

111 FERC ¶ 61,402  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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

Kansas Gas and Electric Company	Docket No. EL04-70-000
Oklahoma Gas and Electric Company	Docket No. EL04-72-000 (Not Consolidated)

ORDER ON WAIVER

(Issued June 16, 2005)

1. On January 20, 2004, Kansas Gas and Electric Company (Kansas G&E) and Oklahoma Gas and Electric Company (Oklahoma G&E) both submitted letters stating that they were not submitting Order No. 2003<sup>1</sup> compliance filings, but instead intended to rely on the Southwest Power Pool, Inc.'s (SPP) Order No. 2003 compliance filing. This order benefits customers because it relieves Kansas G&E and Oklahoma G&E of the burden of complying with Order No. 2003 since their customers have access to interconnection service through the SPP open access transmission tariff (SPP OATT).

**I. Background**

2. On July 24, 2003, the Commission issued Order No. 2003 requiring all public utilities that own, control, or operate interstate transmission facilities to adopt the *pro forma* large generator interconnection procedures (LGIP) and agreement (LGIA). On January 8, 2004, the Commission issued a notice clarifying compliance

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<sup>1</sup> *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 68 FR 49845 (Aug. 19, 2003), FERC Stats. & Regs. ¶ 31,146 (2003) (Order No. 2003), *order on reh'g*, Order No. 2003-A, 69 Fed. Reg. 15932 (Mar. 26, 2004), FERC Stats. & Regs. ¶ 31,160 (2004) (Order No. 2003-A), *order on reh'g*, Order No. 2003-B, 70 Fed. Reg. 265 (Jan. 4, 2005), FERC Stats. & Regs. ¶ 31,171 (2005) (Order No. 2003-B), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005) (Order No. 2003-C).

procedures (January 8 Notice).<sup>2</sup> The January 8 Notice clarified that for non-independent transmission providers that are members of regional transmission organizations (RTO) or independent system operators (ISO), the RTOs' or ISOs' Commission-approved standards and procedures shall govern the interconnections to its members' facilities that are under the operational control of the RTO or ISO.

3. Both Kansas G&E and Oklahoma G&E state that they are transmission-owning members of SPP and that all new interconnection requests will be governed by the SPP OATT. As such, they request waiver of the requirement that they adopt the *pro forma* LGIP and LGIA.

4. At the time Kansas G&E and Oklahoma G&E filed their requests for waiver, SPP's application for regional transmission organization (RTO) status was pending before the Commission. SPP was granted preliminary RTO status on February 10, 2004,<sup>3</sup> and final RTO status on October 1, 2004.<sup>4</sup> SPP's Order No. 2003 compliance filing was accepted on June 21, 2004.<sup>5</sup>

## II. Notice of Filing

5. Notice of Kansas G&E's and Oklahoma G&E's January 20, 2004 filings was published in the *Federal Register*, 69 Fed. Reg. 6961 (2004), with interventions and protests due on or before February 10, 2004. None were filed.

## III. Discussion

6. We grant the requests for waiver. Under Order No. 2003-A, a non-independent transmission provider that belongs to an RTO or ISO and has turned over control of all of its transmission system to the RTO or ISO may request that the Commission waive Order No. 2003's requirements that it adopt the LGIA and LGIP.<sup>6</sup> Since Kansas G&E and Oklahoma G&E are members of SPP, and all new transmission service using their transmission facilities, including all new generation interconnection service, is provided subject to the rates, terms, and conditions of the SPP OATT, we find that waiver is

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<sup>2</sup> Notice Clarifying Compliance Procedures, 106 FERC ¶ 61,009 (2004).

<sup>3</sup> *Southwest Power Pool, Inc.*, 106 FERC ¶ 61,110 (2004)

<sup>4</sup> *Southwest Power Pool, Inc.*, 109 FERC ¶ 61,010 (2004), *order on reh'g*, 110 FERC ¶ 61,137 (2005).

<sup>5</sup> *Southwest Power Pool, Inc.*, 107 FERC ¶ 61,286 (2004).

<sup>6</sup> Order No. 2003-A at P 55.

appropriate and hereby granted. Accordingly, Kansas G&E and Oklahoma G&E are not required to file individual large generator interconnection procedures or a large generator interconnection agreement.

The Commission orders:

Kansas G&E's and Oklahoma G&E's requests for waiver are hereby granted, as discussed in the body of this order.

By the Commission.

( S E A L )

Linda Mitry,  
Deputy Secretary.