

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Southwest Power Pool, Inc.) Docket No. ER12-2292-000

**MOTION FOR EXTENSION OF TIME
TO MAKE COMPLIANCE FILING**

Pursuant to Rule 212 of the Commission’s Rules of Practice and Procedure,¹ Southwest Power Pool, Inc. (“SPP”) respectfully moves for an extension of time from December 19, 2012, until March 1, 2013, to submit the compliance filing required by the Commission’s September 20, 2012 order issued in the above-captioned docket.² In support of this motion, SPP states as follows:

I. BACKGROUND

On July 23, 2012, SPP submitted tariff revisions to amend Attachment AE of its Open Access Transmission Tariff (“Tariff”)³ to permit the systematic curtailment of Non-Dispatchable Resources⁴ in the SPP Energy Imbalance Market (“EIS Market”) during periods of congestion. On September 20, 2012, the Commission issued the September 20 Order conditionally accepting the tariff

¹ 18 C.F.R. § 385.212.

² *Southwest Power Pool, Inc.*, 140 FERC ¶ 61,225 (2012) (“September 20 Order”).

³ Southwest Power Pool, Inc., FERC FPA Electric Tariff, Open Access Transmission Tariff, Sixth Revised Volume No. 1.

⁴ Amendment to Attachment AE of the Tariff of Southwest Power Pool, Inc., Docket No. ER12-2292, (July 23, 2012).

revisions subject to a compliance filing, within 90 days of the order (December 19, 2012). Specifically, the Commission directed SPP to include in the compliance filing:

- Revisions to the Tariff “to specify that automated curtailment applies only prospectively to Non-Dispatchable Resources that become commercially operable on or after October 15, 2012.”⁵
- Revisions to the Tariff to apply automated curtailment to existing Non-Dispatchable Resources (i.e., resources commercially operable prior to October 15, 2012) to be effective October 15, 2013, and that reflect the results of a stakeholder process established to address “the issues raised by the existing Non-Dispatchable Resources” relating to automating the curtailment of existing Non-Dispatchable Resources.⁶
- Revisions to proposed Sections 4.3(i) and 5.5(f) to delete the reference to “all of” in the phrase “Qualifying Facility exercising its rights under PURPA to deliver all of its net output to its host utility” to be consistent with section 292.304(d)(1) of the Commission’s regulations.⁷
- Revisions to Tariff that provide that: (i) for point-to-point service, a Non-Dispatchable Resource will receive TLR level 5 priority, up to the amount of firm transmission service that has been reserved for the Non-Dispatchable Resource, regardless of whether the output is scheduled or unscheduled; and (ii) to the extent that a Non-Dispatchable Resource is a designated network resource, it will be assigned TLR level 5 curtailment priority, on an equivalent basis with other firm designated network resources, up to the level of output designated for that resource (provided that the aggregate generation from designated network resources for a particular network load does not exceed the associated network losses). Or, in

⁵ September 20 Order at P 47.

⁶ *Id.* at PP 47–49.

⁷ *Id.* at P 50.

the alternative, an explanation by SPP of the reasons why SPP cannot operationally satisfy these requirements.⁸

- An explanation of how the treatment of Non-Dispatchable Resources, including the transition process resulting from the September 20 Order-required stakeholder process, will work within the proposed Integrated Marketplace.⁹

In compliance with the September 20 Order, SPP established a stakeholder process to address the concerns of existing Non-Dispatchable Resources regarding the systematic curtailment of such resources. As part of that process, SPP discussed the compliance obligations of the September 20 Order at several Market Working Group (“MWG”) meetings¹⁰ and held a face-to-face MWG meeting solely devoted to these issues on November 28, 2012. An additional MWG phone conference is scheduled for December 14, 2012. The MWG plans to consider and vote on a final compliance proposal on December 17, 2012. The MWG and SPP then desire to present the final proposal to the Markets and Operations Committee (“MOPC”), the Members Committee, and the SPP Board of Directors for comment and approval in January 2013.¹¹

⁸ *Id.* at P 53.

⁹ *Id.* at P 59.

¹⁰ SPP discussed the September 20 Order compliance filing at the October 4, October 23-24, November 12-14, and December 3-5, 2012 MWG meetings. *See* http://www.spp.org/committee_detail.asp?commID=24 (Meeting Documents (MWG); Meeting Minutes).

¹¹ The MOPC is scheduled to meet on January 15–16, 2013, and the Members Committee and SPP Board of Directors are scheduled to meet on January 29, 2013.

II. NEED FOR EXTENSION OF TIME TO MAKE COMPLIANCE FILING

As the September 20 Order indicates, protesters raised several concerns relating to the systematic curtailment of existing Non-Dispatchable Resources, such as that some existing Non-Dispatchable Resources: (i) will require retrofitting to comply; (ii) cannot incrementally curtail; and (iii) should be grandfathered.¹² In compliance with the September 20 Order, the MWG and SPP staff have been working diligently to address these issues, as directed by the September 20 Order.¹³ However, further time is necessary to complete the stakeholder process. As noted above, the MWG plans to vote on a final compliance proposal on December 17, 2012. To ensure full stakeholder vetting of the proposal, SPP plans to present the final compliance proposal to the MOPC, the Members Committee, and the SPP Board of Directors at their next regularly scheduled meetings in January 2013. Given the stakeholder meeting schedule, not all interested stakeholder committees or the SPP Board of Directors will be able to consider the final compliance proposal by December 19, 2012, the date the compliance filing currently is due. Therefore, SPP requests an extension of time until March 1, 2013, to permit the completion of the stakeholder process and to provide sufficient time to prepare the filing. The Commission previously has

¹² See e.g., September 20 Order at PP 15–21.

¹³ *Id.* at P 49.

granted SPP extensions of time to file compliance filings in order to accommodate SPP's stakeholder process.¹⁴

SPP and its stakeholders also have been addressing how to comply with the September 20 Order's directive that, for point-to-point service, a Non-Dispatchable Resource will receive TLR level 5 priority, up to the amount of firm transmission service that has been reserved for the Non-Dispatchable Resource, regardless of whether the output is scheduled or unscheduled, and that to the extent that a Non-Dispatchable Resource is a designated network resource, it will be assigned TLR level 5 curtailment priority on an equivalent basis with other firm designated network resources, up to the level of output designated for that resource. This issue has proven to be complicated. Currently, SPP cannot operationally implement this directive, and based on an analysis of SPP's market systems and feedback from stakeholders, there are several obstacles to implementing it in the future.

Despite these obstacles, however, SPP and its stakeholders have been investigating how SPP might comply with the directive in the September 20 Order

¹⁴ See, e.g., *Sw. Power Pool, Inc.*, Notice of Extension of Time, Docket No. RM10-23-000 (July 13, 2012) (granting SPP an extension of time to submit a compliance filing due to previously-scheduled stakeholder meetings); *Sw. Power Pool, Inc.*, Notice of Extension of Time, Docket Nos. ER09-659-002 and EL12-2-000 (Mar. 29, 2012) (granting SPP an extension of time to enable SPP to utilize previously-scheduled SPP Board of Directors and stakeholder meetings to develop a compliance filing); *Sw. Power Pool, Inc.*, Notice of Extension of Time, Docket Nos. ER08-1419-003 and -004 (Jan. 31, 2012) (granting SPP a 90-day extension to submit a compliance filing following a previously-scheduled meeting of the SPP Board of Directors).

to determine curtailment priorities based on transmission service reservations rather than schedules or other alternatives that would address Westar's concerns regarding the curtailment of Non-Dispatchable Resources based on schedules. SPP and the stakeholders will continue to address these issues at the upcoming MWG meetings.

In addition to allowing SPP to complete its stakeholder process and to further consider compliance with the September 20 Order regarding reservation rather than schedule-based curtailment priorities, the requested extra time will enable SPP to discuss with the stakeholders how the compliance proposal and the treatment of Non-Dispatchable Resources in the EIS Market will transition to the Integrated Marketplace ahead of the compliance filing. This will permit SPP to receive input from the stakeholders regarding the transition prior to submitting the compliance filing, which will aid SPP in providing the Commission a fulsome explanation of the transition from the EIS Market to the Integrated Marketplace, which is required by the September 20 Order.

Good cause exists, therefore, for the Commission to grant SPP's request for an extension of time until March 1, 2013, to make its compliance filing in this proceeding. Such an extension will allow the stakeholders and SPP to fully address the relevant issues and enable a complete vetting of the compliance proposal by SPP stakeholders. It further will allow SPP sufficient time to prepare the compliance filing following the vote of the SPP Board of Directors.

III. REQUEST FOR EXPEDITED CONSIDERATION AND SHORTENED COMMENT PERIOD

SPP respectfully requests that the Commission shorten the answer period on this motion to five days and act on this motion, after the requisite answer period, by December 18, 2012. The Commission's expedited consideration of this motion by December 18, 2012, will enable SPP and its stakeholders to consider and react appropriately to the Commission's disposition of this motion.¹⁵ Moreover, a five-day answer period is consistent with the Commission's recent decision in Order No. 769 to modify the Commission's regulations to establish a five-day answer period for motions for extension of time.¹⁶

¹⁵ At the November 28, 2012 MWG meeting, SPP notified the stakeholders that it intended to file a motion for extension of time to make the compliance filing in this proceeding. No attendee expressed concerns or opposition to SPP's plan.

¹⁶ *See Filing of Privileged Materials and Answers to Motion*, 141 FERC ¶ 61,049, Order No. 769, at P 85 (2012) ("We find that the five day answer period strikes an appropriate balance for the need to expedite action on such requests while preserving interested parties['] ability to respond to such requests. Since motions regarding time periods are not controversial or complex, five days provides a reasonable time for answers."). SPP acknowledges that Order No. 769 and the modified regulations adopted therein are not yet in effect. However, the same considerations that led the Commission to adopt in its regulations a shortened answer period for motions for extension of time apply here.

IV. CONCLUSION

For the foregoing reasons, SPP respectfully requests that the Commission grant SPP an extension of time until March 1, 2013, to submit the compliance filing directed by the September 20 Order, and that the Commission act on this motion by December 18, 2012.

Respectfully submitted,

/s/ Carrie L. Bumgarner

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December 10, 2012

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 10th day of December, 2012.

/s/ Carrie L. Bumgarner

Carrie L. Bumgarner