

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Baconton Power LLC

Docket No. ER06-1094-005

SOWEGA Power LLC

Docket No. ER06-1094-006

ORDER GRANTING REQUESTS FOR WAIVERS

(Issued September 21, 2006)

1. On May 26, 2006, Baconton Power LLC (Baconton) and SOWEGA Power LLC (SOWEGA) each filed a request for waiver from the standards adopted by the Commission in Order No. 676.¹ In this order, the Commission grants the requested waivers, as discussed below.

Background

2. In Order No. 676, the Commission incorporated by reference in its regulations certain standards promulgated by the Wholesale Electric Quadrant (WEQ) of the North American Energy Standards Board (NAESB). In addition, the Commission directed public utilities to comply with these standards and revise their open access transmission tariffs (OATT) to include these standards. The standards establish a set of business practice standards and communications protocols (Standards WEQ-001, 002, and 003) for the electric industry that replace the Commission's existing Open Access Same-Time Information Systems (OASIS) standards, and also include business practices to complement reliability standards of the North American Electric Reliability Council (NERC) (Standards WEQ-004, 005, 006, and 007). As an alternative to complying with the standards, Order No. 676 gave public utilities the option of applying for a waiver, in whole or part, of the standards.

¹ *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676, 71 FR 26199, FERC Stats. & Regs., Regulations Preambles ¶ 31,216, *order on reh'g*, Order No. 676-A, 116 FERC ¶ 61,102 (2006).

3. Specifically, Order No. 676 required public utilities to revise their OATTs to include the following WEQ standards: WEQ-001 – Business Practices for Open Access Same-Time Information Systems (OASIS); WEQ-002 – Business Practices for Open Access Same-Time Information Systems (OASIS) Standards & Communication Protocols; WEQ-003 -- Open Access Same-Time Information Systems (OASIS) Data Dictionary; WEQ-004 – Coordinate Interchange; WEQ-005 – Area Control Error (ACE) Equation Special Cases; WEQ-006 – Manual Time Error Correction; and WEQ-007 – Inadvertent Interchange Payback.²

4. As explained above, Order No. 676 also permitted public utilities to request a waiver of specific standards by explaining the reasons why the waiver should be granted. Further, Order No. 676 stated that public utilities, including ISOs and RTOs, that have existing waivers of certain OASIS standards may reapply for such waivers using simplified procedures. These streamlined procedures require an applicant to identify the specific standard(s) from which it seeks waiver and to provide the caption, date, and docket number of the proceeding in which it previously received the waiver. In addition, an applicant must certify that the circumstances warranting its waiver(s) have not changed.³

Discussion

Description of the Applicants

5. Baconton and SOWEGA are both Exempt Wholesale Generators. Baconton owns four 50 MW (nominal summer rating) combustion turbines and SOWEGA owns two such units.⁴ According to their wavier applications, each owns, operates, or controls limited and discrete interconnection facilities that are not part of the interconnected transmission grid. Baconton and SOWEGA state that they only own generator step-up transformers and, in common with each other, approximately 1,000 feet of common bus facilities that connect the Baconton and SOWEGA generators to a substation owned by Georgia Transmission Corporation.

² Order No. 676 at P 19.

³ *Id.* at P 79.

⁴ Although Baconton and SOWEGA filed separate waiver requests, we are addressing both waiver requests in a single order because the applicants are similarly situated and their waiver requests involve identical issues.

Basis for Granting Waiver

6. In their waiver applications, Baconton and SOWEGA state that they have previously been granted waivers of the Order No. 889 OASIS standards by letter orders issued in Docket Nos. EL00-78-000⁵ and EL01-5-000⁶, respectively. The Commission granted their respective requests for waivers, subject to the conditions stated in *Black Creek Hydro, Inc.*⁷ and in *Central Minnesota Municipal Power Agency*.⁸ Each applicant certifies that the circumstances warranting the earlier waiver have not changed.

7. In their May 26, 2006 waiver applications, Baconton and SOWEGA request that the waivers of the Order No. 889 OASIS requirements be continued and also request full waivers of the newly created standards governing firm and non-firm redirects (WEQ-001-9 and 001-10), multiple transmission requests (WEQ-001-8) and the reliability-related standards, WEQ-004 (Coordinate Interchange), WEQ-005 (Area Control Error Equation Special Cases), WEQ-006 (Manual Time Error Correction), and WEQ-007 (Inadvertent Interchange Payback). In support of their requests for waiver, Baconton and SOWEGA each state that they have no OASIS and that they operate only limited and discrete transmission facilities.

Notice of Filing and Responsive Pleadings

8. Notice of the filings was published in the *Federal Register* with comments, interventions, and protests due on or before June 16, 2006.⁹ None was filed.

Commission Determination

9. Based on the information provided in the applicants' waiver requests, we will grant the requested waivers, because each applicant meets the criteria for small public utility waivers provided in Order No. 676.¹⁰ The requests for waivers of Order No. 676

⁵ *Baconton Power, LLC*, 92 FERC ¶ 61,151 (2000).

⁶ *SOWEGA Power, LLC*, 93 FERC ¶ 61,256 (2000).

⁷ 77 FERC ¶ 61,232 at 61,941 (1996).

⁸ 79 FERC ¶ 61,260 at 62,127 (1997).

⁹ 71 FR 34916, 35644 (2006).

¹⁰ Order No. 676 at P 85-87.

are granted subject to the same conditions as applied to the applicants' earlier waivers of Order No. 889.¹¹

The Commission orders:

Baconton's and SOWEGA's requests for waiver of the Order No. 676 standards are hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.

¹¹ *Id.* at P 87.