

154 FERC ¶ 61,165  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;  
Cheryl A. LaFleur, Tony Clark,  
and Colette D. Honorable.

Avista Corporation	Docket Nos. ER13-94-006 ER13-94-007 ER15-422-002 ER15-422-003
Puget Sound Energy, Inc.	ER13-99-006 ER13-99-007 ER15-429-002 ER15-429-003
MATL LLP	ER13-836-005 ER13-836-006

ORDER ON REHEARING AND COMPLIANCE

(Issued March 3, 2016)

1. On October 22, 2015, the Commission issued an order accepting, subject to modifications,<sup>1</sup> the fourth compliance filings submitted by Avista Corporation (Avista), Puget Sound Energy, Inc. (Puget Sound), and MATL LLP (MATL) (together, ColumbiaGrid Public Utilities) to comply with the regional transmission planning and

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<sup>1</sup> *Avista Corp.*, 153 FERC ¶ 61,079 (2015) (Fourth Compliance Order). *See also Avista Corp.*, 151 FERC ¶ 61,127 (2015) (Third Compliance Order); *Avista Corp.*, 148 FERC ¶ 61,212 (2014) (Second Compliance Order); *Avista Corp.*, 143 FERC ¶ 61,255 (2013) (First Compliance Order).

cost allocation requirements, and local transmission planning requirements, of Order No. 1000.<sup>2</sup>

2. On November 23, 2015, Avista, Puget Sound, and the Bonneville Power Administration (Bonneville Power) (together, Petitioners) filed a request for rehearing of the Fourth Compliance Order.<sup>3</sup> On November 23, 2015, ColumbiaGrid Public Utilities each separately submitted, pursuant to section 206 of the Federal Power Act (FPA),<sup>4</sup> revisions to Attachment K of their respective Open Access Transmission Tariffs (OATT)<sup>5</sup> to comply with the Fourth Compliance Order. ColumbiaGrid Public Utilities also filed the Third Amended ColumbiaGrid Order 1000 Functional Agreement (Third Amended Functional Agreement).<sup>6</sup> The proposed OATT revisions and Third Amended Functional Agreement comprise ColumbiaGrid Public Utilities' Fifth Compliance Filings. In this order, we deny Petitioners' request for rehearing, and conditionally accept, subject to further compliance filings, ColumbiaGrid Public Utilities' Fifth Compliance Filings, effective January 1, 2015. Specifically, we direct ColumbiaGrid Public Utilities to (1) modify their respective OATTs to delete the proposed changes to Attachment K, Part IV, section 1.10 and section 13.2 of the Third Amended Functional Agreement regarding obligations of withdrawing parties, and (2) eliminate from their respective OATTs and Third Amended Functional Agreement all language requiring that

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<sup>2</sup> *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh'g*, Order No. 1000-A, 139 FERC ¶ 61,132, *order on reh'g*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S. C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014).

<sup>3</sup> The rehearing request was filed in Docket Nos. ER13-94-007, ER13-99-006, ER13-836-005, ER15-422-003, and ER15-429-002.

<sup>4</sup> 16 U.S.C. § 824e (2012).

<sup>5</sup> Avista Corporation, FERC Electric Tariff Volume No. 8 (OATT), Attachment K (Transmission Planning Process) (8.0.0); Puget Sound Energy, OATT, Attachment K (Transmission Planning Process), Part III (ColumbiaGrid Transmission Planning Process) (4.0.0) & Appendix A (Definitions) (4.0.0); MATL, Original Volume No. 0 (OATT), Title Page, Attachment K (Transmission Planning Process) (4.1.0).

<sup>6</sup> Avista Corp FERC Rate Schedule No. CG2, (1.0.0), Puget Sound Energy Amended and Restated Order 1000 Functional Agreement (1.0.0), MATL Order 1000 ColumbiaGrid Functional Agreement (0.1.0).

an Interregional Transmission Project Proponent be enrolled in an Order No. 1000 transmission planning region (including in Attachment K, Part IV, section 1.8).

## **I. Notice of Filing and Responsive Pleadings**

3. Notice of Avista's compliance filings in Docket Nos. ER13-94-006 and ER15-422-002,<sup>7</sup> Puget Sound's compliance filings in Docket Nos. ER13-99-007 and ER15-429-003,<sup>8</sup> and MATL's compliance filing in ER13-836-006<sup>9</sup> was published in the *Federal Register*, 80 Fed. Reg. 75,092 (2015), with interventions and protests due on or before December 14, 2015. No interventions or protests were filed.

## **II. Discussion**

4. As discussed below, we deny Petitioners' request for rehearing. We also conditionally accept ColumbiaGrid Public Utilities' Fifth Compliance Filings and direct ColumbiaGrid Public Utilities to submit, within 30 days of the date of issuance of this order, further compliance filings, as discussed below.

### **A. Definition of Interregional Transmission Project Proponent**

#### **1. Fourth Compliance Order**

5. In the Fourth Compliance Order, the Commission found that ColumbiaGrid Public Utilities' definition of Interregional Transmission Project Proponent is unjust and unreasonable because it would exclude a transmission developer that is not enrolled in any transmission planning region from being able to propose an interregional transmission project for purposes of cost allocation in the ColumbiaGrid transmission planning region, even if that transmission developer has no retail distribution service territory or footprint. The Commission explained that, consistent with its findings in

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<sup>7</sup> Avista filed its Attachment K in Docket No. ER13-94-006 and its Third Amended Functional Agreement in Docket No. ER15-422-002.

<sup>8</sup> Puget Sound filed its Attachment K in Docket No. ER13-99-007 and its Third Amended Functional Agreement in Docket No. ER15-422-003.

<sup>9</sup> MATL filed its Attachment K and Third Amended Functional Agreement in Docket No. ER13-836-006.

Order No. 1000-A,<sup>10</sup> it is appropriate to exclude a non-public utility transmission developer that is not enrolled in the transmission planning region in which it has a retail distribution service territory or footprint from being able to propose an interregional transmission project for cost allocation in the ColumbiaGrid transmission planning region.<sup>11</sup> The Commission found, however, that ColumbiaGrid Public Utilities may not exclude a transmission developer that has no retail distribution service territory or footprint from proposing an interregional transmission project for purposes of cost allocation in the ColumbiaGrid transmission planning region. Thus, the Commission directed ColumbiaGrid Public Utilities to revise the definition of Interregional Transmission Project Proponent to include a non-enrolled transmission developer that has no retail distribution service territory or footprint.<sup>12</sup> For the same reason, the Commission directed ColumbiaGrid Public Utilities to revise their OATTs and Second Amended Functional Agreement to remove the requirement that a party seeking cost allocation or joint evaluation for an interregional transmission project must be “[e]nrolled in a relevant planning region.”<sup>13</sup>

## 2. Request for Rehearing

6. Petitioners seek rehearing of the Commission’s directive requiring ColumbiaGrid Public Utilities to revise the definition of Interregional Transmission Project Proponent to allow non-enrolled transmission developers that do not have a retail distribution service territory or footprint to propose an interregional transmission project for purposes of cost

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<sup>10</sup> In Order No. 1000-A, the Commission stated that an entity, including a non-public utility transmission developer, that has no load within a transmission planning region may propose a transmission project for evaluation and potential cost allocation without enrolling in that region, as long as the entity satisfies the transmission planning region's other requirements for doing so. In addition, the Commission stated that it may lead to an unjust and unreasonable or unduly discriminatory or preferential result to allow a transmission developer, including a non-public utility transmission developer, to seek regional cost allocation for a proposed transmission project in a transmission planning region in which it has load, but where it has not enrolled in the region where its load is located. Order No. 1000-A, 139 FERC ¶ 61,132 at PP 418-419.

<sup>11</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at PP 26-27 (citing Order No. 1000-A, 139 FERC ¶ 61,132 at PP 418-419).

<sup>12</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at PP 26-27.

<sup>13</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at P 28.

allocation. Petitioners argue that such revision contravenes Order No. 1000 as it will allow a transmission developer to benefit from an interregional transmission project without receiving the requisite cost allocation.<sup>14</sup> Petitioners assert that a transmission developer that owns and operates a transmission facility located in ColumbiaGrid will benefit from such facility as it will control 100 percent of that facility's available transmission transfer capability.<sup>15</sup> If that same transmission developer is not enrolled in the region where the interregional transmission project is located, Petitioners continue, pursuant to the requirements of Interregional Cost Allocation Principle 4, that transmission developer will avoid cost allocation.<sup>16</sup> Therefore, Petitioners argue, the entity that will benefit most from the proposed interregional transmission facilities — i.e., the developer that owns and operates 100 percent of the available transfer capability — can shift all of the costs of such proposed transmission facilities to others and will not itself be subject to cost allocation.<sup>17</sup> Petitioners contend that this cost shifting will significantly skew the transmission rates of all affected entities and encourage free ridership by non-enrolled transmission developers.<sup>18</sup> Finally, Petitioners state that a transmission developer should not be able to shift the costs of developing its transmission facility to others just because the enrolled transmission providers receiving a cost allocation have identified Order No. 1000 benefits sufficient to satisfy the benefit-to-cost ratio.<sup>19</sup>

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<sup>14</sup> Rehearing Request at 8-9.

<sup>15</sup> Petitioners assert that unlike other public utilities that are a part of a regional organization, such as a Regional Transmission Organization, the ColumbiaGrid Public Utilities do not solely assess to retail load transmission charges for the development, construction, and operation of Order No. 1000 transmission projects.

<sup>16</sup> Rehearing Request at 9 (quoting Order No. 1000, FERC Stats. & Regs. ¶ 31,323 at P 657, “Interregional Cost Allocation Principle 4: Costs allocated for an interregional transmission facility must be assigned only to transmission planning regions in which the transmission facility is located. Costs cannot be assigned involuntarily under this rule to a transmission planning region in which that transmission facility is not located.”).

<sup>17</sup> Rehearing Request at 6, 10.

<sup>18</sup> Rehearing Request at 3, 11.

<sup>19</sup> Rehearing Request at 11.

### 3. Summary of Compliance Filings

7. In their Fifth Compliance Filings, ColumbiaGrid Public Utilities propose to revise the definition of Interregional Transmission Project Proponent in their respective OATTs and Second Amended Functional Agreement to include a non-enrolled transmission developer that has no retail distribution service territory or footprint.<sup>20</sup> ColumbiaGrid Public Utilities also propose to revise their OATTs and Second Amended Functional Agreement to remove the requirement that a party seeking cost allocation or joint evaluation for an interregional transmission project must be enrolled in a relevant planning region.<sup>21</sup>

### 4. Commission Determination

8. We deny Petitioners' request for rehearing. We disagree with Petitioners that the Commission's directive to revise the ColumbiaGrid Public Utilities' definition of Interregional Project Proponent promotes free ridership and is inconsistent with Order No. 1000. As the Commission stated in Order No. 1000-A and reiterated in the Fourth Compliance Order, an entity that has no load within a transmission planning region may propose a transmission project for evaluation and potential cost allocation without enrolling in that region, as long as the entity satisfies the transmission planning region's other requirements for doing so.<sup>22</sup> Even if a transmission developer without a retail distribution service territory or footprint proposes a transmission project in the ColumbiaGrid regional transmission planning process, that developer's transmission project will not be selected in ColumbiaGrid's regional transmission plan for purposes of cost allocation unless it provides sufficient benefits to enrolled beneficiaries.<sup>23</sup> We also note that, once a transmission developer enrolls in ColumbiaGrid for purposes of any

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<sup>20</sup> *E.g.*, Avista OATT Attachment K (8.0.0), Appendix A; Third Amended Functional Agreement § 1.25.

<sup>21</sup> *E.g.*, Avista, OATT, Attachment K (8.0.0), Part IV, §§ 5.2, 8.1, 8.2; Third Amended Functional Agreement, Appendix A §§ 5.2, 8.1, 8.2.

<sup>22</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at P 26 (citing Order No. 1000-A, 139 FERC ¶ 61,132 at P 419).

<sup>23</sup> *E.g.*, Avista, OATT, Attachment K (8.0.0), Part IV, § 5.3 (Selection as Order 1000 Project); Third Amended Functional Agreement Appendix A § 5.3 (Selection as Order 1000 Project).

selected transmission facilities it develops within the ColumbiaGrid transmission planning region, the developer will be subject to potential cost allocation as a beneficiary for any future transmission facility selected in the ColumbiaGrid regional transmission plan for purposes of cost allocation.

9. With respect to Petitioners' argument that the Commission's directives in the Fourth Compliance Order will allow a transmission developer to receive the benefits associated with owning and operating 100 percent of the available transfer capability of a project, while shifting all of the costs to other beneficiaries, we disagree as there are other mechanisms that ColumbiaGrid could use to assign such benefits. As mentioned earlier, prohibiting a non-enrolled transmission developer that has no retail distribution service territory or footprint from proposing interregional transmission projects is not a viable option because that approach is inconsistent with Order No. 1000-A.<sup>24</sup> As a viable mechanism, in prior orders, however, the Commission has found it just and reasonable and not unduly discriminatory to assign transmission transfer capability on a transmission facility selected in the regional transmission plan for purposes of cost allocation to those who are allocated costs for the facility as beneficiaries.<sup>25</sup> We note that ColumbiaGrid Public Utilities did not propose as part of their Order No. 1000 compliance proceedings any mechanism for allocating the transfer capability or ownership rights associated with a transmission facility selected in the ColumbiaGrid regional transmission plan for purposes of cost allocation.<sup>26</sup> To the extent that ColumbiaGrid Public Utilities are

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<sup>24</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at P 26 (citing Order No. 1000-A, 139 FERC ¶ 61,132 at P 419).

<sup>25</sup> See *Public Serv. Co. of Colo.*, 142 FERC ¶ 61,206, at P 339 (2013) (WestConnect First Compliance Order) and *Tampa Electric Co.*, 143 FERC ¶ 61,254, at P 296 (2013) (Florida First Compliance Order). The Commission stated that once allocated among beneficiaries, the use of transmission transfer capability is governed by the Commission's long-standing open access policies as adopted in Order Nos. 888 and 890. WestConnect First Compliance Order, 142 FERC ¶ 61,206 at P 339; *Public Serv. Co. of Colo.*, 148 FERC ¶ 61,213, at n.662 (2014); Florida First Compliance Order, 143 FERC ¶ 61,254 at P 296.

<sup>26</sup> Under the ColumbiaGrid regional cost allocation method, beneficiaries of transmission projects proposed for potential selection in the regional transmission plan for purposes of cost allocation are identified based on the cost of deferred or displaced transmission facilities and the value that a beneficiary is projected to realize on its transmission system due to the Order No. 1000 transmission project. See, e.g., Second Compliance Order, 148 FERC ¶ 61,212 at PP 262, 286. ColumbiaGrid Public Utilities

(continued...)

inclined to amend their OATTs and Third Amended Functional Agreement to address the allocation of the transmission transfer capability associated with transmission facilities selected in the regional transmission plan for purposes of cost allocation, they may do so in a further compliance filing to be submitted within 30 days of the date of this order, or by submitting their proposal under FPA section 205 at a later date.<sup>27</sup>

10. We find that ColumbiaGrid Public Utilities' proposed revisions comply with the directives in the Fourth Compliance Order. In addition, consistent with our decision to deny rehearing, we direct ColumbiaGrid Public Utilities to submit further compliance filings, within 30 days of the date of issuance of this order, eliminating from their respective OATTs and Third Amended Functional Agreement any remaining language requiring that an Interregional Transmission Project Proponent be enrolled in an Order No. 1000 planning region. For instance, Attachment K, Part IV, section 1.8 should be revised as follows:

If an Order 1000 Party indicates in its signature block for the Order 1000 Agreement that it is an ITP Proponent, such Order 1000 Party,

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use the same method to identify beneficiaries of interregional transmission projects. *See Public Serv. Co. of N.M.*, 149 FERC ¶ 61,247, at P 158 (2014).

<sup>27</sup> We note that under ColumbiaGrid Public Utilities' regional cost allocation method, increases in transfer capability are considered when projecting benefits. *E.g.*, Avista OATT Attachment K (8.0.0), Part IV, § 6.2.1 (Analytical Tools and Methodologies for Projecting Order 1000 Benefits); Third Amended Functional Agreement, Appendix A § 6.2.1 (Analytical Tools and Methodologies for Projecting Order 1000 Benefits). If through the ColumbiaGrid cost allocation method an entity is identified as a beneficiary of an Order 1000 Project that increases the capacity of the beneficiary's existing transmission facilities within the ColumbiaGrid transmission planning region, the beneficiary is deemed to own such increase in capacity. *See, e.g.*, Avista OATT Attachment K (8.0.0), Part IV, § 6.2.2 (Calculation of Order 1000 Benefits); Third Amended Functional Agreement, Appendix A § 6.2.2 (Calculation of Order 1000 Benefits) ("Any increase in capacity of existing transmission facilities of an Order 1000 Transmission System of an Order 1000 Beneficiary identified in applying the Order 1000 Cost Allocation Methodology and that results from any Order 1000 Project is to be deemed to be owned by such Order 1000 Beneficiary unless otherwise agreed to in writing by such Order 1000 Beneficiary.").

upon its execution and delivery of the Order 1000 Agreement, represents that it meets the definition of ITP Proponent ~~and that it is Enrolled in an Order 1000 Planning Region other than the Order 1000 ColumbiaGrid Planning Region~~, as indicated in such Order 1000 Party's signature block.<sup>28</sup>

## **B. Withdrawal Provision**

### **1. Fourth Compliance Order**

11. In the Fourth Compliance Order, the Commission found that ColumbiaGrid Public Utilities' proposed withdrawal provision specifying that a withdrawing Enrolled Party will not have any obligation to make any payment pursuant to section 3 of the Order 1000 Agreement if such payment was not due on or before the date upon which the withdrawal or deemed withdrawal of such Order 1000 Party is effective, did not comply with Order No. 1000.<sup>29</sup> The Commission found that, to be consistent with the Commission's discussion of withdrawal provisions in Order No. 1000-A,<sup>30</sup> the proposed withdrawal provision must require that a withdrawing enrollee continue to pay any costs it is allocated pursuant to the regional or interregional cost allocation method for any transmission project that was selected in the regional transmission plan for purposes of cost allocation while it is enrolled, until the prudently incurred cost of the transmission facility has been recovered.<sup>31</sup> Accordingly, the Commission required ColumbiaGrid Public Utilities to modify their respective OATTs and Second Amended Functional Agreement to state:

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<sup>28</sup> *E.g.*, Avista, OATT, Attachment K (8.0.0), Part IV, § 1.8.

<sup>29</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at P 14.

<sup>30</sup> Order No. 1000-A, 139 FERC ¶ 61,132, at P 622 n.734 (2012) (finding that, to accommodate the participation of non-public utility transmission providers, the relevant tariffs or agreements governing the regional transmission planning process could establish the terms and conditions of orderly withdrawal for non-public utility transmission providers that are unable to accept the allocation of costs pursuant to a regional or interregional cost allocation method). *See also* First Compliance Order, 143 FERC ¶ 61,255 at PP 270, 273.

<sup>31</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at P 14 (citing *Tampa Elec. Co.*, 148 FERC ¶ 61,172, at P 44 (2014)).

No Order 1000 Party that has withdrawn or has been deemed to have withdrawn pursuant to section 13 of the Order 1000 Agreement is to have any obligation to make any payment pursuant to section 3 of the Order 1000 Agreement ~~if such payment was not due~~ for any transmission facility that was selected in the regional transmission plan for purposes of cost allocation by the ColumbiaGrid Board of Directors on or after ~~before~~ the date upon which the withdrawal or deemed withdrawal of such Order 1000 Party is effective.<sup>32</sup>

## 2. Summary of Compliance Filings

12. In their Fifth Compliance Filings, ColumbiaGrid Public Utilities propose to revise their respective OATTs and Second Amended Functional Agreement with the specific deletions and additions that the Commission directed them to make.<sup>33</sup> However, ColumbiaGrid Public Utilities propose additional revisions that they state were not required in the Fourth Compliance Order. ColumbiaGrid Public Utilities explain that the language referring to the “obligation to make any payment pursuant to section 3 of the Order 1000 Agreement” pertains to payment of ColumbiaGrid planning costs rather than payment for transmission facilities and, thus, was not meant to address a withdrawing enrollee’s responsibility for allocated costs of transmission facilities. ColumbiaGrid Public Utilities explain that the obligations of a withdrawing Order 1000 Party with regard to Order 1000 Cost Allocations are addressed in section 14.17 of the Third Amended Order 1000 Agreement and section 1.8 of Part IV in Attachment K of the Tariff. ColumbiaGrid Public Utilities state that, accordingly, although the Fourth Compliance Order did not direct any changes to those sections, ColumbiaGrid Public Utilities also propose to revise those sections to be consistent with their understanding of the Commission’s intent in the Fourth Compliance Order with regard to obligations of a withdrawing Order 1000 Enrolled Party.<sup>34</sup> Specifically, ColumbiaGrid Public Utilities propose the following revisions:

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<sup>32</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at P 14.

<sup>33</sup> *E.g.*, Avista, OATT, Attachment K (8.0.0), Part IV, § 1.10; Third Amended Functional Agreement § 13.2.

<sup>34</sup> *E.g.*, Avista Transmittal Letter at 4.

Upon the withdrawal (or deemed withdrawal) pursuant to section 13 of this Order 1000 Agreement of any Order 1000 Enrolled Party from this Order 1000 Agreement becoming effective, the withdrawing Order 1000 Enrolled Party shall no longer be Enrolled in the Order 1000 ColumbiaGrid Planning Region, shall no longer be an Order 1000 Enrolled Party and shall not be subject to any Order 1000 Cost Allocation for any Order 1000 Eligible Project selected as an Order 1000 Project approved by the Board pursuant to section ~~5.311~~ of Appendix A after the effective date of such withdrawal.<sup>35</sup>

### **3. Commission Determination**

13. We find that ColumbiaGrid Public Utilities have proposed the changes to Attachment K, Part IV, section 1.10 of the Tariff and to the Third Amended Order 1000 Agreement section 13.2 that the Commission directed them to make in the Fourth Compliance Order. As noted above, the Commission explained that the changes it required were to ensure that a withdrawing enrollee continue to pay any costs it is allocated pursuant to the regional or interregional cost allocation method for any transmission project that was selected in the regional transmission plan for purposes of cost allocation while it is enrolled, until the prudently incurred cost of the transmission facility has been recovered.<sup>36</sup> However, we now find that, as ColumbiaGrid Public Utilities' explain, the provisions the Commission directed ColumbiaGrid Public Utilities to revise actually apply to ColumbiaGrid planning costs rather than payment for transmission facilities. Therefore, upon further consideration, we reject ColumbiaGrid Public Utilities' proposed changes to Attachment K, Part IV, section 1.10 and the Third Amended Order 1000 Agreement section 13.2 as unnecessary and direct ColumbiaGrid Public Utilities to submit, within 30 days of the date of issuance of this order, further compliance filings to restore the originally proposed language.

14. In place of the changes the Commission directed ColumbiaGrid Public Utilities to make in the Fourth Compliance Order but now reject as unnecessary, we accept ColumbiaGrid Public Utilities' additional proposed modifications to section 14.17 of the

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<sup>35</sup> *E.g.*, Avista, OATT, Attachment K (8.0.0), Part IV, § 1.8; Third Amended Functional Agreement § 14.17.

<sup>36</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at P 14 (citing *Tampa Elec. Co.*, 148 FERC ¶ 61,172, at P 44 (2014)).

Third Amended Functional Agreement and Attachment K, Part IV, section 1.8 of the Tariff. We find that, consistent with the purpose of the compliance directive as explained in the Fourth Compliance Order, ColumbiaGrid Public Utilities' proposed changes make clear that a withdrawing enrollee must continue to pay any costs it is allocated pursuant to the regional or interregional cost allocation method for any transmission project that was selected in the regional transmission plan for purposes of cost allocation while it is enrolled, until the prudently incurred cost of the transmission facility has been recovered.<sup>37</sup>

### C. Other Compliance Directives

15. In the Fourth Compliance Order, the Commission directed ColumbiaGrid Public Utilities to add specific language to and delete specific language from certain provisions in their OATTs and the Second Amended Functional Agreement.<sup>38</sup> In their Fifth Compliance Filings, ColumbiaGrid Public Utilities made the required deletions and additions.<sup>39</sup> Therefore, we find that ColumbiaGrid Public Utilities have complied with the specific directives in the Fourth Compliance Order.

#### The Commission orders:

(A) Petitioners' request for rehearing is hereby denied, as discussed in the body of this order.

(B) ColumbiaGrid Public Utilities' respective compliance filings are hereby conditionally accepted, effective January 1, 2015.

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<sup>37</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at P 14 (citing *Tampa Elec. Co.*, 148 FERC ¶ 61,172, at P 44 (2014)).

<sup>38</sup> Fourth Compliance Order, 153 FERC ¶ 61,079 at PP 15, 23, 24, 25, and 33.

<sup>39</sup> *E.g.*, Avista, OATT, Attachment K (8.0.0), Part IV, §§ 1.8 (Status of Order 1000 Parties Under the Order 1000 Agreement), 1.10 (Withdrawal by Order 1000 Party), 1.16 (Order 1000 Enrolled Parties and ITP Proponents), Appendix A (Definitions); Third Amended Functional Agreement §§ 1.37 (Order 1000 Enrolled Party), 1.44 (Order 1000 Non-Incumbent Transmission Developer), 1.51 (Order 1000 Proposed Project), 1.13.2 (Withdrawal by Order 1000 Party), 1.14.17 (Status of Order 1000 Parties Under this Order 1000 Agreement).

Docket No. ER13-94-006, *et al.*

- 13 -

(C) ColumbiaGrid Public Utilities are hereby directed to submit further compliance filings, within 30 days of the issuance of this order, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

Document Content(s)

ER13-94-006.DOCX.....1-13