

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

Southwest Power Pool, Inc.

)

Docket Nos. ER14-2850-000

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ER14-2851-000

**COMMENTS AND MOTION FOR INTERVENTION OUT-OF-TIME OF THE
ORGANIZATION OF MISO STATES**

Pursuant to Rules 211 and 214 of the Federal Energy Regulatory Commission’s Rules of Practice and Procedure, 18 C.F.R. §385.211 and §385.214, the Organization of MISO States (“OMS”) provides these comments and moves for leave to intervene out-of-time in Docket Nos. ER14-2850 and ER14-2851.

Background

There are numerous proceedings before the Commission related to the use of Southwest Power Pool (“SPP”) facilities as a result of Midcontinent Independent System Operator (“MISO”)’s integration of new members, and potential financial obligations associated with that use.¹ Though the instant dockets do not directly relate to those controversies, the application of the SPP Agreement that the Commission allowed to become effective, subject to refund, makes these dockets of interest for the OMS and highlight the problem of one RTO being a transmission customer of another RTO. The OMS takes no position at this time on the merits of the integration of the transmission facilities of Western Area Power Administration-Upper Great Plains Region, Basin Electric Power Cooperative, and Heartland Consumers Power District, (collectively referred to as the “Integrated System” or “IS Parties”) into SPP, the terms of such integration, nor on the expansion projects that are proposed to be treated as integration costs under Schedule 11 of SPP’s Tariff. However, the OMS is deeply concerned that end-use

¹ *SPP*, Docket No. EL14-1174; *MISO*, Docket No. EL14-34; *SPP v. MISO*, Docket No. EL14-21; *MISO v. SPP*, Docket No. EL14-30; *MISO*, Docket No. ER14-1713; *MISO* Docket No. ER14-2445.

customers in the MISO region may inappropriately incur costs as a result of the SPP integration. We ask that the Commission clarify that approval of the IS Parties integration will not prejudice the outcome of the ongoing proceedings to address the dispute between MISO and SPP, or otherwise inappropriately cause increased costs to end-use customers in the MISO region.

Motion for Intervention Out-of-Time

Pursuant to Rules 211 and 214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 C.F.R. §385.211 and §385.214, the OMS moves for leave to intervene out-of-time in Docket Nos. ER14-2850 and ER14-2851. Timely intervention was required by October 9, 2014. The implication of these dockets for end-use customers in the MISO region was not readily apparent to OMS at the time of filing, but subsequent evaluation of protests and pleadings leads to concern that costs of SPP expansion projects may inappropriately be extended to MISO customers through Schedule 11. Therefore, the OMS now moves to intervene. No parties will be inconvenienced by the late intervention. 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
(515) 243-0742

The OMS is a non-profit, self-governing organization of representatives from each state's regulatory authority² with jurisdiction over entities participating in MISO. The OMS acts as the regional state committee for the MISO region; coordinates regulatory oversight among the states; makes recommendations to MISO, the MISO Board of Directors, and the Commission; and

² OMS membership includes the Province of Manitoba, Canada, and the City of New Orleans.

intervenes in proceedings before the Commission to express the positions of the OMS member agencies.

Comments

The OMS supports the request by MISO in its October 16th filing asking that the Commission confirm that its acceptance of the proposed integration terms in the instant dockets will not prejudice the decision whether MISO should be subject to Schedule 11 costs from SPP under these or any other circumstances.³ This matter highlights the complications introduced when one Regional Transmission Organization (“RTO”) is treated as a transmission customer of another RTO. Numerous parties, including the OMS, are participating in the settlement discussions to resolve the ongoing dispute between MISO and SPP and want to ensure that the outcome of those proceedings are not inadvertently impacted by the subject dockets. The OMS otherwise takes no position at this time on the merits of the IS Parties integration into SPP.

The OMS submits this pleading by decision of its Executive Committee. Individual OMS members reserve the right to file separate comments regarding the issues discussed in this pleading. The following members generally support this pleading:

Illinois Commerce Commission
Indiana Utility Regulatory Commission
Iowa Utilities Board
Kentucky Public Service Commission
Louisiana Public Service Commission
Michigan Public Service Commission
Minnesota Public Utilities Commission
Mississippi Public Service Commission
Montana Public Service Commission
City of New Orleans
North Dakota Public Service Commission
South Dakota Public Utilities Commission
Wisconsin Public Service Commission

³ Pages 3-4; 18-19

The Arkansas Public Service Commission, the Missouri Public Service Commission, and the Public Utility Commission of Texas do not join the position stated in this pleading. The Manitoba Public Utilities Board did not participate in this pleading.

Respectfully Submitted,

William H. Smith, Jr.

William H. Smith, Jr.

Executive Director

Organization of MISO States

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Dated: November 4, 2014

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 4th day of November, 2014.

William H. Smith, Jr.