

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Southwest Power Pool, Inc.
Docket No. ER15-2520-000

October 13, 2015

Tessie Kentner, Attorney
Southwest Power Pool, Inc.
201 Worthern Drive
Little Rock, AR 72223

Reference: Firm Point-to-Point Transmission Service Agreement

Dear Ms. Kentner:

On August 25, 2015, Southwest Power Pool, Inc. (SPP) filed an executed Service Agreement for Firm Point-to-Point Transmission Service between SPP as Transmission Provider and Kansas City Board of Public Utilities as Network Customer (Fourth Revised KCBPU Service Agreement). SPP requests waiver of the Commission's 60-day notice requirement to permit an August 1, 2015 effective date for changes to the Agreement including updated wholesale distribution service charges. Pursuant to authority delegated to the Director, Division of Electric Power Regulation – Central, under 18 C.F.R. § 375.307, the Agreement in the above referenced docket is accepted for filing sixty days from the date of filing, effective October 23, 2015, as requested.¹ Waiver of the Commission's 60-day prior notice requirement (18 C.F.R. § 35.11) for the Agreement is denied, as discussed below.²

¹ Southwest Power Pool, Inc., FERC FPA Electric Tariff, Service Agreements Tariff; [2041 KCBPU PTP, 2041 Kansas City Board of Public Utilities PTP, 3.0.0.](#)

² It appears that contrary to the requirements of section 35.3 of the Commission's regulations, 18 C.F.R. § 35.3 (2014), SPP failed to file the Agreement in a timely manner. SPP is reminded that it must submit filings on a timely basis or face possible sanctions by the Commission.

Absent a strong showing of good cause, the Commission's policy is to deny waiver of the notice requirement for rate increases.³ SPP has not made such a showing. For any revenues collected before the effective date, SPP must refund the time value of the difference between the increased rate and the existing rate actually collected for the time period during which the increased rates were charged without Commission authorization.⁴ Accordingly, SPP must make time value refunds within 30 days of the date of this letter order and file a refund report with the Commission within 30 days thereafter.⁵

Notice of the filing was issued with interventions and protests due on or before September 15, 2015. Under 18 C.F.R. § 385.210, interventions are timely if made within the time prescribed by the Secretary. Under 18 C.F.R. § 385.214, the filing of a timely motion to intervene makes the movant a party to the proceeding, if no answer in opposition is filed within fifteen days. The filing of a timely notice of intervention makes a State Commission a party to the proceeding. No comments, protests or interventions were filed.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relation to such service or rate; and such action is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

³ *Central Hudson Gas & Electric Corp., et al.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992), and *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified*, 65 FERC ¶ 61,081 (1993).

⁴ *El Paso Electric Company*, 101 FERC ¶ 61,276, *reh'g denied*, 105 FERC ¶ 61,131 (2003).

⁵ The refund report should be submitted in eTariff using the following coding: Type of Filing Code 1130 – Refund Report.

Docket No. ER15-2520-000

- 3 -

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Penny S. Murrell, Director
Division of Electric Power
Regulation – Central

Document Content(s)

ER15-2520-000.DOC.....1-3