

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

PacifiCorp	)	Docket No.	ER13-64-000
)		
Deseret Generation & Transmission Cooperative, Inc.	)	Docket No.	ER13-65-000
)		
NorthWestern Corporation	)	Docket No.	ER13-67-000
)		
Portland General Electric Company	)	Docket No.	ER13-68-000
)		
Idaho Power Company	)	Docket No.	ER13-127-000

**MOTION TO SUSPEND THE EFFECTIVE DATE OF THE
NORTHERN TIER TRANSMISSION GROUP TRANSMISSION PROVIDERS’
ORDER NO. 1000 REGIONAL ATTACHMENT Ks**

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.212, PacifiCorp, Deseret Generation & Transmission Cooperative, Inc. (“Deseret”), NorthWestern Corporation (“NorthWestern”), Portland General Electric Company (“Portland”), and Idaho Power Company (“Idaho Power”) (collectively, the “Movants”) hereby request the Commission to:

- A. Issue an order by November 29, 2013, suspending the October 1, 2013 effective date of the Movants’ Order No. 1000 regional Attachment Ks, which was established by the Commission’s May 17, 2013, “Order on Compliance Filings” (“May 17 Order”),¹ until October 1, 2015; or, alternatively,
- B. Should the Commission desire the October 1, 2013, effective date be retained and that the proposed Order No. 1000 regional process be implemented during the next transmission planning cycle that commences January 1, 2014, issue an order by November 29, 2013,

¹ *PacifiCorp, et al.*, 143 FERC ¶ 61,151 (May 17, 2013).

that (a) accepts the pre-approval process, that runs from October 1, 2013, through December 31, 2013, for stakeholders intending to submit stakeholder submitted projects for cost allocation,² and (b) establishes the schedule by which the Commission will issue orders accepting portions of Movants' proposed Order No. 1000 regional process, just-in-time for their implementation, as follows:

- Quarter 1 process³ by December 31, 2013,
- Quarter 2 process⁴ by March 31, 2014, and
- The remainder of Attachment K by June 30, 2014.

I. SUPPORT FOR MOTION

A. Summary of Problem Being Addressed

Movants' next transmission planning cycle commences January 1, 2014, with the proposed pre-qualification process for sponsored projects seeking cost allocation commencing October 1, 2013. The Commission established October 1, 2013, as the effective date for the Order No. 1000 regional provisions of Movants' Attachment Ks without accepting enough of the Movants' Attachment Ks to implement a transmission planning process. Furthermore, the Commission's regional order did not provide guidance concerning the transmission planning process to be implemented during Movant's next transmission planning cycle while the ordered compliance filings were being reviewed and any subsequent compliance filings were addressed.

To fill this gap, the motion requests the Commission to either defer the effective date of

² OATT Order No. 1000 Second Regional Compliance Filing, PacifiCorp, et al, FERC Docket No. ER13-64-000, et al, (September 16, 2013), Attachment K Clean Version of Movants' Attachment K - Deseret § B.7.1; Idaho Power § 18.1; NorthWestern § 3.7.1; PacifiCorp § 3.7.1; Portland General § 18.1.

³ *Id.* at Deseret §§ B.6, B.7.2, B.11, B.12, C.6., and A.6; Idaho Power §§ 7, 18.2, 19.2.3, 23; NorthWestern §§ 3.6, 3.7.2, 3.11, 3.12., 5.5 and 2.7; PacifiCorp §§ 3.7, 3.7.2, 3.11, 3.12, 5.5 and 2.7; Portland General §§ 17, 18.2, 22, 23, 33 and 7.

⁴ *Id.* at Deseret §§ B.7.3, B.7.4.2, and B.8.2; Idaho Power §§ 18.3, 19.2.3; NorthWestern §§ 3.7.3, 3.7.4.2, and 3.8.2.3; PacifiCorp §§ 3.7.3; Portland General §§ 18.3, 18.4.2, and 19.2.3.

Movants' Order No. 1000 regional Attachment K implementation until the next transmission planning cycle, which should provide sufficient time for the regional provisions to be established by the Commission, or alternatively issue a series of just-in-time orders approving discrete portions of Movants' revised Attachment Ks before those processes must be implemented during the next transmission planning cycle.

B. Background

The Movants are the transmission providers that implement the transmission planning process of the Northern Tier Transmission Group ("Northern Tier") through Attachment K of their Open Access Transmission Tariffs. The Movants requested an effective date of October 1, 2013, for their revised Attachment Ks, submitted in response to the regional provisions of Order No. 1000, on October 10, 2012. This date was proposed based on the fact that, while Northern Tier's next planning cycle commences January 1, 2014, the proposed pre-qualification process for sponsored projects seeking cost allocation, described in their revised Attachment Ks, was proposed to begin October 1, 2013. More importantly, the proposal of the October 1, 2013, effective date was based upon their assumption that the substance of their proposed Attachment Ks, as revised by the regional requirements of Order No. 1000, would have been accepted by the Commission in advance of October 1, 2013. In its May 17 Order, the Commission granted the requested effective date for the revised Attachment Ks, but ordered a compliance filing to address certain aspects of the Order 1000 Attachment Ks planning process, thus making the commencement of the process impossible.

The Movants' compliance filing in response to the Commission's May 17 Order is being submitted concurrently with this motion in the above captioned dockets, and proposes changes to their Attachment Ks consistent with the May 17 Order. The Movants are sensitive to the fact

that the Commission may not be able to respond to the entirety of the compliance filing by the October 1, 2013, effective date. Consequently, while the Commission has established an effective date for their Order No. 1000 regional Attachment Ks, it has yet to fully accept the revised regional planning process contained within the Attachment Ks. There is, thus, no approved Order No. 1000 regional planning process to implement.

At this point it is unclear to the Movants and to Northern Tier stakeholders which planning process should be implemented during their next planning cycle, which begins January 1, 2014. The Movants believe that it is not feasible to begin with the Order No. 890 process and switch to the Order No. 1000 process in the middle of the regional planning cycle.⁵ Likewise, it would not be appropriate to start implementing an Order No. 1000 process with key aspects that have not yet been accepted by the Commission. Imposition of a mid-cycle effective date would disrupt the Movants' local and regional planning processes, and impedes decisions relating to interregional projects. More importantly, when considered from the perspective of stakeholders, stakeholders need to clearly understand the planning process into which they submit a project. Switching the rules mid-cycle can impact both those that participate in the process and those that do not. One set of rules is needed to apply throughout the entirety of the next regional planning cycle.

To be fair to everyone involved in the regional planning process, the Movants believe that if the Order No. 1000 process is not accepted, as proposed in their compliance filing to the May 17 Order, by November 29, 2013, the Movants must apply the Order No. 890 process throughout the next regional planning cycle, which begins on January 1, 2014, without the few Order No. 1000 changes accepted in the May 17 Order. This will provide the time necessary for

⁵ *Idaho Power Co., et al.*, 124 FERC ¶ 61,053 (July 17, 2008) and Letter Order, *Idaho Power Co., et al.*, Docket Nos 0108-23-002 and OA08-55-005 et al., (April 8, 2010).

the Commission to respond to the Movants' regional Order No. 1000 compliance filing, and for the Movants to comply with the Commission's future order on such filing.

Alternatively, should the Commission desire the October 1, 2013, effective date be retained, the proposed Order No. 1000 regional process could be implemented during the next transmission planning cycle, commencing January 1, 2014, by the Commission issuing a series of orders approving discrete aspects of the planning process just-in-time for their implementation. This could work if stakeholders and Movants are provided with notice of the schedule by which the Commission intends to issue its orders. Notice of the schedule allows stakeholders and Movants to prepare in anticipation of the orders. Movants recognize that the Commission's failure to accept a portion of the proposed planning process may result in a situation where the planning process is unable to continue until the compliance filing is resolved. Nevertheless, the Movants are willing to move forward with such an approach so long as they are authorized to do so by the Commission. The schedule proposed by Movants lines up with logical portions of its proposed planning process.

II. CONCLUSION

The relief requested by this motion enables the Commission to provide Movants with guidance concerning the implementation of the regional Order No. 1000 process that has not yet received Commission approval of key terms. For the foregoing reasons, the Movants respectfully request that the Commission grant the relief set forth above by November 29, 2013.

Respectfully submitted this 16th day of September, 2013.

/s/ Malcolm McLellan

By _____

Malcolm McLellan
Van Ness Feldman, LLP
719 Second Avenue, Suite 1150
Seattle, WA 98104-1728
206-829-1814 (direct)
mcm@vnf.com

Counsel for the Movants

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designed on the official service list compiled by the Secretary in Docket Nos. Docket Nos. ER13-64-000, ER13-65-000, ER13-67-000, ER13-68-000, and ER13-127-000.

Dated this 16th day of September, 2013.

/s/ Malcolm McLellan

Malcolm McLellan