

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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

PacifiCorp

Docket Nos. ER04-767-001
ER04-767-002

ORDER ACCEPTING COMPLIANCE FILING AND GRANTING REHEARING

(Issued January 27, 2005)

1. In this order the Commission modifies its order of June 25, 2004¹ to make clear that PacifiCorp is free to retain its pre-Order No. 2003 small generator interconnection rules in its open access transmission tariff (OATT).² PacifiCorp is correct that the Commission does not yet have *pro forma* interconnection guidelines for small generators and that PacifiCorp's pre-Order No. 2003 Commission-approved OATT should be used to process small generator interconnections. This order also accepts PacifiCorp's compliance filing made in response to the June 25 order. This order benefits customers because it provides just and reasonable terms and conditions of transmission service while ensuring that reliability is protected.

¹ *PacifiCorp*, 107 FERC ¶ 61,318 (2004) (June 25 order).

² The Commission has defined the term "small generator" to be any generator of 20 MW or less. *See* Standardization of Generator Interconnection Agreements and Procedures, Order No. 2003, 68 Fed. Reg. 49,845 (Aug. 19, 2003), FERC Stats. & Regs. ¶ 31,146 (2003) (Order No. 2003), *order on reh'g*, Order No. 2003-A, FERC Stats. & Regs. ¶ 31,160 (2004) (Order No. 2003-A), *order on reh'g*, Order No. 2003-B, 109 FERC ¶ 61,287 (2004); *see also* Standardization of Small Generator Interconnection Agreements and Procedures, Notice of Proposed Rulemaking, 68 Fed. Reg. 49,974 (Aug. 19, 2003), FERC Stats. & Regs., ¶ 32,572 (2003).

Background

2. PacifiCorp submitted, in compliance with Order No. 2003-A, proposed substantive variations and non-substantive, typographical variations (*i.e.*, editorial revisions) from the *pro forma* Large Generator Interconnection Procedures (LGIP) and Large Generator Interconnection Agreement (LGIA). PacifiCorp also proposed to move its small generator interconnection rules (Part V) to put them in the same section of its tariff as the LGIA and LGIP.

3. In the June 25 Order, the Commission rejected PacifiCorp's request to include the small generator rules in its tariff. We stated that "[t]he Commission will not consider new terms and conditions for small generator interconnection that are submitted in compliance with Order No. 2003."³ In addition, the Commission directed PacifiCorp to modify certain aspects of its compliance filing within 30 days.

PacifiCorp's Request for Rehearing

4. PacifiCorp requests that the Commission reconsider its denial of PacifiCorp's request to include Part V dealing with small generator interconnections in the interconnection portion of its OATT. PacifiCorp states the small generator provisions included in its Order No. 2003 compliance filing are not new. Instead, these provisions were approved by the Commission in 2002.⁴ The only changes made to the existing provisions, PacifiCorp explains, were ministerial numbering changes. In addition, it proposed to include a paragraph at the beginning of the small generator procedures explaining that they apply to generators of 20 MW or less in size.

5. PacifiCorp suggests that the Commission may have misunderstood its intent to renumber these provisions and requests that it be allowed to retain Part V and Attachments O, P, Q, R, and S in its OATT.

PacifiCorp's Compliance Filing

6. PacifiCorp states that its filing complies with the Commission's June 25 Order and that it has made the changes required in that order. It also states that it has again proposed to include Part V and Attachments O, P, Q, R, and S in its OATT.

³ June 25 Order at P 17.

⁴ *PacifiCorp*, 98 FERC ¶ 61,224 (2002).

Notice and Responsive Pleadings

7. Notice of PacifiCorp's filing was published in the *Federal Register*, 69 Fed. Reg. 47,432 (2004), with comments, protests, and interventions due on or before August 16, 2004. None were filed.

Discussion

8. The Commission accepts PacifiCorp's compliance filing as amended pursuant to the June 25 Order. We will also grant PacifiCorp's request for rehearing and allow it to retain Part V and Attachments O, P, Q, R, and S in its OATT. As PacifiCorp points out, the Commission intends for Transmission Providers to continue processing small generator interconnection requests under their pre-Order No. 2003 interconnection rules until the Commission issues a final rule standardizing the rates, terms, and conditions of interconnection service for generators of 20 MW or less.⁵

9. While PacifiCorp may keep the Small Generator interconnection provisions in its OATT until the Commission issues a final rule on Small Generator interconnection in Docket No. RM02-12-000, we do not intend Small Generators to be disadvantaged by the fact that our Small Generator interconnection rulemaking is not yet final.⁶ If any Small Generator believes that PacifiCorp is treating it in an unduly discriminatory manner, it can file a complaint with this Commission under section 206 of the FPA.⁷

⁵ See, e.g., *Ameren Services Co.*, 106 FERC ¶ 61,261 at n.6 (2004); *Bridger Valley Electric Ass'n*, 107 FERC ¶ 61,270 (2004).

⁶ See, e.g., *Southern Co. Serv., Inc.*, 107 FERC ¶ 61,317 at P 17 (2004).

⁷ Generators may also seek assistance in resolving disputes from the FERC Enforcement Hotline. The Enforcement Hotline can be reached at (888) 889-8030 or via the Internet at <http://www.ferc.gov/cust-protect/enforce-hot.asp>.

The Commission orders:

(A) PacifiCorp's request for rehearing is granted.

(B) PacifiCorp's compliance filing is hereby accepted, including Part V and Attachments O, P, Q, R, and S, as discussed in the body of this order, effective April 26, 2004.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.