

Regulatory Update - Activity in Significant Dockets Second Quarter 2014

SPP Tariff/Governing Document Revisions		
Docket Number	Short Description	Summary
ER12-1179	Submission of Tariff Revisions to Implement SPP Integrated Marketplace	On April 1, 2014, FERC issued an Order Conditionally Accepting Compliance Filing in Docket No. ER12-1179-016. The Commission conditionally accepted SPP's January 22, 2014 Compliance Filing to incorporate for the Integrated Marketplace provisions required by SPP's Order No. 745 compliance proceeding, effective March 1, 2014. SPP's compliance filing is due on December 1, 2014.
ER13-1173	Revisions to Modify Certain Aspects of the SPP Integrated Marketplace	On April 14, 2014, NPPD filed a Motion for Voluntary Dismissal in U.S. Court of Appeals Case No. 13-1181. On April 15, 2014, the U.S. Court of Appeals issued an Order dismissing the case.
ER14-416	Submission of Tariff Revisions to Modify SPP Integrated Marketplace	On April 30, 2014, FERC issued an order accepting SPP's February 25, 2014 Compliance Filing in Docket No. ER14-416-001. This order constitutes final agency action.
13-1181 (U.S. Court of Appeals)	Nebraska Public Power District ("NPPD") v. Federal Energy Regulatory Commission - Petition for Review of Orders in FERC Docket ER12-1179	<p>On June 19, 2014, FERC issued an Order on Compliance Filing in Docket Nos. ER12-1179-018 and ER13-1173-000, conditionally accepting SPP's February 26, 2014 Compliance Filing effective March 1, 2014, subject to an additional compliance filing due on July 21, 2014.</p> <p>On July 11, 2014, SPP filed a Motion for Clarification regarding the allocation of costs associated with manual resource commitments to address Local Reliability Issues in the Integrated Marketplace.</p>
ER13-366	Submission of Tariff Revisions to Comply with Order No. 1000 Regional Planning and Cost Allocation Requirements	FERC action is pending on SPP's November 15, 2013 Compliance Filing.
and		
ER13-367	Submission of Revisions to its Membership Agreement to Comply with Order No. 1000	SPP's Order No. 1000 Compliance Filing due to incorporate a competitive component into SPP's Aggregate Study Process is due on August 15, 2014.
ER13-1292	Order No. 764 Compliance Filing	<p>On April 17, 2014, FERC issued an Order Conditionally Accepting Compliance Filing. The proposed revisions to Attachment P were accepted, effective November 12, 2013 as requested. The proposed revisions to sections 13.8 and 14.6 of the Tariff were conditionally accepted, effective November 12, 2013 and March 1, 2014, as requested. SPP was directed to submit a compliance filing to revise sections 13.8 and 14.6 of the Tariff to make clear that transmission customers may schedule transmission service in increments of less than 15 minutes.</p> <p>On May 9, 2014, SPP submitted its compliance filing in response to the Order Conditionally Accepting Compliance Filing issued on April 17, 2014.</p>

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		On June 23, 2014, FERC issued an order accepting SPP's May 9, 2014 Compliance Filing, effective March 1, 2014. This order constitutes final agency action.
ER13-1748	Order No. 755 Compliance Filing to Adopt a Two-Part Compensation Methodology for Resources that Provide Regulation-Up and Regulation-Down Operating Reserve Products in the SPP Integrated Marketplace and Other Tariff Language	<p>On June 19, 2014, FERC issued an Order on Compliance Filing, conditionally accepting SPP's proposed Tariff revisions, effective March 1, 2015, subject to a further compliance filing.</p> <p>SPP was directed to submit an informational report containing information on how the mileage factor has evolved, based on SPP's system-wide regulation deployment analyses, and whether changes in the mileage factor have had an effect in reducing unused mileage make whole payments (thus indicating more efficient clearing and equitable settlement in the regulation market).</p> <p>SPP was also directed to include in its informational report an evaluation of the continued appropriateness of the five percent Regulation Mileage Operating Tolerance band.</p> <p>SPP's informational report is due May 2, 2016.</p> <p>The Commission stated that with regard to the refined mitigated mileage offer procedures approved by SPP's Board of Directors for proposed inclusion in the Tariff, SPP should submit these procedures at least 60 days before the March 1, 2015 implementation date of SPP's Order No. 755 reforms.</p> <p>SPP was directed to revise certain aspects of its proposal in a compliance filing due on July 21, 2014.</p>
ER13-1939	Submission of Tariff Revisions to Comply with Order No. 1000 Interregional Coordination and Cost Allocation Requirements	FERC action is pending.
ER13-2031	Submission of Revisions to Bylaws and Membership Agreement to Implement Withdrawal Obligations and Revisions to Provide Greater Flexibility Regarding the Functions of Various SPP Committees Reporting to the Board of Directors	<p>On May 14, 2014, FERC issued an order accepting SPP's November 1, 2013 Compliance Filing, effective September 23, 2013.</p> <p>This order constitutes final agency action.</p>

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Docket Number	Short Description	Summary
ER14-781	Submission of Tariff Revisions to Modify the Generator Interconnection Procedures	<p>On June 13, 2014, FERC issued an Order Conditionally Accepting in Part and Rejecting in Part Tariff Revisions, to become effective March 1, 2014, subject to a compliance filing.</p> <p>The Commission rejected SPP's proposed revisions to limited operation service and "queue jumping" proposal.</p> <p>SPP's changes to the Definitive Queue, revisions to milestones, changes to Article 2.3.2 of the Generator Interconnection Agreement, and proposed transition provisions were conditionally accepted, subject to compliance filing.</p> <p>On July 14, 2014, SPP submitted its compliance filing in response to the June 13, 2014 Order.</p>
ER14-1357	Submission of Tariff Revisions regarding Credit Limits for Transmission Congestion Rights ("TCRs")	<p>On April 11, 2014, FERC issued an order accepting tariff revisions necessary to correct an unintended consequence of the current credit requirement calculations for transactions involving Transmission Congestion Rights. An effective date of May 1, 2014 was granted. This order constitutes final agency action.</p>
ER14-1653	Submission of Tariff Revisions to Modify SPP Integrated Marketplace	<p>On April 3, 2014, SPP submitted tariff revisions to effectuate a general clean-up filing to comport the Tariff with previous Commission orders, and to modify certain aspects of the Integrated Marketplace. Effective dates of March 1, 2014 and May 1, 2014 were requested.</p> <p>On April 24, 2014, Southern Companies filed a Motion to Intervene and Protest concerning pseudo-tied resources.</p> <p>On May 9, 2014, SPP filed an answer in response to Southern Companies' Protest.</p> <p>On May 30, 2014, FERC issued a letter requesting additional information in order to process the April 3, 2014 Filing. SPP submitted its responses on July 1, 2014.</p>
ER14-1993	Tariff Revisions to Clarify Methodology for Quantifying Real Power Losses	<p>On May 20, 2014, SPP submitted tariff revisions to provide additional clarity to the Tariff with regard to real power loss responsibility of transmission customers. The proposed revisions clean-up relevant references to real power losses so the terminology is used consistently throughout the Tariff. The modifications also provide supplemental information that explains more clearly how real power losses are calculated for Network Integration Transmission Service and Point-to-Point Transmission Service. The revisions also update the zonal loss factors listed in Appendix 1 to Attachment M for each Transmission Owner.</p> <p>An effective date of July 19, 2014 was requested.</p>

Other Filings of Interest		
Docket Number	Short Description	Summary
EL11-34	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>On April 11, 2014, MISO filed a Request for Rehearing of the March 28, 2014 Order.</p> <p>On April 28, 2014, the MISO Transmission Owners filed a Request for Rehearing of the March 28, 2014 Order.</p> <p>On April 28, 2014, the MISO Transmission Owners filed a Motion to Stay Effectiveness of Service Agreement Pending Decision on Rehearing.</p> <p>On May 12, 2014, FERC issued an Order Granting Rehearing for Further Consideration of the March 28, 2014 Order.</p>
12-1158 (U.S. Court of Appeals)	Southwest Power Pool, Inc. v. Federal Energy Regulatory Commission ("FERC")	Settlement Conferences were held on April 29, 2014 and June 3, 2014. The next Settlement Conference is scheduled to be held on August 21, 2014.
EL14-21	SPP Complaint for an Order Finding the Midcontinent Independent System Operator, Inc. ("MISO") is Violating the Joint Operating Agreement ("JOA") between SPP and MISO and the SPP Tariff and Requiring MISO to Compensate SPP for Use of SPP's Transmission System ("SPP Complaint")	
ER14-1174	Unexecuted Firm Point-To-Point Transmission Service Agreement between SPP as Transmission Provider and Midcontinent Independent System Operator, Inc. ("MISO") as Transmission Customer	
EL14-30	Midcontinent Independent System Operator, Inc. ("MISO") Complaint Regarding Transmission Service Invoices	

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Other Filings of Interest		
Docket Number	Short Description	Summary
	from SPP ("MISO Complaint")	
ER13-1937	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)	FERC action is pending.
EL14-38	Sunflower Electric Power Corporation ("Sunflower") Complaint Against Kansas Municipal Energy Agency ("KMEA") and SPP Alleging that the KMEA/Garden City Supply Arrangement is Defective under the Commission's and SPP's Rules	<p>On April 9, 2014, Sunflower filed a Complaint against KMEA and SPP alleging that the KMEA/Garden City supply arrangement is defective under the Commission's and SPP's rules.</p> <p>On April 30, 2014, SPP and KMEA filed answers in response to the Complaint.</p> <p>On May 29, 2014, Sunflower filed an answer in response to SPP's and KMEA's answers filed on April 30, 2014.</p> <p>On June 27, 2014, SPP filed an answer in response to Sunflower's Motion for Leave to Reply and Reply filed on May 29, 2014.</p>
EL14-49 and EL14-65	<p>SPP's Petition for Declaratory Order Seeking the Commission's Confirmation that Acceptance of a Notice of Termination of a Point-to-Point Transmission ("PTP") Service Agreement Does Not Preclude a Transmission Provider from Seeking Contract Damages for Breach of the Service Agreement</p> <p>AES Shady Point, LLC's ("AES") Petition for Declaratory Order Asking the Commission to Determine that SPP's Tariff</p>	<p>On May 9, 2014, SPP filed a Petition for Declaratory Order seeking the Commission's confirmation that the acceptance of a notice of termination of a PTP service agreement, filed in accordance with the Commission's regulations, does not preclude a transmission provider from seeking contract damages for breach of the service agreement in a court of appropriate jurisdiction.</p> <p>On June 9, 2014, AES filed a Motion to Intervene and Protest. AES stated that the Commission should deny or otherwise reject SPP's Petition for Declaratory Order because it is contrary to the plain language of SPP's Tariff.</p> <p>On June 9, 2014, AES filed a Petition for Declaratory Order asking the Commission to determine that SPP's Tariff prohibits SPP from recovering damages in the form of lost revenues from AES.</p> <p>On July 9, 2014, SPP filed a Motion to Intervene, Protest, and Answer. SPP stated:</p> <ol style="list-style-type: none"> 1) the Commission should grant the unopposed SPP Petition; 2) the Commission should deny AES' Petition as the matters it raises do not require the Commission's special expertise; and

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	Prohibits SPP from Recovering Damages in the Form of Lost Revenues from AES	3) if the Commission elects to address the AES Petition, it should find that the SPP Tariff does not prohibit SPP from seeking the full unpaid contract price under the AES Agreement.
EL14-57	City of Hastings, Nebraska and City of Grand Island, Nebraska ("Complainants") Complaint Charging SPP with Violating the Federal Power Act ("FPA") by Demanding that Complainants Purchase Transmission Service that is Not Required by the Tariff and Demanding that Complainants Pay Unreserved Use Penalties that Are Not Permitted Under the Tariff	<p>On May 23, 2014, Complainants filed a Complaint charging SPP with violating the FPA by demanding that Complainants purchase transmission service that is not required by the Tariff and by demanding that Complainants pay unreserved use penalties that are not permitted under the Tariff.</p> <p>On June 12, 2014, SPP filed an answer to the Complaint. SPP stated 1) contrary to the Complainants, the Tariff requires customers to have sufficient transmission for all services and authorizes SPP to impose unreserved use penalties for failure to secure such transmission; 2) obstacles and impediments alleged by Complainants are largely red herrings; and 3) SPP is amendable to revisiting TRR 102M or some similar proposal to minimize Complainants' exposure to unreserved use penalties.</p> <p>On June 12, 2014, Nebraska Public Power District filed a Motion to Intervene and Answer to the Complaint.</p> <p>On June 27, 2014, Complainants filed an answer in response to SPP's and Nebraska Public Power District's answers filed on June 12, 2014.</p>
ER14-1407	Amendments to Joint Operating Agreement ("JOA") between SPP and the Midcontinent Independent System Operator, Inc. ("MISO") to Account for Import and Export Transactions in the Market Flow Calculations (SPP Rate Schedule FERC No. 9)	<p>On April 8, 2014, SPP, MISO, and PJM Interconnection, L.L.C. filed an answer in response to comments and protests filed in this proceeding.</p> <p>On April 24, 2014, FERC issued a deficiency letter requiring additional information in order to process the March 3, 2014 Filing. SPP submitted its responses on May 27, 2014.</p>
ER14-2062	Proposed Modifications to Section 3.3 of Attachment 3 (Emergency Energy Transactions) of the Joint Operating Agreement ("JOA") between Midcontinent Independent System Operator, Inc. ("MISO") and SPP (SPP Rate Schedule FERC No. 9)	<p>On May 29, 2014, SPP submitted proposed revisions to Section 3.3 of Attachment 3 of the JOA between MISO and SPP. The changes will allow MISO to recover costs invoiced to MISO as a transmission customer under the SPP Service Agreement in the event that MISO market flows exceed the existing contract path capacity limit of 1,000 MW between the MISO Midwest Region and the MISO South Region in order to provide emergency energy assistance to SPP.</p> <p>An effective date of May 30, 2014 was requested.</p>

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State Cases		
Docket Number	Short Description	Summary
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>On April 10, 2014, the APSC issued Order No. 35, granting SWEPCO's and Save the Ozarks' petitions for rehearing for the purpose of further consideration.</p> <p>On June 9, 2014, the APSC issued Order No. 36, finding that, while some transmission development in the area appears warranted, the record is presently insufficient to determine: the need for the particular 345 kV project that has been proposed, whether that project is consistent with the public convenience and necessity, and whether the project represents an "acceptable adverse environmental impact considering...the various alternatives, if any, and other pertinent considerations."</p> <p>The Commission granted rehearing for consideration of additional evidence on the need for, and the potential environmental impact of, the proposed 345 kV project. The Commission also granted rehearing for consideration of additional evidence on the routing of the proposed transmission line. Because the Commission granted rehearing for consideration of additional evidence, the prior grant of the CECPN for Route 109 was vacated</p> <p>By separate order, the Commission will set a procedural schedule for additional testimony and hearings.</p>
Kansas 14-SPPE-563-SHO	In the Matter of the General Investigation of Southwest Power Pool, Inc. to Show Cause Why the Costs Associated With the Proposed Membership of Western Area Power Administration - Upper Great Plains Region, Basin Electric Power Cooperative, and Heartland Consumers Power District ("Integrated System") are in the Public Interest of Kansas Electric Retail Customers	<p>On June 9, 2014, the Kansas Corporation Commission ("Commission") issued a Show Cause Order, Discovery Order, and Protective Order.</p> <p>The Commission stated it has concerns regarding the due diligence undertaken by SPP with respect to the proposed "Federal Service Exemptions" and questions whether terms reflected in the membership agreement are unduly preferential. The Commission finds that SPP should show cause why the proposed membership agreement offered to the Integrated System is in the public interest of Kansas retail electric ratepayers. The Commission specifically requires SPP to provide evidence that the benefits to Kansas retail electric ratepayers will exceed the increased costs of serving the integrated system.</p> <p>The Commission ordered SPP to Show Cause why the proposed terms and conditions offered to the integrated system is in the public interest of Kansas retail electric ratepayers.</p> <p>On June 19, 2014, SPP provided its responses to the Commission's Information Requests 1 and 2.</p> <p>On June 23, 2014, SPP provided its responses to the Commission's Information Request 3.</p> <p>On June 27, 2014, SPP filed a Motion for Extension of Time to July 30, 2014 to submit its response to the Show Cause Order.</p>

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State Cases		
Docket Number	Short Description	Summary
		On July 1, 2014, the Prehearing Officer issued an Order Granting Southwest Power Pool, Inc.'s Motion for Extension of Time. SPP's response to the Show Cause Order is due by July 30, 2014.
Missouri EW-2014-0156	In the Matter of an Investigation Into the Possible Methods of Mitigating Identified Harmful Effects of Entergy Joining the Midcontinent Independent System Operator, Inc. ("MISO") on non-MISO Missouri Utilities and Their Ratepayers and Maximizing the Benefits for Missouri Utilities and Ratepayers Along RTO and Cooperative Seams	On July 1, 2014, SPP filed Comments in Response to the Commission's Questions Identified in its Order Opening an Investigation into Seams issued on November 26, 2013. Several parties filed Comments in response to the questions posed in the November 26, 2013 Order.
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")	On April 4, 2014, the Parties filed a Proposed Certification of Unopposed Stipulation. On May 1, 2014, the Hearing Examiner filed a Certification of Stipulation, recommending that the Commission approve the Stipulation. On May 21, 2014, the Commission issued a Final Order Adopting Certification of Stipulation. SPS' interim period for participation in the SPP RTO was extended to December 31, 2029. SPS' Extended Interim Period Report is due on July 1, 2028. On June 2, 2014, SPS filed its annual report in accordance with the Uncontested Stipulation.