

Regulatory Update - Activity in Significant Dockets Third Quarter 2013

SPP Tariff/Governing Document Revisions		
Docket Number	Short Description	Summary
ER12-550	SPP Submission of Order No. 719 Compliance Filing Revising Tariff in Response to Order on Compliance Filings and Rehearing Issued in Docket Nos. ER09-1050, ER09-748, and ER09-1192	<p>On July 18, 2013, FERC issued an Order on Compliance Filing. FERC conditionally accepted SPP's December 17, 2012 Compliance Filing, effective December 17, 2012 and March 1, 2014.</p> <p>On August 19, 2013, SPP submitted its compliance filing pursuant to Order No. 719 and 719-A, and the Commission's July 18, 2013 Order issued in this proceeding.</p>
ER12-1179 and 13-1181 (U.S. Court of Appeals)	SPP Submission of Tariff Revisions to Implement SPP Integrated Marketplace Nebraska Public Power District ("NPPD") v. Federal Energy Regulatory Commission ("FERC") - Petition for Review of Orders in FERC Docket ER12-1179	<p>On July 31, 2013, SPP submitted an Offer of Settlement and related documents to resolve outstanding issues concerning the treatment of grandfathered agreements ("GFAs") in the SPP Integrated Marketplace. SPP requested that the Commission approve the settlement by October 31, 2013.</p> <p>On September 20, 2013, FERC issued an Order on Compliance Filing and Proposed Tariff Revisions. The Commission directed SPP to revise various aspects of its Integrated Marketplace proposal and also added some additional requirements for the informational report due fifteen months after the market start date. SPP's compliance filing is due on November 19, 2013.</p> <p>On September 23, 2013, SPP submitted tariff revisions to submit and justify its Virtual Energy Transaction Fee proposed in the Integrated Marketplace Filing consistent with the October 18, 2012 Order. SPP requested that the Commission issue an order on this filing by November 18, 2013.</p> <p>On September 30, 2013, FERC issued an Order Conditionally Approving Settlement in Part, Establishing Further Hearing and Settlement Judge Procedures in Part and Denying Request for Rehearing.</p> <p>The Commission conditionally approved in part the offer of settlement filed on July 31, 2013. However, the Commission severed and established hearing and settlement judge procedures as to the issue concerning whether GFA 494 should be included in Schedule 1 of the Settlement.</p> <p>The Commission found that with the exception of the issue concerning GFA No. 494, the Settlement resolves all other outstanding issues concerning the treatment of GFAs in the Integrated Marketplace.</p> <p>The Commission denied in part and dismissed as moot in part NPPD's June 19, 2013 Motion for Clarification, or in the Alternative Rehearing.</p> <p>SPP was directed to submit a compliance filing to include a revised settlement agreement reflecting a revision to the standard of review provision. SPP's compliance filing is due on October 30, 2013.</p>
ER12-2292	SPP Submission of Tariff Revisions to Attachment AE to	On September 20, 2013, FERC issued an Order on Rehearing, Compliance Filing and Waivers.

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	Facilitate the Systematic Rather than Manual Curtailment of Non-Dispatchable Resources in the Energy Imbalance Services Market ("EIS Market") During Period of Congestion	<p>The Commission denied Acciona Wind Energy USA LLC's request for rehearing.</p> <p>The Commission granted SPP's request for temporary limited waiver filed on February 13, 2013, to delay implementation of systematic and automated curtailment rules, contained in Section 4.3 of Attachment AE, for new non-dispatchable resources that became commercially operable on or after October 15, 2012.</p> <p>The Commission granted SPP's request for waiver filed on March 18, 2013 in Docket No. ER13-1123. SPP requested a waiver to delay implementation of systematic and automated curtailment rules for the Ensign Wind resource for the period from March 19, 2013 to June 1, 2013.</p> <p>The Commission accepted SPP's March 1, 2013 Compliance Filing, effective March 19, 2013, subject to a further compliance filing.</p> <p>On October 10, 2013, SPP submitted its compliance filing in response to the September 20, 2013 Order. SPP also requested a temporary limited Tariff waiver to permit a delay in the implementation of the systematic curtailment of existing Non-Dispatchable Resources (that went into Commercial Operation before October 15, 2012) from September 20, 2013 to September 26, 2013 that was necessary to accommodate required software system changes.</p>
ER13-366 and ER13-367	SPP Submission of Tariff Revisions to Comply with Order No. 1000 Regional Planning and Cost Allocation Requirements SPP Submission of Revisions to its Membership Agreement to Comply with Order No. 1000	<p>On July 18, 2013, FERC issued an Order on Compliance Filing, accepting SPP's compliance filing, subject to another compliance filing due on November 15, 2013. An effective date of March 30, 2014 was granted.</p> <p>On September 17, 2013, FERC issued an Order Granting Rehearing for Further Consideration of the July 18, 2013 Order.</p>
ER13-1173	SPP Submission of Tariff Revisions to Modify Certain Aspects of the SPP Integrated Marketplace	<p>On September 20, 2013, FERC issued an Order on Compliance Filing and Proposed Tariff Revisions in Docket Nos. ER12-1179 and ER13-1173.</p> <p>SPP's compliance filing is due on November 19, 2013.</p>
ER13-1768 and ER13-1769	SPP Submission of Tariff Revisions to Attachment AN to Incorporate into the Tariff the Agreement Between Southwest Power Pool, Inc. and Southwest	<p>On August 9, 2013, SPP submitted City of Independence, Missouri's signature page to the SPP BA Agreement.</p> <p>FERC action is pending.</p>

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	Power Pool Balancing Authority Participants Relating to the Implementation of the Southwest Power Pool Balancing Authority ("SPP BA Agreement")	
ER13-1914	SPP Submission of Tariff Revisions to Clarify the Determination of Credits and Distribution of Credit Revenue for Creditable Upgrades	<p>On July 9, 2013, SPP submitted tariff revisions to clarify the determination of credits and distribution of credit revenue for Creditable Upgrades under the Tariff, and include provisions that are designed to simplify and streamline the crediting process. An effective date of September 8, 2013 was requested.</p> <p>On September 6, 2013, FERC issued a Deficiency Letter requiring additional information in order to process the filing.</p> <p>On October 7, 2013, SPP filed its response to the Commission's request for additional information issued on September 6, 2013.</p> <p>On October 9, 2013, SPP filed an amendment to its proposed tariff revisions filed on July 9, 2013.</p>
ER13-1939	SPP Submission of Tariff Revisions to Comply with Order No. 1000 Interregional Coordination and Cost Allocation Requirements	<p>On July 10, 2013, SPP submitted revisions to its Tariff to comply with Order No. 1000's requirements for interregional coordination and cost allocation.</p> <p>SPP requested an effective date for all Tariff revisions submitted herein which is coincident to the effective date the Commission ultimately approves for SPP's Order No. 1000 regional compliance. In its regional compliance filing, SPP requested an effective date of March 30 following the Commission's acceptance of such filing. For Addendum 4 to Attachment O, SPP requested an effective date of the later of March 30 the year after Commission acceptance of SPP's regional planning process, or January 1, 2015.</p> <p>On September 9, 2013, the Southeastern Regional Transmission Planning process ("SERTP") Sponsors filed a Protest, requesting that the Commission reject SPP's proposed Sections 1.3.2 and 2.1.B and, instead, accept the SERTP's proposed versions.</p> <p>On September 24, 2013, SPP filed an answer in response to the Protest filed by the SERTP Sponsors filed on September 9, 2013. SPP stated that the SERTP Protest misinterprets the Waiver Request and reinforces the need for Commission clarification on the matter, and misinterprets SPP's Testimony.</p>
ER13-2031	SPP Submission of Revisions to Bylaws and Membership Agreement to Implement Withdrawal Obligations and Revisions to Provide Greater	<p>On July 25, 2013, SPP submitted revisions to its Tariff to clarify the potential responsibility of members that withdraw from SPP for certain penalty costs incurred by SPP prior to the member's withdrawal. SPP submitted related revisions to its Bylaws and Membership Agreement. An effective date of September 23, 2013 was requested.</p>

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<p>and</p> <p>ER13-2033</p>	<p>Flexibility Regarding the Functions of Various SPP Committees Reporting to the Board of Directors</p> <p>Submission of Tariff Revisions to Clarify Withdrawal Obligations</p>	<p>On September 19, 2013, FERC issued an Order on Proposed Revisions to Tariff, Bylaws, and Membership Agreement. The Commission conditionally accepted the proposed revisions for filing, effective September 23, 2013, subject to SPP filing additional revisions.</p> <p>The Commission found that the proposed revisions are unclear regarding whether non-transmission owning members would be obligated for costs of transmission facilities approved before their withdrawal. SPP was directed to file revisions to clarify that the withdrawal obligation for the costs of transmission facilities is limited to transmission owning members. SPP's compliance filing is due on October 21, 2013.</p> <p>On October 4, 2013, SPP filed a Motion for Extension of Time and Request for Expedited Action. SPP requested an extension until November 1, 2013 to submit the compliance filing.</p>
<p>ER13-2091</p>	<p>SPP Submission of Tariff Revisions to Enhance Market Participation Eligibility Criteria, Clarify Data Sharing with Regulatory Agencies, and Clarify Bilateral Settlement Schedules Related to Certain Integrated Marketplace Rules in Anticipation of SPP's Application for Exemption of Certain Market Transactions from Provisions of the Commodity Exchange Act ("CEA") and Commodity Futures Trading Commission ("CFTC")</p>	<p>On August 1, 2013, SPP submitted revisions to Attachments X and AE of its Tariff regarding minimum participation criteria set forth in SPP's credit policy, the sharing of Confidential Information relating to SPP's Integrated Marketplace, and the use of Bilateral Settlement Schedules in the Integrated Marketplace in anticipation of SPP's application for exemption of certain market transactions from the provisions of the CEA and CFTC.</p> <p>An effective date of March 1, 2014 was requested.</p> <p>SPP requested that the Commission issue an order on this filing no later than October 1, 2013, so that the rules will be in place in time for certain pre-market implementation activities, including initial allocation of Auction Revenue Rights and Transmission Congestion Rights.</p> <p>On September 30, 2013, FERC issued an Order Conditionally Accepting Tariff Revisions, subject to a compliance filing, to be effective March 1, 2014 as requested. The Commission directed SPP to modify its phrase in section 11.2(3) of Attachment AE to state "from a source other than the Commission or its staff or the CFTC or its staff." SPP's compliance filing is due on October 30, 2013.</p>
<p>ER13-2164</p>	<p>SPP Submission of Tariff Revisions to Modify the Aggregate Transmission Service Study ("ATSS") Process (Aggregate Study Backlog Clearing Process Tariff Revisions)</p>	<p>On August 15, 2013, SPP submitted tariff revisions to revise the ATSS process to allow SPP to close out the backlog of transmission service studies in conjunction with the implementation of the ATSS improvements.</p> <p>An effective date of October 12, 2013 was requested.</p> <p>On September 20, 2013, SPP submitted an answer in response to comments filed by the East Texas Cooperatives in this proceeding. SPP stated: 1) the revised ATSS process for transmission service requests with third-party impacts gives an eligible customer options for proceeding in the ATSS process;</p>

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		<p>and 2) the Cooperatives characterization of the revised ATSS process for transmission service requests with third-party impacts is misplaced. SPP also responded to various other comments included in the Cooperatives' September 5, 2013 Comments.</p> <p>On October 11, 2013, FERC issued an Order Conditionally Accepting Tariff Revisions, effective October 12, 2013, subject to a compliance filing. The Commission found SPP's proposal to be just and reasonable as it will allow SPP to process its customers' transmission requests in a more efficient manner and reduce the current queue backlog SPP is facing. However, the Commission directed SPP to submit additional tariff language to clarify the calculation of make-whole payments and cost reallocation under its proposal.</p> <p>SPP's compliance filing is due on November 12, 2013.</p>

Other Filings of Interest		
Docket Number	Short Description	Summary
<p>EL11-34</p> <p>and</p> <p>12-1158 (U.S. Court of Appeals)</p>	<p>Midcontinent Independent System Operator, Inc. ("MISO") Petition for Declaratory Order Seeking Commission Confirmation Regarding Section 5.2 of the Joint Operating Agreement ("JOA") between MISO and SPP</p> <p>Southwest Power Pool, Inc. v. Federal Energy Regulatory Commission ("FERC")</p>	<p>On July 31, 2013, the U.S. Court of Appeals issued an Order scheduling oral argument to be held on October 18, 2013 in Case No. 12-1158.</p> <p>On October 7, 2013, the U.S. Court of Appeals issued an Order allocating times for the oral argument to be held on October 18, 2013.</p>
ER13-1864	<p>Joint Operating Agreement ("JOA") between SPP and the Midcontinent Independent System Operator, Inc. ("MISO") to Include Market-to-Market ("M2M") Terms and Conditions (SPP Rate Schedule FERC No. 9)</p>	<p>Numerous parties filed Comments or Protests in response to SPP's June 28, 2013 Filing.</p> <p>On August 5, 2013, SPP filed an answer in response to comments and protests submitted in this proceeding. SPP stated:</p> <ol style="list-style-type: none"> 1) SPP's proposed provisions limiting the designation of temporary flowgates as new M2M flowgates are just and reasonable and should be approved; 2) SPP's requested effective date for implementation of the proposed M2M process is consistent with Commission directives; and 3) nothing in the M2M filing was intended or should be construed as a limitation on SPP or its Transmission Owners' rights to pursue compensation and use issues.
ER13-1937	<p>Joint Operating Agreement ("JOA") between SPP and the Midcontinent Independent System Operator, Inc. ("MISO") to Comply with Interregional Requirements of Order No. 1000 (SPP Rate Schedule FERC No. 9)</p>	<p>On July 10, 2013, SPP submitted revisions to the JOA between SPP and MISO to address the interregional coordination and cost allocation requirements of Order No. 1000.</p> <p>SPP requested an effective date to coincide with the effective date of its Order No. 1000 regional Tariff provisions. In its regional compliance filing, SPP requested an effective date of March 30 following the Commission's acceptance of such filing.</p> <p>On September 24, 2013, SPP filed an answer in response to Protests filed by MISO and the MISO Transmission Owners ("MISO TOs") on September 9, 2013. SPP stated:</p> <ol style="list-style-type: none"> 1) the Protesters mischaracterize the merits of SPP's proposal to allocate the costs of interregional transmission projects commensurate with the benefits; and 2) SPP's proposal is superior to the tie-line methodology proposed by the MISO TOs.

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State Cases		
Docket Number	Short Description	Summary
Arkansas 10-011-U	In the Matter of a Show Cause Order Directed to Entergy Arkansas, Inc. ("EAI") Regarding Its Continued Membership in the Current Entergy System Agreement, or Any Successor Agreement Thereto, and Regarding the Future Operation and Control of Its Transmission Assets	<p>On August 12, 2013, EAI filed a Motion for Authorization to Participate in MISO Planning Resource Auction. EAI requested that the Commission grant its Motion to participate in the Midcontinent Independent System Operator, Inc.'s ("MISO") Planning Resource Auction for the partial planning year of 2013, and to participate on an on-going basis beginning with the annual auction to take place in April 2014 for the 2014-2015 MISO planning year by October 4, 2013.</p> <p>On September 18, 2013, the APSC issued Order No. 77, granting EAI's Motion for Authorization to Participate in MISO Planning Resource Auction. EAI was directed to file an annual report of its participation in MISO's Planning Resource Auction by June 30 each year, beginning on June 30, 2015.</p> <p>On September 18, 2013, the APSC issued Order No. 78, directing EAI and MISO to appear and show cause why the Commission should not find EAI and MISO are in violation of Condition No. 2 of Order No. 68. The Commission found, as a preliminary matter, that EAI's apparent intention to engage in joint transmission planning with the other Entergy Operating Companies appears to be in violation of Conditions 2(a) and 2(b) of Order No. 68.</p> <p>On October 8, 2013, EAI and MISO submitted their responses to Order No. 78.</p>
Arkansas 13-041-U	In the Matter of the Application of Southwestern Electric Power Company ("SWEPCO") for a Certificate of Environmental Compatibility and Public Need ("CECPN") for the Construction, Ownership, Operation and Maintenance of the Proposed 345 kV Transmission Line Between the Shipe Road Station and the Proposed Kings River Station and Associated Facilities to be Located in Benton, Carroll and/or Madison and Washington Counties, Arkansas	<p>SWEPCO filed Rebuttal Testimony on July 19, 2013.</p> <p>Parties filed Surrebuttal Testimony on August 7, 2013. Lanny Nickell filed testimony on behalf of SPP.</p> <p>An evidentiary hearing was held August 26-30, 2013.</p> <p>Parties filed Post-Hearing Briefs and Proposed Findings of Fact and Conclusions of Law on October 1, 2013.</p> <p>Reply Briefs are due on October 16, 2013.</p>
Kansas 13-ITCE-677-MIS	In the Matter of the Application of ITC Great Plains, LLC ("ITC") and Mid-Kansas Electric Company, LLC ("MKEC") for a	<p>An evidentiary hearing was held on August 6, 2013.</p> <p>On August 27, 2013, the KCC issued an Order Granting Siting Permit. The Commission directed the Applicants to submit quarterly reports detailing the progress and costs of the project and a final report</p>

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	Siting Permit for the Construction of a 345 kV Transmission Line in Cloud and Ottawa Counties, Kansas	<p>once construction is complete.</p> <p>On September 9, 2013, ITC and MKEC filed a Petition for Clarification of the August 27, 2013 Order Granting Siting Permit. The Applicants stated that paragraph 12 of the Order inaccurately states that the project will continue until spring 2014. The expected in-service date is in 2016.</p> <p>On September 17, 2013, the KCC issued an Amended Order Granting Siting Permit. The Commission granted the Applicants' Joint Application for a siting permit to construct an electric transmission line with certain proposed route modifications approved in this Order.</p>
Kansas 13-WSEE-676-MIS	In the Matter of the Application of Westar Energy, Inc. ("Westar") for a Siting Permit for the Construction of a 345 kV Transmission Line in Saline and Ottawa Counties, Kansas	<p>Westar filed Rebuttal Testimony on July 12, 2013.</p> <p>An evidentiary hearing was held on August 7, 2013.</p> <p>On August 29, 2013, the KCC issued an Order Approving Siting Application. Westar was directed to provide quarterly updates to the Commission on the status of the project.</p>
Missouri EO-2012-0269	In the Matter of The Empire District Electric Company's ("Empire") Submission of Its Interim Report Regarding Participation in the Southwest Power Pool, Inc.	<p>On July 10, 2013, Bary Warren filed Direct Testimony on behalf of Empire.</p> <p>On August 28, 2013, Empire filed a Motion for Approval of Stipulation and Agreement.</p> <p>On September 11, 2013, the MoPSC issued an Order Granting Motion for Approval of Unanimous Stipulation and Agreement, effective October 11, 2013. Empire's continued participation in SPP shall continue on an interim basis through August 1, 2019. No later than May 1, 2018, Empire shall file a pleading accompanied by a study ("2018 Interim Report"), comparing the costs and estimated benefits of its participation in SPP.</p>
New Mexico 13-00031-UT	In the Matter of Southwestern Public Service Company's ("SPS") Interim Report on its Participation in the Southwest Power Pool Regional Transmission Organization ("RTO")	<p>On August 30, 2013, William Grant filed Supplemental Direct Testimony on behalf of SPS, in order to provide supplemental information regarding projected savings and benefits on an annual basis as required in the Certification of Stipulation in Case 07-00390-UT, and whether there have been any service reliability changes as a result of SPS' participation in the SPP RTO.</p> <p>On September 18, 2013, the NMPRC issued a Final Order authorizing SPS to participate in the SPP RTO on a permanent basis, subject to the same terms and conditions as set out in the Final Order in Case No. 07-00390-UT. The procedural schedule was vacated.</p>
Texas 41430	Joint Report and Application of Sharyland Utilities, L.P. ("Sharyland"), Sharyland Distribution & Transmission Services, L.L.C. ("SDTS"), and	<p>Intervenors filed Direct Testimony on August 2, 2013.</p> <p>Staff filed Direct Testimony on August 9, 2013.</p> <p>The Applicants filed Rebuttal Testimony on August 16, 2013.</p>

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	Southwestern Public Service Company ("SPS") (collectively the "Applicants") for Approval of Purchase and Sale of Facilities, for Approval of Regulatory Accounting Treatment of Gain or Sale, and for Transfer of Certain Rights	<p>On August 19, 2013, SPP filed a Notice of Stipulation and Settlement Agreement entered into by SPP and SPS.</p> <p>Parties filed Statements of Position on August 28, 2013.</p> <p>On August 30, 2013, SPP and SPS filed an Amended Stipulation and Settlement Agreement.</p> <p>A hearing was held on September 3, 2013.</p> <p>Parties filed Initial Briefs on September 13, 2013.</p> <p>On September 20, 2013, the parties filed an Unopposed Stipulation.</p> <p>Parties filed Reply Briefs on September 20, 2013.</p>