

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Duke ATC Midwest Holdings LLC

Docket No. ER12-1593

NOTICE OF INTERVENTION OF THE ORGANIZATION OF MISO STATES

Pursuant to Rule 214(a) of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(a), the Organization of MISO States (OMS) files its Notice of Intervention in the above-captioned proceeding. In support thereof, the OMS states as follows:

I. Communications

1. Service of all pleadings, documents, and communications in this matter should be made on the following:

William H. Smith, Jr.
Executive Director
Organization of MISO States
100 Court Avenue, Suite 315
Des Moines, Iowa 50309
bill@misostates.org
(515) 243-0742

II. Description of Proceeding

2. On April 20, 2012, DATC Midwest Holdings LLC submitted a request for acceptance of a transmission rate formula and approval of certain transmission rate incentives for its investment in major 345 and 500 kV transmission projects that it proposes to build in Iowa, Illinois, Wisconsin, Indiana, and Ohio. The Commission noticed the filing for interventions and comments by May 11, 2012.

III. Basis for Intervention

3. The OMS is a non-profit, self-governing organization of representatives from each state with regulatory jurisdiction over entities participating in the MISO, a regional transmission organization as defined by the FERC. The purpose of the OMS is to coordinate regulatory oversight among its state members, make recommendations to

MISO, the MISO Board of Directors, the FERC, other relevant government entities, and state commissions as appropriate, and intervene in proceedings before the FERC and in related judicial proceedings to express the positions of the OMS.

4. The OMS files this Notice of Intervention pursuant to the direction of its Board of Directors.

5. The DATC project has not yet been studied as a part of the Midwest Transmission Expansion Plan or any other regional planning process. Such a regional planning process would scrutinize the project's potential benefits and costs on a comparable basis with other transmission projects, and would tend to disclose the costs and potential benefits to OMS member states. The OMS therefore has an interest in this filing, although it takes no position at this time with respect to the rate treatments requested for the project.

6. In other filings proposing major transmission projects prior to their study in a regional planning process, the Commission has directed hearing and settlement procedures that provide greater ratepayer protections than proposed in this filing. See, e.g., Green Power Express LP, 127 FERC ¶ 61,031 (2009) and Pioneer Transmission LLC, 126 FERC ¶ 61, 281 (2009). It is OMS's position that, if the Commission entertains DATC's April 20, 2012, filing, the Commission should direct similar ratepayer protection procedural mechanisms in this case.

7. In Docket No. RM11-26, OMS has supported the Commission's reassessment of its treatment of rate incentives for transmission proposals. For reasons stated in OMS comments in that docket, incentives should be carefully limited to those necessary for the viability of a project. The Commission should follow that principle in its consideration of this proposal.

8. Based on the foregoing, the OMS respectfully submits that OMS and its members have a direct and substantial interest in these proceedings.

WHEREFORE, the OMS gives notice of its intervention in this proceeding.

Respectfully Submitted,
William H. Smith, Jr.
William H. Smith, Jr.
Executive Director
Organization of MISO States

100 Court Avenue, Suite 315
Des Moines, Iowa 50309
Tel: 515-243-0742

Dated: May 11, 2012

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Des Moines, Iowa, this 11th day of May 2012.

William H. Smith, Jr.

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