

174 FERC ¶ 61,097  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Richard Glick, Chairman;  
Neil Chatterjee, James P. Danly,  
Allison Clements, and Mark C. Christie.

Western Area Power Administration

Docket No. NJ21-1-000

ORDER ON PETITION FOR DECLARATORY ORDER

(Issued February 18, 2021)

1. On October 2, 2020, Western Area Power Administration (WAPA) submitted a petition for declaratory order from the Commission finding that proposed revisions to WAPA's Open Access Transmission Tariff (Tariff) substantially conform or are superior to the Commission's *pro forma* Open Access Transmission Tariff (OATT), and qualify WAPA's Tariff as an acceptable reciprocity tariff. Specifically, WAPA proposes to modify its Tariff to address the planned participation of WAPA's Sierra Nevada Region (SNR) in the California Independent System Operator Corporation's (CAISO) Western Energy Imbalance Market (EIM), which is expected to begin on March 24, 2021, and to make other limited changes and ministerial clean-ups. WAPA also requests that the Commission grant it waiver of the declaratory order fee. WAPA, however, explains that it has deferred making Tariff revisions implementing the mandates of certain Commission orders until a later date. Accordingly, in this order, we grant WAPA's petition in part, but we also find that WAPA's Tariff, as revised, is not yet an acceptable reciprocity tariff, as discussed below.

**I. Background**

2. WAPA is a federal power marketing administration that markets federal power and owns and operates transmission facilities in 15 western and central states. WAPA operates such facilities in the Desert Southwest Region, Rocky Mountain Region, SNR, and Upper Great Plains Region. WAPA is not a public utility within the Commission's jurisdiction under sections 205 and 206 of the Federal Power Act (FPA).<sup>1</sup> WAPA is, however, a transmitting utility subject to sections 210 through 213 of the FPA.<sup>2</sup>

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<sup>1</sup> 16 U.S.C. §§ 824, 824d, 824e.

<sup>2</sup> *Id.* §§ 824i-824l.

3. In Order No. 888, the Commission established a safe harbor procedure for the filing of reciprocity transmission tariffs by non-public utilities.<sup>3</sup> Under this procedure, non-public utilities, such as WAPA, may voluntarily submit to the Commission an open access transmission tariff and request for declaratory order finding that the tariff meets the Commission's comparability (non-discrimination) standards. If the Commission finds that the tariff contains terms and conditions that substantially conform or are superior to those in the Commission's *pro forma* OATT, the Commission will deem it to be an acceptable reciprocity tariff and will require public utilities to provide open-access transmission service upon request to that particular non-public utility.<sup>4</sup> WAPA's Tariff was previously determined to be an acceptable reciprocity tariff under Order No. 888.<sup>5</sup> Subsequently, in Order No. 890,<sup>6</sup> the Commission reformed the *pro forma* OATT to clarify and expand the obligations of transmission providers to ensure that transmission service is provided on a non-discriminatory basis, and required any non-public utility with a safe harbor tariff to amend its tariff so that its provisions substantially conform or are superior to the revised *pro forma* OATT, if it wishes to continue to qualify for safe

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<sup>3</sup> *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996) (cross-referenced at 75 FERC ¶ 61,080), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (cross-referenced at 78 FERC ¶ 61,221), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

<sup>4</sup> In Order No. 888-A, the Commission clarified that, under the reciprocity condition, a non-public utility must also comply with the Open Access Same-Time Information System (OASIS) and standards of conduct requirements, or obtain waiver of them. *See* Order No. 888-A, 78 FERC ¶ 61,221 at 30,286.

<sup>5</sup> *Western Area Power Admin.*, 119 FERC ¶ 61,329 (2007).

<sup>6</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 118 FERC ¶ 61,119, *order on reh'g*, Order No. 890-A, 121 FERC ¶ 61,297 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228, *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

harbor treatment.<sup>7</sup> In 2010, WAPA submitted Tariff revisions to comply with Order No. 890 and the Commission found that WAPA had an acceptable reciprocity tariff.<sup>8</sup>

4. In 2019, WAPA submitted a petition for declaratory order for a Commission finding that its Tariff revisions made to comply with the Commission's mandates in Order Nos. 676-H,<sup>9</sup> 764,<sup>10</sup> 784,<sup>11</sup> 792,<sup>12</sup> and 828<sup>13</sup> substantially conform or are superior to the *pro forma* OATT, and qualify WAPA's Tariff as an acceptable reciprocity tariff. The Commission granted WAPA's petition in part, but found that WAPA's Tariff, as revised, was not then an acceptable reciprocity tariff. The Commission stated that "to find that WAPA has an acceptable reciprocity tariff, WAPA must submit revisions to its Tariff to also incorporate changes associated with Order Nos. 827, 842, 845, and 1000."<sup>14</sup>

5. In 2020, WAPA submitted a petition for declaratory order for a Commission finding that its Tariff revisions made to comply with the Commission's mandates in Order

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<sup>7</sup> Order No. 890, 118 FERC ¶ 61,119 at P 191.

<sup>8</sup> See *Western Area Power Admin.*, 133 FERC ¶ 61,193 (2010); *Western Area Power Admin.*, Docket Nos. EF11-4-000 and EF11-4-001 (Apr. 25, 2011) (delegated letter order).

<sup>9</sup> *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676-H, 148 FERC ¶ 61,205, *as modified, errata notice*, 149 FERC ¶ 61,014 (2014), *order on reh'g*, 151 FERC ¶ 61,046 (2015).

<sup>10</sup> *Integration of Variable Energy Resources*, Order No. 764, 139 FERC ¶ 61,246, *order on reh'g and clarification*, Order No. 764-A, 141 FERC ¶ 61,232 (2012), *order on clarification and reh'g*, Order No. 764-B, 144 FERC ¶ 61,222 (2013).

<sup>11</sup> *Third-Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies*, Order No. 784, 144 FERC ¶ 61,056 (2013), *order on clarification*, Order No. 784-A, 146 FERC ¶ 61,114 (2014).

<sup>12</sup> *Small Generator Interconnection Agreements and Procedures*, Order No. 792, 145 FERC ¶ 61,159 (2013), *as modified, errata notice*, 146 FERC ¶ 61,019, *as modified, errata notice*, 148 FERC ¶ 61,215, *clarifying*, Order No. 792-A, 146 FERC ¶ 61,214 (2014).

<sup>13</sup> *Requirements for Frequency and Voltage Ride Through Capability of Small Generating Facilities*, Order No. 828, 156 FERC ¶ 61,062 (2016).

<sup>14</sup> See *Western Area Power Admin.*, 168 FERC ¶ 61,022, at P 27 (2019).

Nos. 827<sup>15</sup> and 842<sup>16</sup> substantially conform or are superior to the *pro forma* OATT, and qualify WAPA's tariff as an acceptable reciprocity tariff. The Commission granted WAPA's petition in part, but found that WAPA's Tariff, as revised, was not then an acceptable reciprocity tariff. The Commission stated that "to find that WAPA has an acceptable reciprocity tariff, WAPA must submit revisions to its tariff to also incorporate changes associated with Order Nos. 845, and 1000."<sup>17</sup>

6. Also in 2020, WAPA submitted a petition for declaratory order for a Commission finding that Tariff revisions to modify its OATT to address the WAPA Colorado River Storage Project Management Center's and WAPA Rocky Mountain Region's planned participation in the Western Energy Imbalance Service Market administered by Southwest Power Pool, Inc. (WEIS Market) substantially conform or are superior to the *pro forma* OATT, and qualify WAPA's tariff as an acceptable reciprocity tariff. The Commission similarly granted WAPA's petition in part but found that WAPA's Tariff, as revised, was not then an acceptable reciprocity tariff because it deferred compliance with Order Nos. 845 and 1000.<sup>18</sup>

## II. WAPA's Filing

7. In its filing, as discussed below, WAPA proposes to modify its Tariff to address SNR's planned participation in the CAISO EIM, which is expected to begin on March 24, 2021, and to make other limited changes and ministerial clean-ups. However, WAPA explains that it is deferring addressing the revisions promulgated in Order Nos. 845<sup>19</sup> and 1000<sup>20</sup> until a later date. WAPA petitions the Commission for a declaratory order finding

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<sup>15</sup> *Reactive Power Requirements for Non-Synchronous Generation*, Order No. 827, 155 FERC ¶ 61,277, *order on clarification and reh'g*, 157 FERC ¶ 61,003 (2016).

<sup>16</sup> *Essential Reliability Services and the Evolving Bulk-Power System – Primary Frequency Response*, Order No. 842, 162 FERC ¶ 61,128, *order on clarification and reh'g*, 164 FERC ¶ 61,135 (2018).

<sup>17</sup> *See Western Area Power Admin.*, 171 FERC ¶ 61,092, at P 23 (2020).

<sup>18</sup> *See Western Area Power Admin.*, 174 FERC ¶ 61,072 (2021).

<sup>19</sup> *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 163 FERC ¶ 61,043 (2018), *order on reh'g*, Order No. 845-A 166 FERC ¶ 61,137 (2019).

<sup>20</sup> *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 136 FERC ¶ 61,051 (2011), *order on reh'g*, Order No. 1000-A, 139 FERC ¶ 61,132, *order on reh'g and clarification*, Order No. 1000-B,

that these modifications to its Tariff substantially conform or are superior to the Commission's *pro forma* OATT, and that these modifications satisfy the requirements for reciprocity status. Finally, WAPA seeks an exemption from the filing fee applicable to declaratory orders based on its non-jurisdictional status.

**A. SNR's EIM Participation**

8. WAPA states that the purpose of the instant filing is to address SNR's planned participation in the EIM as a transmission provider and a sub-balancing authority area (Sub-BAA) within the Balancing Authority of Northern California's (BANC) Balancing Authority Area (BAA), the latter of which will serve as the EIM Entity. WAPA explains that SNR is one of two Sub-BAAs within the BANC BAA.<sup>21</sup> WAPA explains that, given that BANC has no transmission or generation assets, it has no reciprocity tariff on file with the Commission. Accordingly, BANC will implement its EIM Entity provisions through business practices and a non-jurisdictional EIM Participant Agreement that collectively establish obligations for EIM participation within the BANC BAA, including those applicable to SNR. WAPA states that its proposed Tariff revisions are intended to accommodate the relatively unique circumstances of this arrangement.<sup>22</sup>

9. WAPA explains that, under CAISO's tariff, only BAAs may become EIM Entities. As such, BANC is the EIM Entity on behalf of the BANC BAA and its Sub-BAAs, inclusive of their respective loads and generation resources. WAPA states that, in that role, BANC retains all responsibilities unique to the EIM Entity. According to WAPA, BANC, as the EIM Entity, requires that load serving entities participating in the EIM, as well as any entity operating generation resources within the BAA, execute an EIM Participation Agreement with BANC. WAPA explains that the non-jurisdictional EIM Participation Agreement governs BANC's participation requirements for the EIM. Furthermore, WAPA states that as part of the participation requirements, BANC requires all generation resources operating within the BAA to register as EIM Participating Resources. WAPA states that SNR executed the EIM Participation Agreement with BANC with regard to its load and resource participation in the EIM. WAPA further notes that all other participating load serving entities within the SNR Sub-BAA have executed the EIM Participation Agreement with BANC.

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141 FERC ¶ 61,044 (2012), *aff'd sub nom. S. C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014).

<sup>21</sup> The other Sub-BAA, Sacramento Municipal Utility District (SMUD), began participating in the EIM in 2019. WAPA states that SMUD is also a transmission provider within the BANC BAA.

<sup>22</sup> WAPA Filing at 2-3.

10. According to WAPA, BANC, as the EIM Entity, is expected to allocate EIM charges and payments it incurs from CAISO to each of its participant members who are signatories to the EIM Participation Agreement, and each party is expected to settle its EIM charges directly with BANC. WAPA states that, through the established BANC EIM participation model and its associated requirements, all WAPA transmission customers with participating loads or resources operating within SNR's Sub-BAA must also enter into the EIM Participation Agreement with BANC, the EIM Entity, and register their generation resources as EIM Participating Resources.<sup>23</sup>

11. WAPA explains that, while BANC is the responsible EIM Entity under which SNR will participate in the EIM, it is primarily the Sub-BAAs within BANC that have loads, resources, and transmission facilities that make EIM participation possible within the BANC BAA. Therefore, WAPA states, the Sub-BAAs within BANC must support the EIM Entity for BANC to effectively participate in the EIM, and the Sub-BAAs have associated responsibilities to provide data and maintain system reliability during EIM participation. WAPA explains that SNR owns and operates the majority of transmission facilities within its Sub-BAA and will retain its responsibilities to reliably operate its transmission facilities, manage contingencies and emergencies, communicate outages, determine available transfer capability, and take other actions necessary for reliable operations.<sup>24</sup> Moreover, WAPA explains, as a Sub-BAA, SNR will have the obligation to continue to balance the loads and resources within its Sub-BAA, which includes its own loads and resources as well as the loads and resources of load serving entities within the SNR Sub-BAA. WAPA states that SNR will also continue to provide transmission services, which may include wheeling transactions through the SNR Sub-BAA.<sup>25</sup>

12. According to WAPA, in the EIM, SNR will become responsible for settling imbalance charges assessed to it by the EIM entity, which may include charges or payments due to the aforementioned transactions occurring within and across its Sub-BAA. WAPA states that EIM participation by SNR therefore inherently exposes WAPA to incurring EIM imbalance settlements for EIM services provided to SNR's transmission customers. WAPA explains that, given most loads and resources within the SNR Sub-BAA are signatories to the EIM Participation Agreement and will largely settle their EIM charges directly with BANC and CAISO, EIM charges incurred by SNR are expected to primarily include charges associated with SNR's own loads and resources, as well as those charges and payments related to interchange transactions utilizing the SNR system. WAPA explains that SNR must in turn pass these charges and payments through

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<sup>23</sup> *Id.* at 3-4.

<sup>24</sup> *Id.* at 4.

<sup>25</sup> *Id.*

to those transmission customers. According to WAPA, such responsibilities and settlements are the basis for WAPA's proposed modifications to its Tariff to support EIM participation within the SNR Sub-BAA under the BANC participation model.<sup>26</sup>

**B. Tariff Revisions for SNR's EIM Participation**

13. To facilitate SNR's participation in the EIM, WAPA proposes a number of modifications to its Tariff,<sup>27</sup> including: (1) the addition of a new Attachment S, which sets forth the roles and responsibilities of customers and SNR as the transmission provider; (2) the addition of a new Schedule 1S (EIM Administrative Service) to allow WAPA to recover the administrative services and costs for SNR to participate in the EIM as a transmission provider; (3) the addition of new Schedules 4S (EIM Energy Imbalance Service) and 9S (EIM Generator Imbalance Service) for the EIM to recognize that imbalance services during EIM participation will be settled through CAISO EIM-related charges; and (4) certain other necessary Tariff revisions.<sup>28</sup>

14. WAPA states that its proposed Tariff revisions are patterned after the Commission-approved EIM tariff modifications of PacifiCorp and NV Energy, but because SNR cannot become an EIM Entity, its proposed Tariff modifications deviate in certain respects from the PacifiCorp and NV Energy tariffs. Specifically, WAPA states that it separated the EIM Entity's and transmission provider's duties and retained the transmission provider's duties in its proposed Tariff modifications. Given that SNR retained its transmission provider's duties, WAPA asserts that it was necessary to reference CAISO's and the EIM Entity's duties as part of WAPA's Tariff modifications. WAPA states that Attachment S works in concert with the EIM Participation Agreement and business practices, as well as the CAISO tariff and business practices.<sup>29</sup>

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<sup>26</sup> *Id.*

<sup>27</sup> WAPA notes that modifications to Attachment S proposed herein apply only to SNR's participation in CAISO's EIM. WAPA states that, in a later filing, it will propose Tariff revisions, including a new Attachment R for which a proposed eTariff record is reserved in the instant filing, to address its Colorado River Storage Project's and Rocky Mountain Region's planned participation in the WEIS Market. *Id.* WAPA filed a petition for declaratory order regarding its WEIS Market revisions on December 2, 2020, which the Commission granted in part. *Western Area Power Admin.*, 174 FERC ¶ 61,072.

<sup>28</sup> WAPA Filing at 4-10.

<sup>29</sup> *Id.* at 5.

15. WAPA states that SNR, as a Sub-BAA and transmission provider, must coordinate with the EIM Entity and CAISO on such matters as determining load aggregation points, load forecasts, EIM transfer capabilities, modeling data, outage data, meter data, resource scheduling, and day-to-day system operations during EIM participation. WAPA explains that SNR will share such data as necessary for EIM operation and to ensure continued system reliability within the BANC BAA. According to WAPA, coordination among SNR, BANC, and CAISO on data submission and communication to CAISO market systems will require the development of business practices that can evolve with operational needs.<sup>30</sup>

16. WAPA states that SNR will continue to comply with applicable reliability standards and good utility practice. SNR will continue to manage contingencies and emergencies, including exercising the authority to take and communicate corrective actions and manual interventions outside the market solution, as needed, to maintain system reliability.<sup>31</sup>

17. WAPA explains that SNR may incur EIM-related charges from the EIM Entity due to the imbalances assessed within the SNR Sub-BAA due to the loads, resources, and schedules of its transmission customers. According to WAPA, SNR must settle all charges and payments allocated to it by the EIM Entity such that SNR as a transmission provider remains revenue neutral for its role in enabling EIM participation within its transmission system. WAPA states that, as part of its EIM settlements, SNR may sub-allocate such charges. WAPA explains that, as a Federal agency, it does not include the specific details of its rates and settlements in its Tariff. Accordingly, WAPA states that SNR will establish its EIM-related rates and settlements for such charges as part of a separate proceeding under WAPA's rate process regulations.<sup>32</sup>

18. WAPA states that it is not proposing an incremental transmission charge for use of SNR's available transmission provided to the EIM. WAPA proposes new Schedules 4S (EIM Energy Imbalance Service) and 9S (EIM Generator Imbalance Service) for the EIM to recognize that imbalance services during EIM participation will be settled through CAISO EIM-related charges. WAPA explains that when SNR is participating in the EIM, services for imbalances will settle under new Schedules 4S and 9S rather than the existing Schedules 4 and 9.<sup>33</sup> WAPA states that it is not replacing or modifying its

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<sup>30</sup> *Id.* at 7.

<sup>31</sup> *Id.* at 7-8.

<sup>32</sup> *Id.* at 8.

<sup>33</sup> Under WAPA's Tariff, Schedule 4 specifies Energy Imbalance Service and Schedule 9 specifies Generator Imbalance Service.



existing Schedules 4 and 9. WAPA states that Attachment S also includes provisions to allow recovery of unreserved uses of the SNR transmission system, through existing Schedule 10, should such abuses occur during EIM participation. According to WAPA, unreserved use charges will not be assessed against resources following market dispatch instructions, but may apply to resources exceeding market dispatch instructions.<sup>34</sup>

**C. Other Revisions**

19. WAPA proposes certain other changes to its Tariff unrelated to SNR's participation in the EIM. Specifically, WAPA proposes to revise sections 15.7 and 28.5 of its Tariff to specify that WAPA provides notice of its current regional loss factors on its Open Access Same-Time Information System (OASIS). WAPA states that these changes clarify its existing practices, explaining that these changes describe the current practice utilized by WAPA's regions to provide notification to its customers on its OASIS of any loss factor changes. WAPA explains that it provides notice of the regional loss factors in this manner to avoid having to re-execute service agreements, if applicable, unless there is a substantive change that requires re-execution.<sup>35</sup>

**D. Deferral of Tariff Revisions for Order Nos. 845 and 1000**

20. WAPA states that it is not, at this time, revising its tariff to incorporate changes resulting from Order Nos. 845 and 1000. WAPA states that it is currently reviewing Order No. 845's requirements and options for compliance and developing the proposed tariff revisions to address Order No. 845. WAPA commits to submit a subsequent filing to the Commission addressing Order No. 845 as soon as practicable after the Commission approves tariff language proposed by other transmission providers in their compliance filings addressing certain Order No. 845 requirements, and after WAPA completes its analysis and confirms that the final requirements will not conflict with WAPA's statutory requirements, proposes tariff revisions, and obtains input from stakeholders.<sup>36</sup>

21. WAPA states that its Desert Southwest Region, Rocky Mountain Region, and SNR regions are currently participating in the WestConnect transmission planning region. WAPA states that it was prepared to incorporate revisions to Part II of Attachment P to its tariff to reflect the participation of those regions and to address Order No. 1000's requirements in its previous filings; however, WAPA continues, the public utility transmission providers in the WestConnect transmission planning region have suggested to WAPA they may terminate their filed tariff planning attachments and refile to remove the

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<sup>34</sup> WAPA Filing at 9.

<sup>35</sup> *Id.* at 10.

<sup>36</sup> *Id.* at 10-11.

Commission-approved coordinating transmission owner provisions. WAPA states that currently, the jurisdictional entities have appealed the Commission's latest order involving the WestConnect planning region and that appeal is continuing to be held in abeyance pending ongoing discussions between the jurisdictional and non-jurisdictional parties.<sup>37</sup> WAPA also states that the parties recently reached an agreement in principle that they believe will result in just and reasonable rates within the WestConnect region indicating the parties intend to file a settlement agreement for the Commission's approval. WAPA asserts that it therefore decided to continue to defer incorporating Order No. 1000-related revisions to Part II of Attachment P to its Tariff until such time as WAPA can ensure the final modifications to the WestConnect planning region documents will not conflict with WAPA's statutory requirements and WAPA determines whether Desert Southwest Region, Rocky Mountain Region, and SNR can continue to participate.<sup>38</sup>

### **III. Notice of Filing and Responsive Pleadings**

22. Notice of WAPA's filing was published in the *Federal Register*, 85 Fed. Reg. 68,326 (Oct. 28, 2020), with motions to intervene and protests due on or before November 12, 2020. Modesto Irrigation District, the City of Redding, California, the City of Santa Clara, California, and the Balancing Authority of Northern California filed timely motions to intervene.

### **IV. Commission Determination**

#### **A. Procedural Matters**

23. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2020), the intervenors' timely, unopposed motions to intervene serve to make them parties to this proceeding.

24. Because WAPA is an agency of the United States Department of Energy engaged in the official business of the Federal government, we grant WAPA's request for waiver of the filing fee.<sup>39</sup>

#### **B. Discussion**

25. We grant in part and deny in part WAPA's petition for declaratory order. We have compared the non-rate terms and conditions of WAPA's revised Tariff to those in

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<sup>37</sup> *Id.* at 11.

<sup>38</sup> *Id.* at 11-12.

<sup>39</sup> 18 C.F.R. §§ 381.102(a), 381.108(a), 381.302(c) (2020).

the Commission's *pro forma* OATT. We find that the revised terms and conditions of WAPA's Tariff that address SNR's planned participation in the CAISO EIM substantially conform to or are superior to those in the Commission's *pro forma* OATT. We find that WAPA's proposed Tariff revisions will facilitate SNR's participation in the EIM as well as the operation of the EIM as a whole by providing a framework that is consistent with the EIM provisions in CAISO's tariff and the tariffs of other EIM Entities. We find that WAPA's proposed deviations from the tariff provisions of other EIM Entities are necessary to accommodate SNR's role as a Sub-BAA within BANC. In addition, we find that WAPA has supported its proposal to adopt these revisions and has explained how its proposed revisions are tailored to accommodate the unique nature of SNR's system and the needs of its customers. However, we note that the actual implementation of SNR's participation in the EIM is subject to SNR's compliance with the readiness requirements set forth in section 29 of CAISO's tariff.

26. With respect to transmission operations, WAPA's proposed revisions provide sufficient explanation as to how SNR will facilitate the provision of transmission capacity need to effectuate EIM transfers on its system. Further, with respect to EIM operations, we find that WAPA's proposed revisions will work to ensure that EIM operations do not infringe upon SNR's reliability obligations.

27. We also find that WAPA's other proposed Tariff changes provide clarity to WAPA's customers. Accordingly, we grant WAPA's request that the Commission declare that WAPA's Tariff revisions substantially conform to or are superior to the Commission's *pro forma* OATT.

28. However, for the Commission to find that WAPA has an acceptable reciprocity tariff, WAPA must submit revisions to its Tariff to also incorporate changes associated with Order Nos. 845 and 1000. Because WAPA has determined to defer implementation to a later date, we cannot find that WAPA's Tariff, as revised here, is an acceptable reciprocity tariff.<sup>40</sup> We encourage WAPA to file a further updated Tariff once it completes its stakeholder process and review.

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<sup>40</sup> The Commission has found that non-jurisdictional entities' tariffs were not acceptable reciprocity tariffs because they did not implement changes to the *pro forma* OATT. See, e.g., *U.S. Dept. of Energy – Bonneville Power Admin.*, 128 FERC ¶ 61,057, at PP 32, 45 (2009), *order denying reh'g*, 135 FERC ¶ 61,023 (2011) (finding that Bonneville Power Administration's tariff did not meet the safe harbor reciprocity requirements because the tariff was incomplete and did not incorporate certain Order No. 890-related provisions); see also *Western Area Power Admin.*, 168 FERC ¶ 61,022 (finding that WAPA's tariff did not meet the requirements to be an acceptable reciprocity tariff because WAPA did not incorporate changes associated with Order Nos. 827, 842, 845, and 1000); *Western Area Power Admin.*, 171 FERC ¶ 61,092 (finding that WAPA's

The Commission orders:

(A) WAPA's petition for declaratory order is hereby granted in part, effective December 1, 2020, and denied in part, as discussed in the body of this order.

(B) WAPA's request for exemption from the filing fee is hereby granted, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

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tariff did not meet the requirements to be an acceptable reciprocity tariff because WAPA did not incorporate changes associated with Order Nos. 845 and 1000).