

143 FERC ¶ 63,016
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Southwest Power Pool, Inc.

Docket Nos. ER12-1179-000
ER12-1179-001

ORDER OF CHIEF JUDGE GRANTING MOTION TO EXPAND
SETTLEMENT PROCEEDINGS

(Issued June 24, 2013)

1. By motion filed on June 19, 2013, counsel for Southwest Power Pool, Inc. (SPP) requests to expand the scope of the settlement judge proceeding herein to include unresolved issues relating to other protesting parties with grandfathered agreements (GFA) that have not yet been integrated into SPP's proposed Integrated marketplace. On June 20, 2013, the Chief Judge shortened the period for answers to the close of business on June 21, 2013.
2. As grounds for its request SPP states that it has been unable to resolve other remaining GFA integration issues with other protesting GFA parties and that the established settlement judge proceedings presents a forum to assist resolution of the remaining GFA integration issues. SPP argues that expanding the current settlement proceeding to include all remaining GFA integration issues and the other protesting GFA parties is important because time is running out for reaching a negotiated resolution before the launch of SPP's Integrated Marketplace.
3. Answers to SPP's Motion were filed by Lincoln Electric System (LES) and Basin Electric Power Cooperative, Tri-State Generation and Transmission Association, Inc., and Rushmore Electric Power Cooperative, Inc. (collectively, the Cooperatives). LES argues that if the Commission's June 6, 2013 order¹ establishing settlement judge procedures and conditionally approving the Integrated Marketplace is to address all GFA's within the Integrated Marketplace construct, then LES should be permitted to participate in the settlement discussions. The Cooperatives request that SPP's motion be denied unless the Commission extends the deadline to reach a resolution in this settlement proceeding to August 30, 2013, and a corresponding 30-day extension to all of the other deadlines established by the June 6, 2013 Order, pointing out that they are willing to enter into settlement proceedings to attempt to resolve the issues present herein but that they have not fully framed the issues and that to attempt to

¹ Southwest Power Pool, Inc., 143 FERC ¶ 61,219 (2013) (June 6 Order).

resolve these matters by the August 1, 2013 deadline is unrealistic and would be counterproductive.

4. On this date, SPP filed a reply to the Cooperatives' answer. The Chief Judge hereby waives Rule 213² of the Commission's Rules of Practice and procedure prohibiting answers to answers and hereby accepts SPP's answer to the Cooperatives answer for filing and consideration. SPP points out that all GFA issues must be resolve in time for SPP to implement the Auction Revenue Rights (ARR) allocation process this fall as required by its Integrated Marketplace, and that an extension of the settlement judge procedures until August 30, 2013 would jeopardize the Commission's ability to act in this matter in time for SPP to implement its ARR allocation process.

5. After careful review of the pleadings herein and the record in this matter, the Chief Judge finds good cause for expanding the scope of the settlement proceedings herein to include all GFAs that have not yet been integrated into SPP's proposed Integrated Marketplace. As pointed out by SPP, just as the Omaha Public Power District's (OPPD) GFA issues must be resolved prior to the ARR allocation process this fall, the other remaining GFA issues must be resolved in time for the ARR allocation process. The Cooperatives' request to extend all deadlines established in the Commission's June 6 Order by thirty days is incompatible with the schedule the Commission has established to address remaining GFA issues. Allowing all GFA's to participate in the settlement proceedings will provide them with an opportunity to attempt to negotiate and resolve their unique issues in good faith. Individual participants may continue settlement discussions with SPP concerning unresolved issues and while any SPP-filed proposal is pending after the settlement judge procedures end on August 1, 2013.

Curtis L. Wagner, Jr.
Chief Administrative Law Judge

² 18 C.F.R. § 385.203 (2012).

Document Content(s)

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