

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

<b>Transmission Planning and Cost Allocation</b>	)	<b>Docket No. RM10-23-000</b>
<b>By Transmission Owning and Operating</b>	)	
<b>Public Utilities</b>	)	
	)	
<b>Midwest Independent Transmission System</b>	)	<b>Docket No. ER13-101-000</b>
<b>Operator, Inc.</b>	)	
	)	
<b>New York Independent System Operator,</b>	)	<b>Docket No. ER13-102-000</b>
<b>Inc.</b>	)	
	)	
<b>California Independent System Operator</b>	)	<b>Docket No. ER13-103-000</b>
<b>Corporation</b>	)	

**ISO/RTO COUNCIL MOTION FOR EXTENSION OF TIME  
TO SUBMIT ANSWERS TO COMMENTS**

Pursuant to Rules 101(e) and 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §§ 385.101(e) & 385.212 (2012), the ISO/RTO Council (the “IRC”)<sup>1</sup> respectfully submits this motion for an extension of time for filing answers to comments submitted on any ISO/RTO Order No.

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<sup>1</sup> The IRC is comprised of the Independent System Operators operating as the Alberta Electric System Operator (“AESO”), the California Independent System Operator (“CAISO”), Electric Reliability Council of Texas (“ERCOT”), the Independent Electricity System Operator of Ontario, Inc., (“IESO”), ISO New England, Inc. (“ISONE”), Midwest Independent Transmission System Operator, Inc., (“MISO”), New York Independent System Operator, Inc. (“NYISO”), PJM Interconnection, L.L.C. (“PJM”), and Southwest Power Pool, Inc. (“SPP”). This motion is being made by all ISOs and RTOs that have filed Order No. 1000 compliance filings and that will make compliance filings under extensions granted by the Commission. PJM, ISO-NE and SPP have not yet made their Order No. 1000 compliance filings, and do not yet have assigned docket numbers for those filings. The IESO, AESO, and ERCOT are not subject to the Commission’s jurisdiction, and these comments do not constitute agreement or acknowledgement that these entities can be subject to the Commission’s jurisdiction. The AESO, ERCOT and IESO do not join in this filing. The IRC’s mission is to work collaboratively to develop effective processes, tools and standard methods for improving the competitive electricity markets across North America. In fulfilling this mission, it is the IRC’s goal to provide a perspective that balances reliability standards with market practices so that each complements the other, thereby resulting in efficient, robust markets that provide competitive and reliable service to customers.

1000<sup>2</sup> compliance filings.<sup>3</sup> As explained more specifically below, the IRC requests a forty-five (45) day answer period following the comment date the Commission ultimately establishes for each ISO/RTO Order No. 1000 compliance filing.

## **I. BACKGROUND**

Order Nos. 1000, 1000-A, and 1000-B amend the transmission planning and cost allocation requirements established in Order No. 890. Order No. 1000 initially established a compliance filing deadline of October 11, 2012, but the Commission has granted extensions for several public utilities—including some IRC members.<sup>4</sup>

On October 15, 2012, LS Power Transmission, LLC and LSP Transmission Holdings, LLC (collectively “LSP Transmission”) submitted its motion for an extension of time, until December 10, 2012, for the submission of interventions and comments in response to Order Nos. 1000 and 1000-A compliance filings submitted on October 11, 2012, or to be submitted October 25, 2012 and November 12, 2012. LSP Transmission submitted the motion in what appears to be every proceeding with a pending Order No. 1000 compliance filing, plus the overarching rulemaking docket, to apply to any Order No. 1000 compliance filings that have not yet been submitted. Due to the Thanksgiving holiday “and the staggered compliance filing dates,” LSP Transmission requests that the Commission extend the comment period until December 10, 2012 for Order No. 1000

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<sup>2</sup> *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 76 Fed. Reg. 49,842 (Aug. 11, 2011), FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh’g*, Order No. 1000-A, 139 FERC ¶ 61,132 (2012), *order on reh’g*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012).

<sup>3</sup> The IRC and its members have actively participated in the Order No. 1000 rulemaking proceeding, Docket No. RM10-23-000. The IRC moves to intervene in the additional proceedings listed herein to the extent necessary to for the Commission to consider this motion.

<sup>4</sup> New England Transmission Owners, Notice of Extension of Time, Docket No. RM10-23-000 (Oct. 10, 2012) (granting extension until October 25, 2012); Midwest Indep. Transmission Sys. Operator, Inc., Notice of Extension of Time (Oct. 10, 2012) (same); PJM Interconnection, LLC, Notice of Extension of Time, Docket No. RM10-23-000 (same); Southwest Power Pool, Inc., Notice of Extension of Time, Docket No. RM10-23-000 (July 13, 2012) (granting extension until November 12).

compliance filings due by October 11, 2012, October 25, 2012, and November 12, 2012 (*i.e.*, 60 days after compliance filings submitted on October 11, 2012; 45 days after compliance filings submitted on October 25, 2012; and 28 days after compliance filings submitted on November 12, 2012).<sup>5</sup>

On October 17, 2012, the American Wind Energy Association (“AWEA”) submitted a motion to extend the comment period to 60 days from the original compliance filing date for the Order No. 1000 compliance filings, *i.e.*, until December 10, 2012 for the First Set of Compliance Filings (consistent with LSP Transmission’s request), a December 24, 2012 comment deadline for the Second Set, and a January 11, 2013 comment deadline for the Third Set.

On October 22, 2012, Pattern Transmission LP filed an answer to the LSP Transmission and AWEA motions expressing a preference for AWEA’s requested sixty (60) day comment period for all Order No. 1000 compliance filings.

## **II. MOTION FOR EXTENSION OF TIME TO ANSWER COMMENTS**

The IRC requests on behalf of its members an extension of time to file answers to comments submitted on the Order No. 1000 compliance filings filed by ISOs/RTOs. Rule 213(d)(1), 18 C.F.R. § 213(d)(1), provides fifteen (15) days for an answer to a motion or to an amendment to a motion. As the Commission has explained, this time frame applies to comments as well.<sup>6</sup> The IRC requests that the Commission expand this fifteen (15) day

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<sup>5</sup> LSP Transmission did not request an extension of time for Order No. 1000 compliance filings due on other days. *See, e.g.*, Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities, Notice of Extension of Time, Docket No. RM10-23-000 (Oct. 1, 2012) (granting Alcoa Power Generating Inc. an extension until February 8, 2013); MATL, LLP, Notice of Extension of Time, Docket No. RM10-23-000 (granting extension until January 31, 2013).

<sup>6</sup> *ETC Tiger Pipeline, LLC*, 133 FERC ¶ 61,187, P 13, n.21 (2010) (“Rules 213(a)(3) and 213(d) of the Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.213(a)(3), (d), permit all timely answers to comments.”).

time limit to forty-five (45) days following the comment date the Commission ultimately establishes for each ISO/RTO Order No. 1000 compliance filing.

In accordance with Rule 101(e),<sup>7</sup> good cause exists for the Commission to grant this request. As the Commission is well aware, development of each ISO/RTO's Order No. 1000 compliance filing entails substantial changes to the applicable open access transmission tariffs ("OATTs"). Each IRC member has developed and vetted its compliance proposals through extensive stakeholder processes that attracted broad and active participation by numerous interested parties. In light of the magnitude of the OATT changes involved, the IRC expects each ISO/RTO Order No. 1000 compliance filing will attract detailed comments from many customers and stakeholders. Absent a grant of this motion, each ISO/RTO will face the need to review numerous comments in a limited period of time. The fifteen-day time period provided by Rule 213 was not developed with a massive submittal in mind like an Order No. 1000 compliance filing. Providing additional time for the submission of answers will allow each ISO/RTO to coordinate internally with the relevant personnel involved in the development of the Order No. 1000 changes to provide higher-caliber and more thorough responsive comments, thereby improving the quality of information before the Commission as it rules on the compliance filings.

The basis for this motion is similar to that of the LSP Transmission and AWEA extension motions.<sup>8</sup> The LSP Transmission and AWEA motions are premised on the large number of compliance filings they plan to review. The IRC members likewise expect customers and stakeholders will submit numerous and detailed comments that will require

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<sup>7</sup> 18 C.F.R. § 101(e) (providing that "the Commission may, for good cause, waive any provision of this part or prescribe any alternative procedures that it determines to be appropriate").

<sup>8</sup> The IRC neither supports nor opposes LSP Transmission's October 15, 2012 motion or AWEA's October 17, 2012 motion.

additional time to address appropriately. Such comments are likely to be even more extensive, and require more detailed responses by IRC members, if the Commission extends the comment date for the Order No. 1000 compliance filings in accordance with the LSP Transmission or AWEA motions.

The IRC's motion is also supported by the circumstances that would develop if LSP Transmission's December 10 comment date is granted. Under the fifteen (15) day time limit provided in Rule 213, any ISO and RTO answers to comments on their respective filings would be due on December 26, 2012 – the day after Christmas. Just as LSP Transmission expresses concern about how the Thanksgiving holiday could impact its ability to file comments/protests the Monday after Thanksgiving, the IRC is concerned that its members' key technical and planning personnel may have already arranged time off during the week preceding Christmas and through the holidays. The unavailability of these personnel would make it more difficult to present the Commission with a full response, so that it may create a complete record for decision-making on the compliance filings.

### III. CONCLUSION

For the reasons stated here, the IRC respectfully requests that the Commission grant this motion to extend the answer time limit to comments submitted for each ISO/RTO Order No. 1000 compliance filing to forty-five (45) days.

Respectfully submitted,

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\* = persons designated to receive service

Dated: October 24, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon the parties designated on the official service list for the above-captioned dockets in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.2010 (2012).

Dated at Washington, D.C. on this 25th day of October 2012.

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