

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeen G. Kelly.

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| Midwest Independent Transmission System Operator, Inc. | Docket Nos. ER05-6-001, -002, -003, -005, -007, -009, -013 |
| Midwest Independent Transmission System Operator, Inc. PJM Interconnection, LLC, <i>et al.</i> | Docket Nos. EL04-135-003, -004, -005, -007, -009, -011, -015 |
| Midwest Independent Transmission System Operator, Inc. PJM Interconnection, LLC, <i>et al.</i> | Docket Nos. EL02-111-020, -021, -022, -024, -026, -028, -031, -033 |
| Ameren Services Company, <i>et al.</i> | Docket No. EL03-212-017, -018, -019, -021, -023, -025, -029 |

ORDER ACCEPTING COMPLIANCE FILINGS
AND ESTABLISHING HEARING PROCEDURES

(Issued February 10, 2005)

1. In this order, we accept for filing compliance filings submitted in the above proceedings and, consistent with the Going Forward Principles and Procedures settlement and prior Commission orders,¹ suspend them for a nominal period, to become effective December 1, 2004, subject to refund and surcharge as appropriate, and establish hearing procedures. This order benefits customers because it provides parties with a forum in which to address transition issues associated with the expansion of regional transmission organizations (RTOs), which promotes competitive wholesale power sales markets.

¹ See *infra* notes 2, 4.

I. Background

2. On November 18, 2004, the Commission adopted a previously-announced new long-term transmission pricing structure, effective December 1, 2004, across the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and PJM Interconnection, L.L.C. (PJM) regions, that eliminates rate pancaking for transmission service under the open access transmission tariffs (OATTs) in their combined regions.²

3. Specifically, the November 18 Order addressed two competing proposals for a new transmission rate design to supersede through and out rates, which result in rate pancaking, in the Midwest ISO-PJM region. We found that neither of the two proposals had been shown to be just and reasonable, but rather, they might be unjust and unreasonable, unduly discriminatory or preferential or otherwise unlawful. Therefore, we: (1) conditionally accepted the license plate rate design embodied in one of the proposals, the Regional Zonal Rate Design, for filing, suspended it for a nominal period, to become effective on December 1, 2004, subject to refund; (2) rejected the Offer of Settlement contained in that proposal as unduly discriminatory; and (3) adopted the seams elimination charge/cost adjustment/assignment (SECA) transition methodology we had previously adopted,³ also to become effective December 1, 2004, the date that regional through and out rates would be eliminated.⁴

4. In addition, we directed Midwest ISO, PJM, and their transmission owners to make compliance filings implementing the SECA methodology adopted in the November 18 Order on or before November 24, 2004. We stated that these filings should: (1) reflect December 1, 2004, as the effective date for elimination of through and out rates for reservations pursuant to requests made on or after November 17, 2003, for service commencing on or after April 1, 2004, for transactions to serve load within the other RTO where transmission service is taken under the OATT of the other RTO; (2) reflect April 1, 2006, as the effective date for elimination of through and out rates for all

² *Midwest Independent Transmission System Operator, Inc.*, 109 FERC ¶ 61,168 (2004) (November 18 Order), *reh'g pending*.

³ *See Midwest Independent Transmission System Operator, Inc.*, 105 FERC ¶ 61,212 (2003) (November 2003 Order), *reh'g pending*. The SECA methodology is designed to recover lost revenues associated with the replacement of rate pancaking between the regional transmission systems operated by PJM and Midwest ISO with a license plate rate design. The SECA would recover lost revenues from transmission customers in each license plate pricing zone in proportion to the benefits those customers will realize as a result of the elimination of rate pancaking during a transition period extending through March 31, 2006.

⁴ *Midwest Independent Transmission System Operator, Inc.*, 108 FERC ¶ 61,313 (2004).

transactions to serve load within the other RTO where transmission service is taken under the OATT of the other RTO; and (3) incorporate the SECA mechanism as a transitional rate mechanism effective December 1, 2004 through March 31, 2006.⁵

5. On November 30, 2004, we issued an order granting clarification of the November 18 Order in response to an emergency motion for clarification filed on November 23, 2004 by American Electric Power Service Corporation (AEP).⁶ We clarified that AEP, Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc. (ComEd), Dayton Power and Light Company (Dayton) may recover lost revenues associated with the elimination of intra-RTO rate pancaking, through March 31, 2006, through the SECA transition methodology in Docket No. EL04-135-000.⁷

II. Compliance Filings

6. On November 24, 2004, PJM and the PJM Transmission Owners, acting through the PJM and PJM West Transmission Owners Agreement Administrative Committees, filed proposed revisions to the PJM OATT as directed in the November 18 Order. Among other things, the proposed revisions to the PJM OATT: (1) eliminate, as of December 1, 2004, the PJM through and out rate and transitional revenue neutrality charge for reserved capacity with a point of delivery of Midwest ISO pursuant to requests submitted on or after November 17, 2003 for service commencing on or after April 1, 2004; (2) eliminate, as of April 1, 2006, the PJM through and out rate and transitional revenue neutrality charge for all reserved capacity with a point of delivery of Midwest ISO; (3) implement SECAs effective December 1, 2004 applicable to each transmission zone and certain sub-zones in PJM to collect lost revenues claimed by the Midwest ISO Transmission Owners from transactions sinking in PJM; (4) establish the PJM Transmission Owners' lost revenues associated with transactions sinking in Midwest ISO for use by the Midwest ISO Transmission Owners in developing the SECAs applicable to customers serving load in Midwest ISO; and (5) amend schedule 13 of the PJM OATT, as directed in the November 18 Order, to eliminate application of the Expansion Integration Charge in such schedule to exports from PJM effective May 1, 2004.

7. On November 24, 2004, Midwest ISO and the Midwest ISO Transmission Owners jointly submitted for filing revisions to the Midwest ISO OATT as directed in the November 18 Order. Specifically, the revisions to the Midwest ISO OATT: (1) reflect December 1, 2004 as the effective date for the elimination of the Midwest ISO regional

⁵ November 18 Order at P 61 and P 66.

⁶ *Midwest Independent Transmission System Operator, Inc.*, 109 FERC ¶ 61,243 (2004) (November 30 Order), *reh'g pending*.

⁷ *Id.* at P 9.

through and out rate to PJM for reservations pursuant to requests made on or after November 17, 2003 for service commencing on or after April 1, 2004, for transactions to serve load within PJM where transmission service is taken under the PJM OATT; (2) reflect April 1, 2006 as the effective date for elimination of the Midwest ISO regional through and out rate to PJM for all transactions to serve load within PJM where transmission service is taken under the PJM OATT; and (3) propose a new schedule 21, which outlines default charges applicable to PJM entities in order to recover SECA obligations due to the Midwest ISO Transmission Owners, and schedule 22, which outlines how SECA obligations due to the PJM Transmission Owners are to be recovered within Midwest ISO.

8. On November 24, 2004, AEP filed an alternative compliance filing. AEP notes that it is participating with the PJM Transmission Owners and PJM in a compliance filing as well. However, AEP states that, consistent with its November 23 emergency motion for clarification, AEP does not support the failure of PJM and the other PJM transmission owners to include revisions to the PJM OATT necessary to implement SECA rates to recover lost revenues associated with the elimination of rate pancaking within PJM, i.e., intra-PJM lost revenues.

9. On December 1, 2004, Midwest ISO and the Midwest ISO Transmission Owners filed revisions to proposed schedules 22 and 21 submitted in their November 24, 2004 compliance filing. Midwest ISO and the Midwest ISO Transmission Owners state that the revisions to proposed schedule 22 include the allocation of the PJM Transmission Owners' lost revenues, as shown in PJM and the PJM Transmission Owners' November 24, 2004 compliance filing, to specific Midwest ISO zones. Midwest ISO and the Midwest ISO Transmission Owners state that they do not purport to support these numbers and reserve the right to protest them, and included the amounts in schedule 22 to reflect the fact that the PJM entities filed these amounts to be collected in the Midwest ISO rates. Midwest ISO and the Midwest ISO Transmission Owners also filed revisions to proposed schedule 21 to correct errors in the list of Other PJM Load Serving Entities identified in schedule 21 to reflect the transmission owners identified in Attachment L of the PJM OATT that are not separately identified in schedule 21.

10. On December 2, 2004, Midwest ISO and the Midwest ISO Transmission Owners filed a correction to their November 24, 2004 compliance filing. They state that Manitoba Hydro was inadvertently included in the list of the entities comprising the Midwest ISO Transmission Owners for purposes of their November 24, 2004 compliance filing and ask that the Commission delete Manitoba Hydro from the compliance filing.

11. On December 10, 2004, PJM and the PJM Transmission Owners submitted a filing to correct a non-substantive omission contained in one of the revised tariff sheets contained in their November 24, 2004 compliance filing.

12. On December 13, 2004, AEP, ComEd and Dayton filed a compliance filing in accordance with the Commission's clarification granted in the November 30 Order. They state that their compliance filing contains revised tariff sheets to the PJM OATT to collect, through SECA charges, intra-RTO lost revenues on behalf of all PJM transmission owners, subject to refund, effective December 1, 2004. AEP, ComEd and Dayton state that the compliance filing also makes corrections to the sub-zone SECAs within the ComEd zone for collection of the Midwest ISO Transmission Owners' lost revenues.

13. On December 16, 2004, Duke Energy North America, LLC (Duke) filed data supporting a hubbing adjustment for the Duke Energy Vermillion, LLC and Duke Energy Washington, LLC control areas. Duke claims that the November 18 Order directed Midwest ISO and PJM to develop SECAs with hubbing adjustments in order to eliminate from the calculation of lost revenues reflected in the SECA charge applicable to a particular zone or customer, revenues associated with those transactions that ultimately sink elsewhere. Duke asserts that it is making this filing because Midwest ISO directed any party that believed a hubbing adjustment was required to file a proposed hubbing adjustment with the Commission.

14. On December 17, 2004, Midwest ISO and the Midwest ISO Transmission Owners submitted for filing revisions to schedule 22 of the Midwest ISO OATT to implement sub-zonal allocations of the PJM Transmission Owners' lost revenues. Midwest ISO and the Midwest ISO Transmission Owners state that, consistent with the November 18 Order, they request a December 1, 2004 effective date for the revised schedule 22.

15. On December 30, 2004, PJM submitted a correction to the tariff revisions it filed on November 24, 2004, to ensure that schedule 13 of the PJM OATT reflects the directives of the November 18 Order to apply the Expansion Integration Charge only to loads in the PJM region and not to exports. PJM states that the changes to the PJM OATT reflect an effective date of May 1, 2004, consistent with the effective date established in the November 18 Order.

16. On January 5, 2005, AEP filed a notice of withdrawal of its alternative compliance filing submitted on November 24, 2004.

17. On January 11, 2005, Midwest ISO and the Midwest ISO Transmission Owners submitted further revisions to proposed schedules 21 and 22 of the Midwest ISO OATT. They state that the proposed changes are ministerial to correct errors in the schedules filed previously, and request a December 1, 2004 effective date for these revisions.

III. Notices of Filings and Pleadings

18. Notices of the compliance filings submitted on November 24, 2004 were published in the *Federal Register*, 69 Fed. Reg. 71,023 (2004), with comments due on or before December 15, 2004. Notice of Midwest ISO and the Midwest ISO Transmission Owners' December 1, 2004 filing was published in the *Federal Register*, 69 Fed. Reg. 75,528 (2004), with comments due on or before December 22, 2004. The comment due date for this filing and the November 24, 2004 compliance filings was subsequently extended to January 7, 2005. Notices of PJM and the PJM Transmission Owners' December 10, 2004 filing and AEP, ComEd and Dayton's December 13, 2004 compliance filing were published in the *Federal Register*, 69 Fed. Reg. 77,751 (2004), with comments due on or before January 7, 2005. Notices of Duke's December 16, 2004 filing and Midwest ISO and the Midwest Transmission Owners' December 17, 2004 filing were published in the *Federal Register*, 69 Fed. Reg. 78,011-78,012 (2004), with comments due on or before January 7, 2005. Notice of PJM's December 30, 2004 filing was published in the *Federal Register*, 70 Fed. Reg. 3013 (2005), with comments due on or before January 14, 2005. Notice of Midwest ISO and the Midwest ISO Transmission Owners' January 11, 2005 filing was published in the *Federal Register*, 70 Fed. Reg. 3696 (2005), with comments due on or before February 1, 2005.

19. The parties listed in the Appendix to this order filed motions to intervene and/or protests to the compliance filings.

20. The protests generally express concerns regarding the accuracy of, and lack of support for, the claimed lost revenue amounts that the proposed SECA are designed to recover. They also propose various adjustments to the SECA rates, as discussed below. Most of the protests request that the Commission reject the proposed compliance filings and order new compliance filings with adequate supporting documentation and adopting the protestors' proposed adjustments. In the alternative, many of them request that the Commission set the compliance filings for hearing and delay implementation of the SECA until after the Commission issues an order based on the hearing record.

21. Many protestors contend that the SECA compliance filings lack sufficient supporting documentation. For example, Quest and WPS state that PJM and the PJM Transmission Owners' compliance filing contains no support for the \$155 million in lost revenues that the filing proposes to collect. The PJM-Midwest ISO Regional Group, a broad coalition of transmission owners, wholesale customers, municipals and cooperatives, marketers and other stakeholders in both RTOs, references the November 2003 Order originally adopting the SECA in an earlier phase in these proceedings, which called for compliance filings containing "all supporting documents containing all calculations and data, including NERC tag data."⁸ The PJM-Midwest ISO Regional

⁸ PJM-MISO Regional Group Protest at 23, citing November 2003 Order at P 97.

Group indicates that none of the SECA compliance filings meet this requirement. It notes that the data source that was used in developing the SECA filings was a spreadsheet prepared by a consultant hired by the Midwest ISO Transmission Owners for use in confidential settlement negotiations in the original proceedings, and is largely unverified due to its highly complex nature and the limited time frame. The PJM-Midwest ISO Regional Group states that, in order to produce just and reasonable SECA charges, there needs to be a verifiable tracing of past-year transmission revenue levels on the transaction paths for which the through and out rates are eliminated, and such information should be checked against the FERC Form No. 1 for accuracy. While the PJM-Midwest ISO Regional Group ultimately asks that the SECA filings be completely rejected, they request that the Commission, at a minimum, at least provide a non-expedited trial-type evidentiary hearing in order to fully examine the SECA rates.

22. Several load serving entities submitted proposals to shift certain portions of the SECA applicable to their load to suppliers by demonstrating that they have contracts where the supplier is obligated to provide bundled, delivered power and therefore is responsible for procuring through and out service. Midwest ISO's compliance filing provides that the Commission must approve such adjustments before Midwest ISO will implement them. However, some of the entities that have filed for these "supplier-as-shipper" adjustments claim that Commission approval should not be necessary before implementing the adjustments. Quest and WPS, for example, state that the burden of proof for these adjustments should not lie with the load serving entities. Quest and WPS argue that the RTO or applicable transmission owner should bill the supplier directly after a load serving entity has made a demonstration that the supplier is the shipper and, therefore, should be billed the SECA. If the Commission finds that it must approve such adjustments, Quest and WPS request that the Commission establish a streamlined process for evaluating such proposals. Duke opposes automatic shifting of obligations to suppliers and states that filings by load serving entities for "supplier-as-shipper" adjustments should be subject to Commission review and approval before implementation. Duke also objects to an expedited process for reviewing such adjustments. Duke states that the contract interpretations that will be relied upon to support or contest such adjustments are not ministerial or uncontroversial.

23. The PJM-Midwest ISO Regional Group states that, although the November 2003 Order contemplated adjustments to the North American Electric Reliability Council (NERC) e-tag data on which the SECAs are based for hubbing transactions, where the tag shows the transaction as sinking in one control area, but the transaction ultimately served load in another control area due to a simultaneous buy-sell transaction, the Commission did not prescribe a process by which such adjustments are to be made and reviewed. The PJM-Midwest ISO Regional Group indicates that it is likely there will be multiple hubbing adjustment requests as parties are given an opportunity to further review the SECA rate calculations.

24. The Midwest ISO Transmission Owners protest Duke's proposed hubbing adjustment stating that it overstates the SECA obligation that should be shifted. They claim that the Duke filing inappropriately includes transmission transactions not associated with through and out service and that Duke did not properly account for grandfathered transactions.

25. Various parties expressed concerns over the implementation of sub-zonal SECA rates. On December 17, 2004, Allegheny Power submitted a motion to implement a sub-zone SECA charge which would result in a reallocation of a portion of its SECA obligation to others. Several parties, including the PJM Member Group, a group of certain PJM transmission owners and other PJM members, contest Allegheny's sub-zone motion. The PJM Member Group states that Allegheny's method for calculating the sub-zonal SECA is based on unsupported information and is not consistent with the methodology approved in the Commission's November 2003 Order.

26. Ormet (an aluminum company within AEP's pricing zone) raises concerns over its sub-zonal obligation, which is 20 times higher than the SECA rate applicable to AEP's native load. Ormet asserts that implementation of its sub-zonal rate, absent any other adjustments, would result in such a high charge that it would be forced to close down.⁹

27. MidAmerican, although not proposing a sub-zone adjustment at present, states that entities should be allowed to propose sub-zone adjustments in the future.

28. Some protesters argue that their specific situations warrant adjustments to their SECA obligations to reflect factors in the test-year 2002 data that are unrepresentative for the period that the SECA will be charged. Both Ormet and WPS (as part of the Quest and WPS protest) indicate differences in their current load levels and/or trading patterns compared to the 2002 test year and request SECA adjustments to reflect these differences.

29. Some parties also oppose the use of aggregate average through and out rates for each transmission provider, as opposed to reservation or path specific rates, to allocate lost revenues. They argue that use of aggregate average through and out rates does not accurately reflect revenues associated with service to particular loads because it does not reflect differences in load factors among transmission reservations and differences in levels of discounting among transmission paths.

30. Buckeye Power protests the December 17 compliance filing submitted by Midwest ISO and the Midwest ISO Transmission Owners. It asserts that a portion of its grandfathered transactions were inadvertently included in the development of its

⁹See *Midwest Independent Transmission System Operator, Inc.*, 110 FERC ¶ 61,022 (2005) (granting Ormet interim relief).

subzonal SECA rate in the Cinergy zone. Buckeye Power asserts that the megawatts associated with its subzonal rate in the Cinergy zone are part of a grandfathered transaction which should be excluded from the test year data for developing the SECA rates.

31. The Wisconsin Parties' motion calls for partial summary rejection of PJM and the PJM Transmission Owners' compliance filing, stating that it exceeds the direction of the November 18 Order by eliminating a credit against the PJM through and out rate for certain transactions exiting PJM through the Commonwealth Edison zone as prescribed in the Going Forward Principles and Procedures settlement. Alliant and MidAmerican also contest elimination of the credit, stating that the credit should remain in effect as long as the PJM through and out rate is charged for existing transactions.

32. The PJM Regional Group requests that the Commission reject the December 13, 2004 filing by AEP, ComEd and Dayton. It states that the November 30 Order did not direct such a compliance filing, nor are AEP, ComEd and Dayton authorized to make a filing which proposes to set rates for other transmission-owning utilities within PJM.¹⁰

IV. Discussion

Procedural Matters

33. AEP's unopposed notice of withdrawal of its alternative compliance filing will be accepted.

34. Under Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2004), the timely, unopposed motions to intervene serve to make the entities listed in the Appendix parties to the proceedings in which they moved to intervene. We will also grant the motions to intervene out-of-time of those entities listed in the Appendix given their interest in the proceedings in which they moved to intervene, the early stage of these proceedings, and the absence of any undue prejudice or delay.

35. Under Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 213(a)(2) (2004), answers to protests are not accepted unless otherwise ordered by the decisional authority. We are not persuaded to accept the answers listed in the Appendix, and will, therefore, reject them.

¹⁰ See PJM Regional Group Protest at 9 (citing the settlement concerning the allocation of section 205 filing rights among the PJM Transmission Owners and PJM as approved by the Commission on December 18, 2003 in *Pennsylvania-New Jersey-Maryland Interconnection*, 105 FERC ¶ 61,294 (2003), *reh'g denied*, 108 FERC ¶ 61,032 (2004)).

Substantive Matters

36. The proposed revisions to schedule 13 of the PJM OATT contained in PJM and the PJM Transmission Owners' November 24, 2004 compliance filing, as amended on December 30, 2004, to apply the Expansion Integration Charge only to loads in the PJM region and not to exports, complies with the directives of the November 18 Order. Accordingly, we will accept these proposed tariff revisions to become effective May 1, 2004.

37. We will deny the PJM Regional Group's request that we reject AEP, ComEd and Dayton's December 13, 2004 compliance filing. In the November 18 Order, the Commission provided for the recovery of lost revenues through the SECA transition methodology.¹¹ In the November 30 Order, we clarified that lost revenues associated with the elimination of intra-RTO rate pancaking could be recovered through the same methodology. Accordingly, PJM and the PJM Transmission Owners must implement the SECAs for recovery of lost revenues associated with the elimination of intra-RTO rate pancaking contained in the revised tariff sheets in AEP, ComEd and Dayton's December 13, 2004 filing effective December 1, 2004, subject to refund and surcharge as appropriate.¹²

38. With regard to all other aspects of the compliance filings, we find that the filings and the responsive pleadings raise issues of material fact that cannot be resolved based on the record before us and are more appropriately addressed in the hearing ordered below. We agree with the concerns raised by the PJM-Midwest ISO Regional Group and others that the compliance filings require further support. Therefore, we will direct the RTOs and their transmission owners to provide supporting documents containing calculations and data, including NERC e-tag data used, and detailed narrative descriptions of all adjustments to data and calculations performed, to develop the proposed SECAs with their case-in-chief, in accordance with the procedural schedule to be adopted by the presiding administrative law judge. Additionally, the reasonableness of the proposed adjustments to the SECA rates contained in the various pleadings cannot be summarily decided based on the existing record and should be addressed at hearing. Similarly, the applicability of the credit against the PJM through and out rate provided in the Going Forward Principles and Procedures settlement to existing transactions beyond December 1, 2004 is an issue of material fact and should be addressed at hearing.

¹¹ *See supra* note 2.

¹² Moreover, because AEP, ComEd and Dayton's filing was made in compliance with the Commission's findings under section 206 of the Federal Power Act (FPA), AEP, ComEd and Dayton's section 205 filing rights are irrelevant regarding this matter.

39. As discussed above, our preliminary analysis indicates that the compliance filings have not been shown to be just and reasonable, and may be unjust and unreasonable, unduly discriminatory or preferential or otherwise unlawful. Therefore, consistent with the Going Forward Principles and Procedures settlement and prior orders,¹³ we will accept the compliance filings for filing, to take effect December 1, 2004, following a nominal suspension and subject to refund and surcharge as appropriate, and set them for hearing.

The Commission orders:

(A) The revised schedule 13 of the PJM OATT submitted by PJM and the PJM Transmission Owners eliminating the application of the Expansion Integration Charge in such schedule to exports from PJM is accepted for filing effective May 1, 2004, as discussed in the body of this order.

(B) The compliance filings eliminating through and out rates and implementing SECAs, by Midwest ISO and the Midwest ISO Transmission Owners, PJM and the PJM Transmission Owners, and AEP, ComEd and Dayton, are hereby accepted for filing and suspended for a nominal period, to take effect December 1, 2004, subject to refund and surcharge as appropriate, as discussed in the body of this order.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred on the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held concerning the compliance filings, as discussed in the body of this order.

¹³ See *supra* notes 2, 4.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding, to be held within approximately fifteen days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Such conference shall be held for the purpose of establishing a procedural schedule. The presiding judge is authorized to establish procedural dates, and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.

Appendix

| Party Name | Date Filed | Description of Pleading |
|---|------------|--|
| Allegheny Power (Allegheny) | 12/7/2004 | Motion to Implement Sub-zone SECA and Protest |
| Wisconsin Electric Power Company, Madison Gas and Electric Company, Wisconsin Public Service Corporation and Upper Peninsula Power (collectively, Wisconsin Parties) | 12/16/2005 | Motion for Partial Summary Rejection of PJM Compliance Filing |
| PJM Transmission Owners Agreement Administrative Committee and PJM West Transmission Owners Agreement Committee (collectively, PJM Transmission Owners) | 1/3/2005 | Answer |
| CMS Energy Resource Management Company | 1/5/2005 | Motion to Intervene and Protest |
| Alliant Energy Corporate Services, Inc. (Alliant) | 1/6/2005 | Protest |
| Buckeye Power, Inc. (Buckeye Power) | 1/6/2005 | Protest |
| Dairyland Power Cooperative | 1/7/2005 | Motion to Intervene and Protest |
| Constellation Energy Commodities Group, Inc. | 1/7/2005 | Protest |
| Multiple TDUs | 1/7/2005 | Supplemental Protest |
| PJM-MISO Regional Group | 1/7/2005 | Joint Protest |
| MidAmerican Energy Company (MidAmerican) | 1/7/2005 | Protest |
| Southwestern Electric Cooperative, Inc. | 1/7/2005 | Protest |
| Joint Consumers Advocates | 1/7/2005 | Motion to Intervene and Protest |
| Illinois Municipal Electric Agency | 1/7/2005 | Motion to Intervene and Protest |
| Wisconsin Public Service | 1/7/2005 | Motion to Intervene and Protest |

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| Corporation and Upper Peninsula Power Company | | |
| Detroit Edison Company | 1/7/2005 | Protest |
| Ormet Primary Aluminum Corporation (Ormet) | 1/7/2005 | Protest |
| City and Towns of Hagerstown, Thurmont, and Williamsport, Maryland and Town of Front Royal, Virginia | 1/7/2005 | Protest |
| Delaware Municipal Electric Corporation, Inc. | 1/7/2005 | Protest, Motion for Rejection of Filings as Deficient, and Request for Hearing |
| Southern Maryland Electric Cooperative, Inc. | 1/7/2005 | Protest |
| AEP and Exelon Corporation on behalf of Commonwealth Edison Company and Commonwealth Edison Company of Indiana | 1/7/2005 | Comments and Protest |
| WPS Energy Services, Inc. and Quest Energy, LLC | 1/7/2005 | Protest |
| Wolverine Power Supply Cooperative, Inc. | 1/7/2005 | Protest |
| American Municipal Power – Ohio, Inc. | 1/7/2005 | Protests, Motions to Intervene, Motions for Rejection or Suspension, and Motions for Hearing |
| Duke Energy North America, LLC (Duke) | 1/7/2005 | Protest |
| Cities of Batavia and St. Charles, Illinois | 1/7/2005 | Motion to Intervene, Protest, and Request for Clarification |
| Consumers Energy Company (Consumers) | 1/7/2005 | Protest and Comments |
| Michigan South Central Power Agency and Michigan Public Power Agency (Michigan Agencies) | 1/7/2005 | Supplemental Protest |
| City of Piqua, Ohio | 1/7/2005 | Supplemental Protest |
| Joint Consumer Advocates | 1/7/2005 | Answer |

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| PJM Member Group | 1/7/2005 | Answer |
| Allegheny Power | 1/7/2005 | Motion to Reject the New PJM Companies' Filing and Protest |
| PJM Regional Group | 1/7/2005 | Motion to Reject the New PJM Companies' Filing and Protest |
| Midwest ISO Transmission Owners | 1/7/2005 | Protest to Duke's Hubbing Adjustments |
| Wisconsin Electric Power Company and Edison Sault Electric Company | 1/7/2005 | Motion to Suspend Implementation of SECA Charges and Protest |
| Allegheny Power | 1/7/2005 | Clarifying Comments |
| Hoosier Energy Rural Electric Cooperative, Inc. | 1/7/2005 | Request for Hearing and Protest |
| Official Committee of Unsecured Creditors of Ormet Corporation | 1/7/2005 | Motions to Intervene and Comments |
| Green Mountain Energy Company | 1/7/2005 | Motion to Intervene, Protest, and Request for Evidentiary Hearing |
| DTE Energy Trading, Inc. | 1/7/2005 | Motion to Intervene and Comments |
| Green Mountain Energy Company | 1/10/2005 | Motion to Intervene Out of Time |
| Allegheny Power | 1/14/2005 | Motion for Leave to Respond and Response |
| PJM Transmission Owners | 1/19/2005 | Request for Leave to Answer and Answer |
| American Municipal Power – Ohio, Inc. | 1/21/2005 | Answer |
| Duke Energy North America LLC | 1/24/2005 | Answer |
| Multiple TDUs | 1/24/2005 | Answers |
| WPS Energy Services, Inc. and Quest Energy | 1/24/2005 | Answers |
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| Cinergy Services, Inc. | 1/24/2005 | Answers |
| Midwest ISO Transmission Owners | 1/24/2005 | Answers |
| American Electric Service Corporation | 1/24/2005 | Answer |

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| DTE Parties | 1/24/2005 | Motion for Leave to Answer and Joint Answer |
| Constellation Energy Commodities Group, Inc. | 1/24/2005 | Motion for Leave to Answer and Answer |
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