones, LLC.

On January 18, 2013, the APSC issued Order No. 14, denying Rogers Group, Inc.'s Petition to Intervene.

On January 23, 2013, APSC General Staff filed a Response to Coughlin Family, L.L.C.'s Petition for Rehearing/Reconsideration.

On January 24, 2013, Brian Johnson filed Rebuttal Testimony on behalf of Southwestern Electric Power Company.

On January 31, 2013, Lewis Wiles, P.E. filed Surrebuttal Testimony on behalf of Twelve Stones, LLC.

11-165-U

**In the Matter of the Application of Midwest Independent Transmission Operator, Inc. ("MISO") for a Certificate of Public Convenience and Necessity for the Limited Purpose of Managing and Coordinating the Use of Certain Transmission Facilities Located Within the State of Arkansas**

On January 30, 2013, the Midwest Independent Transmission System Operator, Inc. filed a Supplement to Application for a Certificate of Convenience and Necessity.

MISO provided an updated list of its officers and directors.

MISO requested that the Commission declare that specific statutes that would otherwise apply to an Arkansas public utility be inapplicable to MISO because, as a Regional Transmission Organization, MISO does not require the Commission's determination of Arkansas retail rates.

12-008-U

**In the Matter of Southwestern Electric Power Company's Petition for a Declaratory Order Finding that Installation of Environmental Controls at the Flint Creek Power Plant is in the Public Interest**

On January 2, 2013, the APSC issued Order No. 10, reopening the record of this proceeding and establishing the following procedural schedule:

January 11, 2013 (by Noon) - Additional Direct Testimony by Southwestern Electric Power Company and Arkansas Electric Cooperative Corporation;  
February 22, 2013 (by Noon) - Reply Testimony by Staff, the Attorney General and the Sierra Club;  
March 5, 2013 - Evidentiary hearing begins at 9:30 AM.

On January 11, 2013, Southwestern Electric Power Company and Arkansas Electric Cooperative Corporation filed additional Direct Testimony.

12-069-U

**In the Matter of an Application of Entergy Arkansas, Inc., Mid South Transco LLC, ITC Midsouth LLC, Transmission Company Arkansas, LLC, and ITC Holdings Corp. to Enter Transactions Resulting in a Certificate of Public Convenience and Necessity for a New Arkansas Utility to Own EAI's Electric Transmission Facilities**

On January 17, 2013, Arkansas Electric Energy Consumers, Inc. filed a Motion to Refrain, or Alternatively, for Procedural Clarity.

AEEC requested that the APSC refrain from taking any position in the related case pending before FERC in advance of the APSC determining whether the request of the Joint Applicants in this docket are in the public interest, or alternatively, asked that APSC clarify for the record its position as to proper procedure under the circumstances as discussed in this Motion.

On January 22, 2013, the APSC issued Order No. 10, notifying Parties to this proceeding that the Commission filed a Protest and Comments on January 22, 2013 in consolidated FERC Dockets EC12-145, ER12-2681 and EL12-107.

On January 30, 2013, Evergreen Packaging, Inc. filed a Petition for Rehearing of Order No. 9.





**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 January 2, 2013, Charles Rice, Jr. submitted Supplemental Direct Testimony on behalf of Entergy New Orleans, Inc.

On January 11, 2013, Entergy New Orleans, Inc. filed a Motion to Terminate Requirement to File Monthly Testimony Pursuant to Council Resolution R-10-322.

**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 January 23, 2013, the Council of the City of New Orleans issued an Order granting Air Product's and Chemicals, Inc. and USG Corporation an extension to March 1, 2013 to file Direct Testimony.

On January 31, 2013, Entergy New Orleans, Inc. and Entergy Louisiana, LLC filed errata pages containing corrections to the September 12, 2012 Direct Testimonies and Exhibits of Bunting, Lewis and Tennican.

**FERC or State Jurisdiction: State of Louisiana**

**U-32300**

**Application of Entergy Louisiana, Inc. and Entergy Gulf States, Inc. for Approval of Interim Extension of Independent Coordinator of Transmission ("ICT") Arrangement and Change of Services Provider from Southwest Power Pool, Inc. ("SPP") to Midwest Independent Transmission System Operator, Inc. ("MISO")**

On January 8, 2013, Commission Staff filed Reply Comments Related to Motion Requesting Engagement of an Independent Transmission Service Monitor.

On January 8, 2013, Entergy filed Reply Comments to Comments of Louisiana Generating LLC and NRG Power Marketing LLC filed on December 17, 2012.

***FERC or State Jurisdiction: State of Mississippi***

**2012-UA-358**

**Joint Application for the Transfer of Ownership and Control of Entergy Mississippi, Inc.'s Transmission Facilities and Assets Together with Related Certificates, Franchises, and Other Property Rights to Transmission Company Mississippi, LLC and Approval of Subsequent Transfers of Ownership and Control**

On January 11, 2013, the MPSC issued a Scheduling Order setting the following Procedural Schedule:

March 21, 2013 - Intervenor Direct Testimony;  
May 24, 2013 - Last day to serve data requests;  
June 20, 2013 - Public Utilities Staff and MPSC Consultant Direct Testimony;  
July 19, 2013 - Entergy/ITC Rebuttal Testimony;  
August 2, 2013 - Prehearing Conference;  
August 6-8, 2013 - Hearing;  
September 15, 2013 - Final Order.

**FERC or State Jurisdiction: State of 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 January 14, 2013, the Parties filed a Jointly Proposed Procedural Schedule, Procedures, and Motion to Consolidate.

On January 17, 2013, the MoPSC issued an Order Granting Motion to Consolidate and Setting Jointly Proposed Procedural Schedule.

Case Nos. EO-2012-0135 and EO-2012-0136 were consolidated and the following Procedural Schedule was established:

March 4, 2013 - Rebuttal Testimony;  
March 4, 2013 - Data Requests change to 10 days to respond, 5 days to object and advise of more time;  
April 25, 2013 - Surrebuttal and Cross-Surrebuttal Testimony;  
April 25, 2013 - Data Requests change to 5 days to respond, 3 days to object and advise of more time;  
May 13, 2013 - Settlement Conference Call;  
May, 16, 2013 - Last day to serve discovery;  
May 21, 2013 - List of Issues, Order of Issues/Witnesses;  
May 23, 2013 - Joint Stipulation of Facts;  
May 28, 2013 - Position Statements;  
June 5-7, 2013 - Evidentiary Hearing;  
June 12, 2013 - Transcript expedited;  
July 10, 2013 - Post-Hearing Briefs;  
July 31, 2013 - Reply Briefs;  
August 2, 2013 - Proposed Findings of Fact and Conclusions of Law.

**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 Control of Certain Transmission Assets to the Southwest Power Pool, Inc.**

On January 14, 2013, the Parties filed a Jointly Proposed Procedural Schedule, Procedures, and Motion to Consolidate.

On January 17, 2013, the MoPSC issued an Order Granting Motion to Consolidate and Setting Jointly Proposed Procedural Schedule.

Case Nos. EO-2012-0135 and EO-2012-0136 were consolidated and the following Procedural Schedule was established:

March 4, 2013 - Rebuttal Testimony;  
March 4, 2013 - Data Requests change to 10 days to respond, 5 days to object and advise of more time;  
April 25, 2013 - Surrebuttal and Cross-Surrebuttal Testimony;  
April 25, 2013 - Data Requests change to 5 days to respond, 3 days to object and advise of more time;  
May 13, 2013 - Settlement Conference Call;

## Regulatory Status Report

May, 16, 2013 - Last day to serve discovery;  
May 21, 2013 - List of Issues, Order of Issues/Witnesses;  
May 23, 2013 - Joint Stipulation of Facts;  
May 28, 2013 - Position Statements;  
June 5-7, 2013 - Evidentiary Hearing;  
June 12, 2013 - Transcript expedited;  
July 10, 2013 - Post-Hearing Briefs;  
July 31, 2013 - Reply Briefs;  
August 2, 2013 - Proposed Findings of Fact and Conclusions of Law.

***FERC or State Jurisdiction: State of New Mexico***

**07-00390-UT**

**An Investigation into the Prudence of Southwestern Public Service Company's ("SPS") Participation in the SPP RTO**

On January 11, 2013, SPP submitted the 2013 SPP Transmission Expansion Plan draft report in accordance with Section 15 of the Uncontested Stipulation in NMPRC Case No. 07-00390-UT.

### **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 January 16, 2013, the PUCT filed a copy of the Proposed Order to be considered at the February 14, 2013 Open Meeting.

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

On January 7, 2013, the State Agencies filed Comments on MISO's ARR Tariff Filing.

**40979**                    **Proceeding to Track Compliance with Terms and Conditions Set Forth in the Commission's Order Issued in Docket No. 40346 and the Non-Unanimous Stipulation ("NUS") and Associated Studies Arising from the Order and/or NUS**

On January 7, 2013, the Midwest Independent Transmission System Operator, Inc. filed confirmation of FERC filings, including proposed tariff revisions related to Auction Revenue Rights rules changes and its submission relating to enhanced governance authority for the Organization of MISO States.

On January 7, 2013, Texas Industrial Energy Consumers filed its Response to MISO's Revised Auction Revenue Rights Tariffs.

On January 7, 2013, the State Agencies filed Comments on MISO's ARR Tariff Filing.

On January 7, 2013, PUCT Staff filed a memorandum discussing 1) Entergy Texas, Inc.'s analysis of projected Auction Revenue Rights ("ARRs") allocations to the Entergy Operating Companies; and 2) Midwest Independent Transmission System Operator, Inc.'s revised ARR allocation and uncertainty regarding its impact upon projected ARR allocations for ETI.

Staff stated that it will review Entergy Texas, Inc.'s projected ARRs allocation analysis and the additional analysis requested and will continue to update the Commission on whether the projected ARR allocations are expected to provide a reasonable allocation of ARRs to ETI, consistent with FERC standards.

On January 7, 2013, Entergy Texas, Inc. filed its Statement of Position Regarding MISO ARR Proposal.

On January 7, 2013, NRG Companies filed comments on MISO's ARR Tariff Filing.

On January 9, 2013, the Midwest Independent Transmission System Operator, Inc. filed its Response to ARR Tariff Filing Submissions.

On January 15, 2013, Entergy Texas, Inc. filed its Monthly MISO Compliance Report for January 2013.

### **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 January 14, 2013, Intervenors for Petitioner filed their Joint Reply Brief in U.S. Court of Appeals Case No. 12-1158.

The Parties stated they respectfully support SPP's request that the Court vacate and remand the challenged FERC Orders.

On January 14, 2013, SPP filed its Reply Brief in U.S. Court of Appeals Case No. 12-1158.

SPP stated:

- 1) having determined Section 5.2 to be ambiguous, FERC cannot defend its refusal to consider probative extrinsic evidence offered by SPP;
- 2) the evidence that FERC selectively considered does not support, and in fact undercuts, FERC's interpretation of Section 5.2; and
- 3) FERC was required to initiate formal proceedings to investigate and develop a record on the issue of contractual intent.

On January 22, 2013, the Parties filed the Joint Appendix in U.S. Court of Appeals Case No. 12-1158.